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HANSARD'S

PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

23° VICTORIÆ, 1860.

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THE SIXTH DAY OF MARCH, 1860,

TO

THE TWENTY-THIRD DAY OF APRIL 1860.

Second Volume of the Session.

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Fight between Heenan and Sayers—Question of Mr. Hadfield 1889
Law of Landlord and Tenant (Ireland)—Question of Captain Dawson ... 1890
Course of Parliamentary Proceedings—Question of Mr. T. Duncombe ... 1890
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Tuesday, March 13.

Worcester City.—Richard Padmore, Esq., *v.* William Laslett, Esq.—Chiltern Hundreds.

Monday, April 2.

Norwich.—Sir William Russell, Bart., *v.* Henry William Schneider, Esq.—Void Election.—Edward Warner, Esq., *v.* Right Hon. William Coutts Keppel, commonly called Viscount Bury.—Void Election.

Roscommon.—The O'Conor Don, *v.* Thomas William Goff, Esq.—Void Election.

Monday, April 16.

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Monday, April 23.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session OF THE *Eighteenth Parliament* OF THE
UNITED KINGDOM OF *Great Britain* AND *Ireland*,
APPOINTED TO MEET 31 MAY, 1859, AND THENCE CONTINUED
TILL 24 JANUARY, 1860, IN THE TWENTY-THIRD YEAR OF THE
REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, March 6, 1860.

MINUTES.] PUBLIC BILLS.—2ª Dwellings for Labouring Classes (Ireland); Attorneys, Solicitors, Proctors, and Certificated Conveyances.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

THE EARL OF ELLENBOROUGH: I wish to put a question to the noble Duke opposite (the Duke of Newcastle), relative to an apparent omission from the correspondence of our Government with the Governments of Russia, Prussia, and Austria, on the subject of the annexation of Savoy, as contained in the papers recently presented to Parliament. It appears that on the 27th of January Lord Cowley wrote to the Secretary of State for Foreign Affairs for instructions respecting the language he should hold on the subject. These instructions were sent to him by Lord John Russell on the 28th of January, in a despatch in which he gives excellent reasons against the annexation. That despatch was communicated to Lord Bloomfield at Berlin, who was desired, when he saw Baron Schleinitz, to make his language conformable to those instructions, but not to read it to him, much less to leave him a copy. The same letter was sent to Sir James Hudson, for his information. I find no other traces of any communication having been made by any Minister of ours to any of these three Courts. but I find it is reported that Lord John Russell has made use of these words,—"It is my persuasion—I may be totally mistaken, because other circumstances may occur to prevent it—but my persuasion is that if the language of disapproval be held at Berlin, Vienna, and St. Petersburg, this project of annexation will not be persevered in." In that I entirely concur; but it is not sufficient to state that that will be the effect if these several Powers hold the language of disapproval. It appears to me to be also necessary to take steps to bring them to a common opinion, and to the use of a common language; without that it is idle to suppose that any isolated expression of opinion on our part would be of any effect in putting a stop to this project. I have no doubt in my own mind as to the character of the language which the several Powers of Europe ought to hold. I think they ought to say that, considering the territorial changes effected by the peace of Zurich, and the present state of Central Italy, they are willing and desirous to take steps for the purpose of conferring and consulting with France as to the future of Italy, with a view to securing the welfare of the Italian people in any way consistent with the repose of Europe; but that, looking back to the transactions of the year 1815, they consider that the frontier of France as then settled was finally settled, and that no consideration will induce them to acquiesce in its extension as arising out of any changes in the territorial distribution of Italy. What I wish to ask the Government is, whether any steps have been taken, and, if any, of what kind, and at what time, to communicate the views of the Government with respect to the annexation of Savoy to the Governments of Russia, Prussia, and Austria, and whether steps have been taken to obtain their co-operation in inducing France to desist from that project?

The Duke of NEWCASTLE:—I have no difficulty in answering the question of the noble Earl. The views of Her Majesty's Government in respect to the proposed annexation of Savoy have been communicated to the three Governments of Russia, Prussia, and Austria. The form in which those communications have been made has been to send to those Powers the despatches written by the Secretary of State for Foreign Affairs to Lord Cowley, which appear in the papers laid before Parliament, and to send at the same time other despatches received from Lord Cowley and one from Sir James Hudson, the whole of which have been laid upon the table of the House. As regards the time, the dates of the despatches to which I have referred are the 28th of January and the 13th of February. The communication was forwarded to Berlin and Vienna on the 17th of February and to St. Petersburg on the 25th of the same month. As to the noble Earl's question whether we have invited the co-operation of these Powers in a protest against the annexation of Savoy, I have to say that no specific proposition of that kind has been made. The noble Earl would appear to indicate his wish to see something in the nature of a counter-alliance formed; but there has not been any proposal of the sort. If he refers to the despatches on the table, they will show him and the public that the Powers to whom these communications were addressed can be under no difficulty in ascertaining the strong view which Her Majesty's Government entertain on this subject.

The Earl of DERBY:—I have, also, a question to put to the noble Duke on this subject. Upon examination of the papers it appears there was a despatch received from Lord Cowley on the 25th of February, in which he refers to his having been written to by Lord John Russell the day before on the subject of the annexation; but no despatch from the noble Lord of that date is to be found in the papers. I see there is another communication on the subject of the annexation of the same date, but it appears to have been received before. It is possible that the mistake may have arisen in that way; but I should be glad to know whether there is any other despatch of the date of the 24th of February.

The Duke of NEWCASTLE: There has been no mistake of the kind the noble Earl supposes. The despatch to which the noble Earl refers did not appear to be of any particular importance, but there is not the smallest objection to produce it, and my noble Friend the Under-Secretary for Foreign Affairs has it in his hand at this moment ready to lay on the table.

THE COMMERCIAL TREATY WITH FRANCE.

THE ADDRESS. NOTICE.

The Duke of NEWCASTLE said, the House would recollect that on the previous evening he mentioned the course which the Government proposed to take respecting the Address relating to the Commercial Treaty with France. Their Lordships were, no doubt, aware that the Motion intended to come on in the other House was postponed from last night to Thursday. It would be, therefore, impossible to move the Address in that House on as early a day as had been intended. It might, however, come up from the other House in time, so that notice might be given for Monday. But as it was possible that the debate in the other House might be adjourned, and as it would be convenient to their Lordships to have a day definitively fixed for the discussion there, he begged to propose Thursday in next week, which would answer equally well whether the Address came up to that House on Friday or Monday.

The Earl of DERBY said, he had no objection to Thursday week; but a noble Lord (Lord Teynham) had a notice on the books for that night for bringing forward some Motion about vote by ballot.

The Earl of Ellenborough

The Duke of NEWCASTLE said, he had not recollected the circumstance at the moment. He hoped the noble Lord would not be indisposed to postpone his Motion for a day or two, and he would communicate with him on the subject.

GRAND CANAL, MIDLAND, GREAT WESTERN, AND GREAT SOUTHERN AND WESTERN RAILWAY COMPANIES BILL.

PETITION.

The Marquess of CLANRICARDE *presented* a Petition of the Inhabitants of the town and neighbourhood of Portumna, against this Bill. The noble Marquess said the Bill involved matters of the greatest public importance, as it was a proposition for the amalgamation of two railway companies, which engrossed the whole west and south of Ireland, with the Grand Canal, which was the only other means of accommodation for a considerable portion of country lying between the two railways. Although the Bill was a private one it involved a matter of the greatest importance to Ireland. There would be found in their Lordships' library many Acts of Parliament by which the public money had been advanced to the Grand Canal Company. The grants specifically for the inland navigation of the Shannon amounted to £133,100. There was a share of a grant of £1,000,000 for public works amounting to £54,649; and a share of another grant of £250,000—so that he was within the mark when he said that £200,000 of public money had been spent upon the navigation of the Shannon, which by this Bill was coolly proposed to be transferred to these railway companies. A large district of country lying between these railways was entirely dependent on them for communication; but this Bill would place the public altogether at their mercy. It would be said, perhaps, that clauses could be introduced by which tolls and rates might be fixed; but there could be no security that the railway companies would not take off the steamboats and bring the whole of the west, the centre, and the south of Ireland under their control. It was absurd to leave such a Bill to be dealt with in a Select Committee, and he should therefore oppose the Bill when it came before their Lordships.

The Earl of LUCAN begged to thank the noble Marquess for calling attention to this Bill, which affected the interests of a large portion of the population of Ireland. The Bill came before the House under a false title. It was called a Railway Bill; but its object was to throw the navigation into the hands of the railway companies. It was most objectionable that any canal should be in the hands of any railway company—so much so that, two years ago, a Bill was passed requiring railway companies to come to Parliament before purchasing any canal whatever. The objection was much stronger in this case, where the canal was to be held by the two principal railway companies in the country, who claimed as their territory the whole of the west, north-west, south-west, and centre of Ireland. The Bill would be most mischievous in its operation. Had this amalgamation Bill passed five years ago, they would never have got a railway from Athlone to the west. This was not a mere Private Bill, but involved a question of public principle, and he thought the House should not allow it to go before a Private Bill Committee.

Lord MONTEAGLE concurred in all that had been stated against this Bill. The measure ought not to be dealt with as an ordinary Private Bill, for it was really a Public Bill of a very dangerous tendency. An attempt of this character was made some years ago; but it appearing to the Board of Trade that it was directly contrary to the public interests that such a measure should proceed, the Board gave notice to oppose it on that ground. He hoped that the same course would now be taken. He thought it a sufficient argument against allowing this Bill to pass that he had not heard a single opinion in favour of this Bill from persons connected with Ireland.

Lord REDESDALE said, this Bill was one of a class which very strongly impressed upon his mind the necessity of having a Department in this country to watch over these matters. The traffic of the country, as conducted by railways and canals, required supervision. Some years since a Railway Board had been established in connection with the Board of Trade, but it had since been discontinued. Besides the powers for purchasing the canal, this Bill contained other powers known as "working arrangements." A Bill of the same kind, promoted by the London and North Western and Great Northern Railway Companies, had been rejected last Session; but it was again before Parliament. All the House could do in this case was to allow the Bill to go before a Select Committee. The Board of Trade proposed in such cases that the tolls allowed to be taken should be such that the canal might always remain fairly open to traffic. It was evident that some authoritative council was needed; for although the Board of Trade had been at great pains in these matters, it was impossible, constituted as the Board was, that it could take the lead in protecting the public interest in such cases. The business coming before the Board was so multifarious that matters were handed over from one officer to another, and no one knew how they were dealt with. The railway interest was always strong enough to overbear the interference of the Board of Trade. He wondered that the railway companies had not arrived at the conclusion that the more they accommodated the public the more they would benefit themselves. By the Orders of the House this Bill after being read a second time would go before a Select Committee. It would come before the House again on the third reading; but the House would probably not be disposed to reverse the decision of the Committee. He had nothing to suggest as to the course to be taken on this Bill; but he thought it highly desirable that the Government should adopt some means whereby they might exercise control over the plans promoted by great railway companies, and which seriously affected the public interests.

THE EARL OF SHELBURNE believed that the railway interest would be extremely benefited by the creation of such a Department as had been referred to by the noble Lord who spoke last, either in connection with the existing Board of Trade or in the establishment of an entirely new tribunal. He thought that such an authoritative body would be of great assistance to those who sought to carry out great works of public utility, as well as to the populations these were designed to accommodate.

After a few words from the Marquess of WESTMEATH,

LORD STANLEY OF ALDERLEY said, that a Government Department for the regulation of railways was no doubt desired by many of the railways and also by the public. In the first instance, the action of such a Board would be beneficial; but that which had happened before would happen again. Parties would complain of the decisions of the Board, the department would not be supported by the public and its influence would thus be weakened.

Lord Redesdale

The Bill, at the first view, seemed to deprive the public of the advantage of the competition they at present enjoyed. That circumstance would be one of the elements for the consideration of the Select Committee, and if they thought that the powers asked by the company deprived the public of the competition they ought to have they could act accordingly. He saw no reason why the general course should not be followed in this case. Let the Bill be referred to a Select Committee and let them decide whether it was one of those cases in which it was desirable to affirm the amalgamation.

THE MARQUESS OF CLANRICARDE said, that the public would not be represented at all before the Committee. As a question of inland navigation, this case went far beyond that of a common canal; and he now gave notice that he would object to the third reading of the Bill unless it was altered in some way by which the public would be guaranteed against the mischiefs that he apprehended from it.

DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

SECOND READING.

Order of the Day for Second Reading read.

THE MARQUESS OF CLANRICARDE moved the second reading of this Bill, which was to enable persons who borrowed money from the Commissioners of Public Works in Ireland, for the improvement of estates in Ireland, to borrow money also for the purpose of building dwellings for the labouring classes. The Bill had been introduced last year and had passed their Lordships' House.

LORD REDESDALE said, it was true that the Bill had passed the House of Lords last year, but as it was by no means desirable that a system should be introduced by which the building of labourers' cottages should be made a charge upon land, a clause should be inserted giving the Commissioners power to judge of the necessity of the proposed new buildings, and at the same time to see that where the buildings were introduced to replace old ruinous dwellings the latter were destroyed. He hoped the noble Marquess would consent to the insertion of such an Amendment in the present Bill.

THE MARQUESS OF WESTMEATH objected to the Bill, but hoped that if it passed care would be taken that loans were not granted unless the plans of the proposed cottages were laid before the Commissioners, as in the case of the improvement of estates by drainage, &c. There was nothing on the face of the Bill that put a limit on the amount to be granted.

THE MARQUESS OF BATH, also hoped that the noble Marquess would consent to the introduction of the provision in question, without which he must oppose it.

THE MARQUESS OF CLANRICARDE, in reply, gave some explanations which were inaudible.

Bill read 2^{a}.

ATTORNEYS, SOLICITORS, PROCTORS, AND CERTIFICATED CONVEYANCERS BILL.

SECOND READING.

LORD CHELMSFORD, in moving the second reading of this Bill, said, he was anxious to explain the circumstances under which it was introduced when there was already another measure of the same character before the Legislature. The whole of the laws with respect to attorneys and solicitors were comprised in the statute 6th and 7th *Vict.*, which regulated the admission of attorneys to the roll and other matters. The experience of sixteen years had shown that the existing system required amendment, and that legal education was susceptible of improvement. The Incorporated Law Society having turned its attention to the subject, prepared a Bill for the improvement of the law, which was circulated among the members of the different Inns of Court, was sent to the different law officers, and a copy was transmitted to each of Her Majesty's Judges. Every one who was acquainted with and had investigated the subject expressed their approbation of the Bill so framed, and among others, his noble and learned Friend now on the woolsack, then Chief Justice of the Queen's Bench, who expressed his highest approbation of the measure, and undertook to introduce it to the House. That was done, and the Bill having been introduced under his noble and learned Friend's auspices, passed their Lordships' House, and was sent down to the House of Commons very late in the Session—on the 27th of July. It did not get into Committee till August, where in consequence of the interposition of the Board of Inland Revenue in a matter relative to the stamp duties, delay took place, and before the Bill could be passed the Session came to an end. It was the intention of the Incorporated Law Society to have re-introduced their Bill on the opening of the present Session; but it being necessary to communicate with the Inns of Court and the Board of Inland Revenue with respect to the machinery for the certificates, some delay took place, and in the meantime an hon. and learned Friend, a Member of the House of Commons, introduced a Bill which, with some alterations, had come up to their Lordships' House. That Bill was framed in a very remarkable manner. The Bill which under the auspices of his noble and learned Friend had passed their Lordships' House, contained thirty-one clauses, embodying a general plan for the regulation and improvement of the profession generally. The hon. and learned Gentleman to whom he had alluded selected eight clauses of that Bill, and imported them into his own, adding three original clauses. When the Bill was introduced, the Incorporated Law Society put themselves into communication with the hon. and learned Gentleman, and requested him either to withdraw his measure in favour of the larger scheme which they proposed, or to delay its progress for a stage or two, in order that both measures might be before the House of Commons at the same time. That, however, was refused, and the Bill went into Committee; when the Incorporated Law Society endeavoured to procure the insertion of the twenty-three remaining clauses of their Bill; but the Committee were of opinion that the general scope of the Bill did not admit of the insertion of those clauses, and said it was too great an alteration to be made in Committee. The Bill of the hon. and learned Gentleman therefore proceeded, and having passed the House of Commons, was brought up to their Lordships' House. Under these circumstances, the Bill, the second reading of which he now moved, had been prepared at the instance of the Incorporated Law Society, the object of which was to elevate the character of the profession generally, to raise the standard of legal education, and to confer privileges on certain classes of persons who desired to be admitted to practice as attorneys. Nothing could be more inconvenient or contrary to their policy and mode of legislation than to allow two Bills to effect the same object to be introduced in the same Session, when the whole of the provisions might be incorporated into one measure; and it was, therefore, desirable that they should pass a Bill which had already substantially received their sanction, and not allow the introduction of the Bill brought up from the other House. It was not necessary to describe at any length the general scope of the measure he was now advocating; but there were one or two provisions of great importance on which he would make an observation. Under the present system no person could be admitted an attorney without having served five years as an articled clerk; it was proposed to give to persons who had taken a degree at any of the Universities the privilege of being admitted after a three years' service under articles, and to others who had passed a creditable examination the privilege of being admitted after a four years' service. There could be no doubt that such a provision would tend to raise the character of the profession. It was proposed also to give to persons who had served for ten years as clerks in attorneys' offices—not those who did the mere drudgery, but clerks who were engaged in a sort of business in which attorneys themselves would be engaged, and which necessarily tended to improve their professional knowledge—the privilege of being admitted after serving as articled clerks three years. He had at first thought that clause objectionable, as operating against the interest of gentlemen who, having received a liberal education, chose the profession of attorneys; but, after mature deliberation, he thought that the privilege ought to be conferred upon persons of that class who had faithfully and honestly served as clerks to attorneys for long periods, and had thereby acquired a high degree of professional knowledge and experience. There was some alteration in this Bill and the last one with respect to conveyancers, who, instead of being permitted to renew their certificates at their own option, would now do so under the sanction of the Inns of Court.

THE LORD CHANCELLOR said, he rejoiced that the Bill had been brought before the House by his noble and learned Friend, and expressed his approval of those clauses that related to a meritorious class of persons the managing clerks, and which would tend to raise them in society. He trusted that some provision would be introduced to test their literary acquirements. He also expressed his approval of the provisions with reference to certificated conveyancers.

Lord Chelmsford

After some explanation from Lord CRANWORTH,

Bill read 2ª, and *committed* to a Committee of the Whole House on *Tuesday* next.

INDIA—ADDRESS FOR PAPERS.

LORD MONTEAGLE moved an humble Address to Her Majesty for Copies of the Statement founded on detailed Reports from the several Presidencies and Districts in India, and exhibiting the moral and material Progress of India, directed to be annually prepared and laid before Parliament under 21 & 22 *Vict.*, c. 106, s. 53; also, all Correspondence between the Government of India and the Home Government relating thereto; And also Copies of any Correspondence between the Secretary of State for India and the Government of India on the subject of the Introduction of a Government Bank and Paper Currency in India. The noble Lord said, that Parliament usually contented itself with the belief that when it had directed a certain thing to be done, compliance with its directions was sure to follow. With regard to India, at least, that was not always the case. When in 1858 the question of the government and administration of the East India Company's territories was before Parliament, it was found that extremely important provisions in the law, with reference to a three-fold selection of candidates and with reference to private patronage in the civil service, had never been put into practice—they had been allowed to remain a dead letter. So also with regard to a provision in the Act of Parliament requiring the Company to apply certain sums annually to the purposes of education. In consequence of these and other neglects he (Lord Monteagle) called the attention of the House to the subject, and proposed that, as in the Colonial Department, a blue-book relative to the administration of these matters in India should be annually laid before the House. It was then argued that the matter had better be left in the hands of the Government; he did so; and nothing had been done in the matter. In 1858 he brought the matter before Lord Stanley, the Secretary for India, and a clause was introduced ordering that annual accounts should be furnished, accompanied by statements prepared from detailed reports from each Presidency, exhibiting the moral and material progress of India. The accounts only had been given, but no detailed statement; and the accounts which ought to have been published in May last were not yet forthcoming. It was, however, added in a note to the accounts "that the statement exhibiting the moral and material progress of India had not yet been received from the Government of India." The Home Government was made aware of this in 1859, and he presumed there must be some correspondence on the question. With reference to the last part of his Motion, he learned through the public papers that there was a measure of enormous importance under discussion in India—a measure which if rightly described assumed that the Government of India were about to establish themselves in the position of bankers, issuing promissory notes payable on demand. Now, he did not say that this was an improper measure, but he could hardly imagine the case of any country, either abroad or at home, in connection with which a more important or critical question could arise for the consideration of the House than that of any Government assuming the position of a banker, and dealing in financial, pecuniary, and commercial affairs; but if that Government were a despotic Government, and if there were any case of exigency—and they knew the exigency under which the Government of India had been compelled to exist—if so easy and tempting a remedy as that of issuing a little more paper money to relieve itself from a pressing difficulty presented itself, he feared it might be too often induced to relieve itself in this way from its difficulty. It was a question calculated to create alarm and apprehension. We ought to know something of this matter, and how the matter was viewed by the mercantile communities of Calcutta and Bombay, and if such a scheme was really to be taken into the hands of Government, what were its recommendations and the plea for proposing it. It was altogether a question that called for the utmost consideration and the greatest possible care.

The Duke of ARGYLL must be excused following the noble Lord into a defence of the East India Company against the accusations he had brought against them, seeing that they were now dead and buried. These complaints, whether well or ill-founded, had nothing to do with the form of Government, although the noble Lord had insinuated that the same thing might arise under the new form of Government. With regard to the papers, for which the noble Lord had moved, the statistical returns had not been received at the India House. No very voluminous correspondence had taken place on the subject; but he believed that the Indian Government had been asked to produce the statement, and whenever it was produced it would be laid before Parliament. The clause in the Act was certainly vaguely worded when it referred to the "moral and material progress of the country." That was a very general topic, and he did not think that returns pursuant to such an order would have enlightened his noble Friend on the question of currency. With regard to the issue of bank notes said to be in contemplation, his right hon. Friend the Secretary for India had received a copy of a Minute issued by Mr. Wilson. He (the Duke of Argyll) believed that the construction put upon a part of that document in England was a mistaken one; but it was the wish of his right hon. Friend not to produce the Minute until he was also able to produce his own Despatch in answer to it. As soon as his right hon. Friend's reply was sent out there would be no objection to lay both before Parliament.

The Earl of ELLENBOROUGH hoped that nobody would be sanguine enough to expect ever to see the return now asked for. In India they would not understand what was wanted; or, if they did, there would be no one to employ for the purpose. Perhaps a Report might in time be forthcoming; it would be very voluminous, and probably not worth having. He would suggest that the only practical way to obtain the voluminous mass of information would be by schedule and Act of Parliament.

The Marquess of CLANRICARDE thought that if things existed in India as described by the noble Earl, it argued a degree of incapacity for the new Government of India that might have been supposed to belong only to the old. It was no more impossible to make these reports upon India than it was to make these reports in connection with other colonies. All the Colonies of Great Britain, from Heligoland upwards furnished similar returns to those now asked for, showing their moral and material progress, and if they could not be procured respecting India it would be owing to the virtual re-creation of the effete and absurd Board of Directors, chosen out of almost the same body, and serving as a screen for negligence. The Colonial Minister had no difficulty in getting these reports, and he did not see why there should be any difficulty in this case. He trusted the question of paper currency was one that would be fully discussed.

The Earl of **ELLENBOROUGH**: It is no use sending out the order when there is no one to obey it.

Lord **MONTEAGLE** said, if it were impossible to make out the return the officials ought to report to that effect, and prove it; but it was not proper that the servants of the Government should have the power of saying whether they would obey the orders of Parliament or not.

Lord **MONTEAGLE** then withdrew that portion of his Motion relating to a Government Bank and Paper Currency.

Motion, as amended, *agreed to.*

House adjourned at a quarter-past
Seven o'clock, till To-morrow,
Half past Ten o'Clock.

* * *

HOUSE OF COMMONS,

Tuesday, March 6, 1860.

Minutes.] New Writ Issued.—For Worcester City, *v.* William Laslett, esquire, Chiltern Hundreds.

Public Bills.— 1° Aggravated Assaults Act Amendment; Cruelty to Animals (Scotland) Act Amendment; Universities (Scotland) Act Amendment; Isle of Man Harbours;
2 Customs;
3° Valuation of Rateable Property (Ireland); Packet Service (Transfer of Contracts); Medical Acts Amendment.

THE LUNACY (SCOTLAND) ACT.

QUESTION.

Mr. **STIRLING** said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to introduce into Parliament in the present Session any Bill to amend the Lunacy (Scotland) Act. He would also ask how it is that the Scotch Reform Bill has not as yet been issued to Members, although the English and Irish Bills have been for some days delivered?

Sir **GEORGE LEWIS** said, with respect to the Scotch Lunacy Act, the matter was under the consideration of the Lord Advocate, and the right hon. and learned Lord would shortly ask leave to introduce a Bill. He believed he might say the Scotch Reform Bill would be in the hands of Members to-morrow.

CAVALRY AND INFANTRY COMMISSIONS.

QUESTION.

Sir **HENRY STRACEY** said, he wished to ask the Secretary of State for War if a Colonel on full pay of Cavalry, on becoming a General, and thereby being precluded from selling and receiving the same pay as the Colonel promoted from Infantry, but having paid £1,675 for his Commissions above that paid by the Infantry General, would still have to pay the difference between Infantry and Cavalry, if appointed to a Cavalry Regiment?

Mr. **SIDNEY HERBERT** said, he feared the House would not derive much information from these questions on the relative prices of Commissions. The subject was very intricate, and it was difficult to render it intelligible. An Officer in the position described by the question of the hon. Baronet, would not (we understood) be called on to pay the difference.

Colonel **DICKSON** said, he would also beg to ask, Whether, as it is proposed to equalize the prices of Cavalry and Infantry Commissions, Cavalry Officers who have in accordance with existing regulations, paid the larger sums, will receive credit for the extra money when purchasing their future promotion; for instance, will a Cornet, who has paid £840 for his Cornetcy have, to pay £250 more for a Lieutenantcy, worth only £700?

Mr. **SIDNEY HERBERT**, in reply, stated that Officers of Cavalry would not be entitled to receive anything of the Crown till they sold out. On selling their Commissions they would, of course, receive back the difference.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

Lord **JOHN RUSSELL** brought up a letter of the 24th of January last from Lord Cowley to Lord John Russell, and which had been omitted from the correspondence laid upon the Table relative to the annexation of Savoy and Nice to France.

Sir **JOHN WALSH** said, without having given the noble Lord the usual notice he would beg to ask him, Whether he will have any objection to lay upon the Table any additional Correspondence that may have reached the Foreign Office upon the same subject since the publication of the last Despatches?

Lord **JOHN RUSSELL**, in reply, said,

he could not avoid remarking upon the inconvenience of asking questions regarding Foreign Affairs without placing them on the Notice Papers, as was the case with questions of a domestic nature. It was certainly right that the same rule should be adhered to with respect to qeestions on Foreign Affairs, which were usually of a more delicate nature. He was not prepared to say whether he could lay any more papers on the Table on the subject referred to; but as soon as the Government had decided that it could be done with propriety, he should lose no time in producing them.

Mr. DISRAELI said, he desired also to inquire as to the production of certain private letters of Lord Cowley to the noble Lord, and which were referred to in the public Despatches.

Lord JOHN RUSSELL was understood to say the private letters could not be produced, and desired to know for what object the right hon. Gentleman required them.

Mr. DISRAELI said, he would ask the question to-morrow, and state the reasons why he did so.

ARMY (SALE AND PURCHASE OF COMMISSIONS.)—ADDRESS MOVED.

Sir DE LACY EVANS (who was very imperfectly heard) said, he rose to move, That an humble Address be presented to Her Majesty, praying that she will be graciously pleased to order the gradual abolition, as soon as practicable, of the sale and purchase of commissions in the army (having due regard to existing rights)—with the view of substituting for the purchase system, promotion partly by seniority and partly by selection, grounded on war services of merit, length of colonial and home services, and attested professional fitness — under such regulations as Her Majesty shall be pleased to direct. The system of purchase was, he believed, as it at present stood, productive of the greatest abuses which existed in the army of any civilized country in the world. It imposed, as far as he could ascertain, a tax on the officers of our army amounting to £4,742,000, which was the actual sum of the commissions calculated at the price which might be legally expended. Now, in order to get rid of a system such as that, desirable as its abolition might be, he did not propose that any very great sacrifice on the part of the country should be incurred, because he felt convinced that if the authorities were in earnest in the matter they might allow the system to die away without rendering any great pecuniary loss necessary. Instead, however, of pursuing a course by which a result so desirable would be secured, different rules and regulations had of late been introduced into the service, by which the present state of things, instead of being remedied, was likely to be aggravated. He did not, however, seek by his Motion to effect any sudden change in the system, but was simply desirous of carrying out in the main the views which had been advocated by the Royal Commission which had been appointed to inquire into the subject, merely going a little further in what might be considered the reform of our military system. Indeed, it was well known that many Members of the Commission, including, he believed he might say, the right hon. Gentleman the present Secretary for War, were desirous of going a little farther, and of including majors and lieutenant colonels in the non-purchasing ranks. Therefore he would propose that, as regarded the ranks of major and lieutenant colonel, the system of purchase should cease. At the date of the commission there were 222 lieutenant colonels and 258 majors in the army, including the West India regiments; and it appeared that between the years 1851 and 1855, 40 lieutenant colonels and 46 majors retired from the service. They might therefore assume from that the ratio of the retirement of those officers. Taking this basis he calculated that the sum that would be required in the present year to effect his proposal would be about £67,000; for the second year, £62,000; for the third year, £58,000; and so on. The present system allowed the incompetent officer to take the place of the competent. As an instance, he referred to a letter he had received from an officer of the highest capacity who had been passed over fourteen times. He mentioned the case of another officer who had been passed over eighteen times; and yet, strange to say, that officer was still an advocate for the system of purchase. Another officer, a man of great merit, had been passed over twenty times. After the Crimean war, in which the officers and soldiers were not less distinguished by gallantry and endurance than those in any former war, it was felt that a deficiency existed somewhere, and a Royal Commission was appointed, consisting of five civil and five military members. This Commission, which, however, was not constituted in a manner to secure perfect impartiality between the two branches of the service, heard evidence; and the result of their investigation was a Report, showing, in fact, the inexpediency of the system of promotion by purchase. One of the recommendations of this Commission was, that officers should be professionally educated, and he (Sir De Lacy Evans) wondered that this had not been attended to before now, as the education of non-commissioned officers and privates was for some time in operation most successfully. He was, however, sorry to say that this recommendation had not been followed up. Again, he wished to ask why the competitive system, which had been introduced into most of our civil departments, and obtained in the military departments of France, should not be introduced into our army. It appeared on the authority of the Report of the Commissioners, that at present commisions in the Guards cost 100 per cent more than the regulation price, while commissions in the Line and Cavalry cost 50 per cent over the regulation price. With regard to the comparative merits of the purchase with the non-purchase system, he thought that the experience of two services which were employed in the Crimea gave them a lesson that was most useful—he alluded to the Cavalry and Artillery. In the first of these the system of purchase was not in operation, whilst in the latter it was more rife than in any other arm of the military service. How, then, had the system of non-purchase in the Artillery and the system of purchase in the Cavalry worked in the Crima? Why, the Cavalry lost all their horses the very first winter, and were scarcely able to exist; but when the campaign had ended, the Artillery were even in a more efficient state than when the siege of Sebastopol commenced. The time had come when it behoved the authorities at the Horse Guards to adopt any and every improvement in the organization of the army that could be suggested. Undoubtedly those who thought that the Treaty of Commerce with France would eventuate in the establishment of peace all over the world might regard the matter as of little import; but he could anticipate no such result from the Treaty of Commerce. He was not opposed to that Treaty—far from it; but he put no faith in it as a conservator of the peace of Europe. In his opinion the political sky was lowering; wars and rumours of wars prevailed throughout the Continent, and the Emperor of the French in his recent speech to the Legislative Chamber had openly declared his resumption of the policy of conquest. Under these circumstances, it was the duty of the Government to maintain the army in the highest possible state of efficiency, and he ventured to submit that that could never be accomplished under the present impolitic system of promotion by purchase. He hoped, therefore, that the House generally would concur in the Resolution which he begged leave to move.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to order the gradual abolition, as soon as practicable, of the Sale and Purchase of Commissions in the Army (having due regard to existing rights),—with the view of substituting for the Purchase System, promotion, partly by seniority and partly by selection, grounded on War services of merit, length of Colonial and Home services, and attested professional fitness,—under such regulations as Her Majesty shall be pleased to direct."

MR. RICH said, he felt much pleasure in seconding a Motion which nobody could have introduced with greater propriety than the hon. and gallant General who had won his way to honours and promotion by valiant exploits spread over half a century of service. His observations on the subject were so important that he trusted they would be placed *in extenso* before the public. The substantial question which was raised by the Motion was whether money or merit should prevail. Now, although he was perfectly aware that many who had risen to the command of regiments by virtue of the system of purchase had afterwards proved themselves to be admirably well fitted for the advancement which they had thus obtained, thus accidentally joining merit to money; yet, until hon. Gentlemen could show some necessary connection between money and merit he must hold that this practice, so contrary to all our principles and practice in every other Department of the State, of buying promotion and command, was neither consistent with the safety nor the honour of the country. The system was one which almost everybody was prepared to admit could not be defended on abstract grounds, and among those who maintained that opinion he might reckon the right hon. Gentleman the Secretary for War as well as the noble Lord at the head of the Government. He well recollected his right hon. Friend's condemnation of the principle, and stating his determination to alter it whenever an opportunity offered. It was, however, asserted that by means of the system as it stood the efficiency of the army, that is to say the supply of officers of appropriate age and qualifications, was satisfactorily upheld. Now, upon that point he was prepared to join issue with its advocates, leaving out of account the last eight or ten years, during which period, owing to the wars in China, India, Persia, and the Crimea, far more than the ordinary number of officers had been appointed, and too many of them swept away. Previous to that period, however, he found that the average age of ensigns and cornets in the army was 21; that of lieutenants between 28 and 29; that of captains 38; that of majors between 43 and 44; that of lieutenant colonels, 49½; of major generals nearly 60; of lieutenant generals, 65 and upwards; and of full generals, above 70. Now no one would contend that these were appropriate ages for the respective ranks which he had just enumerated, and yet this was the undeniable result of the purchase system, bolstered up as it had been by very frequent brevets, by a vast increase of general officers and by so profuse a sale of unattached commissions as to elicit even the condemnation of a high authority at the Horse Guards. It left us in 1850 with our youngest grey-headed major general older by many years than the Duke of Wellington when he had laid down his sword after some fifteen years, not of a major general's but of supreme command, and thirty years older than Napoleon when he commenced his career of victory. There were, indeed, men so peculiarly constituted by nature—for instance, Sir C. Campbell—as to be able at a very advanced age to perform efficiently the duties which attached to their position, but such hardy veterans were only marvellous exceptions to the general rule to the unbending laws of human decay. The same objections applied to all the other ranks of which he had shown the inappropriate, and therefore detrimental ages. Thus the system of purchase had broken down, yet the Resolution of the gallant Officer opposite (Captain Leicester Vernon) recommended that it should be persevered in; and why? because promotion by seniority had failed in the Artillery, Engineers, and Marines. He granted that the promotion in these corps had not been rapid; but then it should be remembered that the Engineers and Artillery had not the advantage of exchanges, and moreover had fewer facilities with regard to the half-pay list, while in these corps and in the Marines there were fewer field officers than in the purchasing corps. It did not, however, follow that because a system of narrow seniority did not succeed the system of purchase must be upheld. He saw no connection between the failure of one system and the falsely assumed success of the other. One might have failed more than the other; but he contended both had failed, and what was now required was a system of combined seniority and selection to be carefully and honestly applied to the army, and the first step should be to put an end to the purchase of the rank of field officer. The purchase system too had broken down by the constant and flagrant transgression by the army of all the rules and regulations laid down by authority for keeping its prices within appointed limits. The Duke of Wellington felt this abuse so strongly that he issued a stringent order to the effect that any officer giving or receiving beyond the regulation price should be subject to be cashiered. The Duke had a strong hand and a resolute will, yet here he was not strong enough to contend with mere degrees of corruption. His orders were utterly fruitless. So, too, the Duke of York when he thought to curb this corruption by requiring that every officer who bought or sold a commission should declare on his word of honour that he had neither given nor would give, directly or indirectly, more than the regulation price—yet it was in palpable evidence that commissions brought 50 or 100 per cent beyond the regulation price. Was there not something inherently false and wrong in a system which no orders, no laws could bend. It was said that, by means of purchase, retirement was provided for old officers; but there could be no question that the grant of a moderate pension was much preferable. There were two classes of purchasers—one, men of large fortune and high station, who went into the army with all the gallant spirit of youth ready to put themselves in the very front of danger, but who after a time, wearying of the service, retired to their estates or filled seats in this or the other House of Parliament. It was good for these young men to go into such a school as the army; but it might have been still better for them to have learnt more of duty and obedience in its subordinate ranks, than to have rushed on by extravagant purchases to premature commands, and most undoubtedly it would have been better for the army. For instance, when in command of regiments they induced a system of expense—not extravagant in them, but mischievously so for their associates, and that was, in fact, the secret of the present check which Cavalry regiments had experienced ; sober people being afraid to trust their sons in them far more because of their extravagant habits than the mere price of the commission. The other class of purchasers consisted of young men of high aspirations, proud hearts, and cool heads, who took the army as a profession, were ready to make any sacrifice to rise in it, purchasing each successive step and straining every nerve to raise the means. These were valuable and brave officers, the very men to command our regiments. But we too frequently lost their services just when they were becoming most valuable. It is well known that when officers become generals they forfeit the privilege of selling their commissions. Too many of these officers, therefore, pressed by the pecuniary sacrifices they had made to purchase their commissions, sell them when they approach the rank of general, and so they are lost to the service, while to induce others to remain, the pay of a general officer having a regiment is made double that of an Admiral so as to enable them to recoup some of the money they have squandered on their commissions. It is thus that in this item alone the country expends little less than an £100,000 a year in indirect support of the purchase system, which we are told is so economical, but which is, in fact, extravagant in a mere money point of view, but infinitely more costly in all that regards a nation's and an army's weal by its open disregard for all merit that has not money in its pocket. In the navy the system of combined-selection and seniority has answered well; up to 1850 there was a less slow promotion in the navy than in the army; and our naval officers were on a much younger scale than the army. It is not impracticable to adopt the same system in the army. For these reasons he hoped the House would entertain the Motion of the gallant General. His hon. and gallant Friend was quite right not to press it to the full extent of putting an immediate end to the purchase system ; but it was to be hoped that the Government would give that encouragement to a gradual abolition which was embodied in the proposal that no purchase should be allowed above the rank of captain, and that the command of regiments should be by selection. If that were adopted it would be received by the public as a great boon and a step in the right direction, while it would relieve a great number of deserving officers from the pain of seeing themselves passed over, and leave the army open to those enterprising, gallant, and high-spirited young men of all classes whose services we could little afford to dispense with.

CAPTAIN **LEICESTER VERNON** said, he rose to move an Amendment to the Motion of the hon. and gallant Member for Westminster of which he had given notice, and which was to this effect :—

> "That whereas the promotion in the seniority corps already existing—namely, the Royal Artillery, Royal Engineers, and Royal Marines, being of an unsatisfactory character, this House is of opinion that it is not desirable to extend the seniority system to the whole of the army."

He had not the least doubt that the hon. and gallant Member for Westminster (Sir De Lacy Evans had exhausted in argument all that could be found in support of his proposition. If he answered those arguments rather inferentially than in detail, he hoped it would not be supposed that he was wanting in courtesy, but the fact was, he must confess, he had heard very little of them indeed. He gathered that the hon. and gallant Member said something about professional education, but that applied equally whether promotion was by purchase or seniority. The hon. and gallant Member also urged that the service was weakened; he did not hear whether by a system of purchase or a system of seniority, but he concluded by seniority, because they found that a system of seniority did weaken the service, not only morally but physically. The hon. and gallant Member afterwards said something about the Admiralty, but he could not follow him there, because he confessed he was entirely at sea as to what the hon. and gallant Gentleman said. The Motion had been seconded by the hon. Member for Richmond (Mr. Rich), and he thought they ought to take that occasion to give their warmest thanks to the hon. Member for being ready on all occasions to advocate what he believed to be the interests of the army. If the hon. Member did not happen to be quite in the right groove, it might be owing to his not being in the profession. The hon. Member had taken a bold course, and said he would narrow the question to one of merit and money. There he should join issue with him. The hon. Member gave a certain A B C illustration of various positions, but he seemed scarcely to understand the alphabet of what he was talking about. The hon. Member spoke of the age of officers, and, if this Amendment had been moved at the time the hon. Gentleman addressed the House, he should have thought he was seconding the proposition. It was upon the objection of age that the hon. Member relied, and he might fairly say that when the hon. Member had uttered one word in favour of his own views, he had uttered two in favour of those which he advocated. The hon. Member had also said that the Ordnance did not allow officers to go on half-pay. That was a mistake, for he (Captain L. Vernon) happened himself to be on the half-pay of the Royal Engineers. He felt diffidence in taking the step he had done in moving the Amendment, as it placed him in opposition on a military subject to the high rank and experience of the hon. and gallant Member for Westminster, which entitled his opinions to considerable respect. It did more, it placed him in opposition to a popular feeling which he thought was a popular mistake, and if it were not for certain facts, and the deductions from those facts, he should hesitate to stand forward to arrest the progress of popular opinion, headed as it was by the hon. and gallant Member. He hoped the House would extend to him some indulgence, while he endeavoured to show that the seniority system was not entirely one of unmixed good for the army. It must be conceded that if purchase were done away with, the main condition of promotion must arise from death vacancies. But senior officers could not be persuaded to die for the purpose of promoting junior officers; therefore, it stood to reason that promotion must be very slow, and then arose the unsatisfactory position partly assumed by the hon. Member for Richmond—that the officers were too old for the rank. This was no haphazard assertion, but based on broad facts. What occurred in the seniority corps—the Engineers, Artillery, and Marines, which represented an army of 45,000 men? They must recollect that peace was the rule, and war the exception. That being so, in peace the subaltern officers of those corps served no less than 24 years before they reached the rank of captain. Now, 24 years was nearly a quarter of a century, and, according to the average duration of life, the prime of manhood did not exist for more than 20 years. What, then, must be the position of that service where the subaltern officers passed the whole of the prime of life in that rank—where they followed the beat of the drum from colony to colony, in the east and west, in the north and south, in Asia, in Africa, and in America, with but very rare glances at Europe? That was the condition of those officers, who passed the whole of the prime of life, without comfort, and what was more, without hope, for "hope which came to all ne'er came to them." The necessary consequence was, that when war came the senior officers were worn out. In the Peninsular war the Duke of Wellington's best officers of Artillery and Engineers bore the rank of second captains and lieutenants. In the Crimean war the colonels of Engineers one after another broke down and failed physically. The whole work was left to second captains and lieutenants, and he asked was that the condition to which they would reduce the whole of the British Army? There was an opinion abroad that the purchase system threw the commissions of high rank in the army into the hands of those who, in the slang of the day, were called the "upper ten thousand." Nothing was more unfounded. Any man who looked at the *Army List* would find that such was not the case. If they looked down the list they would find that for one Plantagenet there were fifty of the great clans of Smith, Brown, Jones, and Robinson; for one aristocrat there were fifty taken from the small gentry, from commerce, and from trade. The fastest Lancer he ever saw was the son of a Scotch upholsterer. The wildest Dragoon and the most tearing Hussar sprang respectively from a provincial banker and a country attorney. The son of the silversmith of his mess was a major of heavy Dragoons, and only the other day he admired the nodding helm and shining cuirass which encompassed the offspring of a London solicitor. The father of Havelock, the hero of Lucknow, was a Baptist minister. That showed that it was not the aristocracy to whom commissions were confined by a system of purchase. They were told that it did not admit of promotion from the ranks. He knew some instances to the contrary. Sir John Elley, who rose to the rank of a Lieutenant General and Colonel of the 17th Lancers, was a private in the Blues. General Cureton, who led the charge of the 14th Light Dragoons and turned the fortune of the day at Chillianwallah, enlisted as a trooper; and, no doubt, the Secretary for War could put his hand on many officers who fought as rank and file at Alma, Inkerman, and Balaklava. They had been told that the seniority system acted well in the East India Company's service. Was that really the case? Did they not find that promotion was such a drag that officers were obliged to invent a sort of purchase system of their own? Every man was compelled to subscribe a certain sum to purchase officers out. It was not voluntary. They were compelled, and the price which they gave was very nearly the price of the regulation in the Queen's service. The French system was cited as a model. They were told that they should look at the French system—how good that was. The French system was one-third by seniority, one-third by merit, and one-third by favour. If that were introduced into this country how long would it be before merit and favour under our representative system became one? How did it act in France at this moment? During the Crimean war some officers of French and English regiments were coming over together in the same transport, being wounded. The conversation turned, as was always the case with officers, upon promotion. One of our officers said, "Your service gives you fellows something like a chance." A French officer replied, "*Erreur! mon ami, erreur! pour avancer chez nous faut avoir parent au Ministère de la Guerre.*" But did the system work well in France? There, if an officer had not attained a certain rank by a certain time, he was forced out of the service. He was fit for no other profession, and for the rest of his existence he hung on to the outskirts of society. All who had been abroad must have seen hanging about *estaminets* men whose upright carriage, close cropped, grizzled hair, and heavy moustache showed what they had been, and whose haggard faces and threadbare clothes showed painfully what they were. Was that the condition to which they would reduce the British officer? He thought that one of the reasons why France was so aggressive was her military system. They preferred a despotism, provided it was military. They perferred war to peace because the one was bread, the other starvation. It had been said that under our present system merit was not the thing, but money was, and that no person could be advanced by merit alone. Now, he could give them a most remarkable instance to the contrary; and if in doing so he had to speak of the hon. and gallant Member for Westminster's merits to his face, he did it not to give that gallant General any annoyance, but because it was necessary for the argument. A friend connected with the service had procured him the following particulars respecting the career of the hon. and gallant Member for Westminster:—

> "In the summer of 1814, Lieutenant Evans of the 3rd Light Dragoons, then a very young man, was appointed to the Quartermaster-General's Department, and attached to the expedition under General Ross which sailed from the south of France, at the conclusion of the war with Napoleon, to operate on the coast of America. He was mentioned with great praise and recommended for promotion by General Ross in the despatches announcing the action at Bladensburg and the capture of Washington; again by General Brook, who succeeded to the command when Ross was killed at Baltimore; and again, a third and fourth time, by Generals Kean and Lambert in connection with the proceedings at New Orleans. For these meritorious services he was Gazetted to a company in the 5th West India Regiment, without purchase, on the 12th of January, 1815. He became a Major by brevet a month or two later, and in the promotion consequent on Waterloo he became a Lieutenant Colonel on the 18th of June of the same year, he having returned from America in time to be at that battle. Thus stepping in six months from the rank of Lieutenant to that of Lieutenant Colonel without the expenditure of a single shilling."

It would have been impossible for the hon. and gallant General to have accomplished such a rise as that in a seniority corps. With all the merit in the world—even with all his own merit—the gallant General would have stopped at the rank of captain, and never got beyond it. It was no disadvantage to an officer without money to be in a regiment where purchase went on. Put the case of a young man without money in a regiment where he was at the bottom of the lieutenants' list, and suppose every other officer in the regiment had money, and was to purchase; the whole of those above him would buy themselves out of his way, until he arrived at the top of the tree, where he would wait for that death vacancy or other casualty to give him promotion, which he would have had to have waited for otherwise in every step from the bottom. In a book which had been sent to him he found this passage:—

> "What does not seem to have been sufficiently considered is the advantage derived from purchase by those whose poverty subjects them to the mor-

tification of being passed over by juniors. The practical effect of the system is to bring those men rapidly to the top of their respective ranks, where they benefit by any vacanies occasioned by death, by brevet or by augmentation. For instance (said the writer), I myself, when a lieutenant and captain in the Guards, did not purchase; three juniors whent over my head; but within a year of reaching the top of the list (having served on full pay for nineteen years) I obtained my promotion by a death vacancy; whereas, had the system of purchase not existed, there would have been no inducement to the senior officers of my regiment to retire, and ten or fifteen additional years would probably have elapsed before I could have attained a position where promotion would have been possible."

He could not give a stronger proof of the difference between regiments where seniority existed, and those where purchase prevailed than the fact stated in Her Majesty's regulations, that in the one case a man who had served six years in the army might have the rank of lieutenant colonel, whereas, in a seniority corps he had himself been for twenty-four years a subaltern, and nine years an ensign, thus remaining absolutely longer in the lowest rank than the period within which the regulations allowed an officer to attain the position of a lieutenant colonel. The same work from which he had already quoted said:—

"The routine of unremitted colonial service must produce considerable inefficiency among the officers of the army, and the result would inevitably be either to maintain an enormous retired establishment at the public charge to furnish a provision for the worn-out officers, or to leave the commissions of the army in the hands of those incompetent to discharge the duties attaching to them if it were not for one of those very anomalies to which we have alluded at the commencement of this division of our report—namely, the system of sale and purchase of commissions as authorized by the regulations of the service."

The same report went on to say:—

"It is manifested in these returns that by far the larger portion of officers are perfectly qualified for their duties, and it is equally apparent that this efficiency is maintained by the system of purchase."

The weight which ought to be attached to these extracts might be inferred from the fact that—

"The report from which these extracts are taken is signed by fourteen of the most distinguished men that ever met together in any country for any stated purpose—namely, the Duke of Wellington, the Duke of Richmond, Lords Melville, Howick, and Hill, Henry Labouchere, Admirals Sir Charles Adam, Sir Thomas Hardy, and Sir George Cockburn; Generals Sir James Kemp, Sir Hussey Vivian, Sir Alexander Dickson, Sir Henry Hardinge, and Colonel Sir Richard Williams."

The hon. Member for Richmond (Mr. Rich) had put the question as one of money *versus* merit. There was a sort of morbid feeling abroad that the effect of purchase was to admit rich blockheads to promotion, and to keep back the poor but efficient officer. Those who said that carried the argument a step further, maintaining that those who purchased were of necessity blockheads, and those who did not were the reverse. Was that really so? Put it to the test. Look at the successes of our armies, where purchase was the rule, and compare them with those of the French army, where such a system of advancement was unknown. He was not there either to dispute or depreciate the glory of the French. That nation had raised a triumphal arch to that glory which terminated the dusty road which the Parisians were pleased to designate the Elysian Fields, and on that monument were inscribed the victories of their arms. He knew not with what feeling other foreigners might look upon that record of their defeats; but he owned that, as an Englishman, he was able to look upon that triumphal arch with complacency. From Cressy to Waterloo, of none of our battles with the French had we any reason to be ashamed. He had heard that the name of Corunna appeared on the record to which he had referred; but that he fancied must be a mistake either of his informant or of the chisel of the artist. He had always thought that we won the day at Corunna, and that Sir John Moore died in the arms of victory. The war in the Peninsula was for six years one continued success. The heroes of Jena, Wagram, Marengo, and Austerlitz—Marmont, Massena—so often victorious where the English were not that he was called "*L'enfant cheri de la victoire*"—Jourdain—so often beaten where the English were that he was called "the anvil"—Victor, Suchet, and Soult, were all out-marched, out-generalled, out-fought, and driven back from the lines of Lisbon to the gates of Paris by our own Picton, Graham, Crawford, Beresford, Pakenham, and Hill. Then came the crowning field of glorious Waterloo, and there the star of Napoleon, the so-called soldier of merit, sank for ever before the genius of Wellington, the so-called soldier of purchase. All the Generals who had thus honourably vindicated the fame of England in the Peninsula were of the purchase school; all save Graham and Picton were under forty years of age—the age of subalterns in the seniority corps. With these glorious antecedents before us—with the brilliant example of the gallant General who had made the Motion on the one hand, and on the other the discouraging instance of the mover of the Amendment—both types of different systems—while it was not for him to devise what was the best system for promotion in the army, he trusted the House would not think him out of place in denouncing as the worst that under which he himself and many others had groaned for years—the seniority system.

Amendment proposed,—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'whereas the Promotion in the Seniority Corps already existing, namely, the Royal Artillery, Royal Engineers, and Royal Marines, being of an unsatisfactory character, this House is of opinion that it is not desirable to extend the Seniority System to the whole of the Army,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL DICKSON said, he could not but think that the hon. and gallant Member for Westminster, in the course he had taken, was acting rather in unison with his own private opinion than from any particular zeal for the interests of the service of which he was so distinguished an ornament, and which certainly had assisted him in gaining the honours he enjoyed. He regretted the invidious distinctions which had been raised between the two services and between two branches of the same service. The gallant General had not been just to the Cavalry in the Crimea, whose services in the field at Balaklava must ever remain graven in the hearts of the nation. It was true that the Cavalry suffered much in the war; but it must be remembered that they had to undergo the brunt of a series of actions which the Artillery escaped; and that they were, moreover, in the main, inexperienced recruits, while the Artillery were experienced soldiers and seasoned to their duties in every quarter of the globe. It was hardly fair, therefore, to draw the comparison which he had drawn, and use it as an argument for the abolition of the system of purchase. Another element introduced into the discussion of this question was the influence of the press. An article appeared in the leading journal of that very morning, the direct object of which seemed to be to put some pressure on the Secretary of State for War, and to guide the Government in their decision upon this vitally important question. He was one of the last men to complain of the liberty of the press. He believed all classes and conditions of the people were greatly indebted to the press, and that it was to its influence we owed the saving of our army during the Crimean war. But letters were occasionally published in certain journals which displayed such ignorance of the subjects on which they treated, that all who wished to form an unprejudiced opinion would do well not to rely upon the statements they contained, but calmly and dispassionately consider the matter for themselves. When he saw letters, all bearing tho stamp of one writer, and animated by the same spirit, setting forth that British officers were nothing but fashionable idlers and extravagant scapegraces, and that colonels of regiments introduced a system of expenditure utterly regardless of the condition of the younger officers, whom they led into extravagant habits in order that they might pamper their own luxurious tastes—when he saw charges so utterly unfounded as these brought forward—he felt they ought to be treated with contempt, but also that they might mislead inexperienced persons. As to the purchase system, he did not wish to stand up as a patron of abuse. He was quite aware that from unavoidable circumstances, and from the long continuance of peace, great abuses had crept in, and that a system which he believed conduced, on the whole, to the welfare of the army, had, on that account, arrived at a pitch of extravagance that required alteration; but he thought there was a wide difference between improvement and total destruction. The purchase system, he contended, was a direct advantage to the poor man whom it raised to rank along with his richer comrades. Suppose a man rose from the ranks, and became an officer, with small means, he struggled on, and for some years performed the duties of his new sphere, and lived a mere annuitant on his pay. If the purchase system did not exist, there he remained till old age overtook him, when he must retire on the wretched pittance of half-pay. But under the purchase system, he could (after serving his country as long as he was fit), realize a handsome competency, which enabled him to fix his family in the position of life to which his gallantry and his good conduct had conducted him. This he regarded as an unanswerable argument in favour of the purchase system. If the system were abolished, it would cost, not £4,500,000, but £8,000,000, as, in his opinion, every officer was entitled in justice to recover back the whole of the money which he had paid for his commission, not only the regulation amount, but the extra sum which, although not openly recognized, was paid under the connivance of the authorities, and was as notorious as the regulation price itself. He entirely approved of the arrangement of the right hon. Gentleman the Secretary of State for War for assimilating the prices of the commissions of the Cavalry and Infantry. This was most satisfactory. He thought it was matter of regret that he did not go further, and, by refunding the sums they had paid beyond the regulation price, allow the Cavalry officers at once to reap the advantage he proposed to afford them at a future period. But if it were supposed that this reduction in the price of commissions would enable the poor man to enter a cavalry regiment, it was an utter mistake. The very nature of the service rendered it impossible, unless the country was prepared, which he did not think was the case, to make an enormous increase in the pay of the whole army. It was true that a cornet would get his commission for £450; but his outfit, dress, and accoutrements, would cost him at least £100 more, and his horses another £100. Well, then, this made a total of £650. But what was his position in the regiment? His cornet's pay was £146 a year. Now for his actual expenses; not, mind, his extravagance. He must have two horses, and he would be charged for keeping them £25 17*s.* a year; the expense of shoeing them at 2*s.* a week per horse would be £10; the wear and tear of saddlery another £10; some allowance must be made for wear and tear of horseflesh, and this could not be put down at less than £20 a year; and in addition to that there was the subscription to the mess and band—the extravagant establishment talked of by the gallant General, but which were not the establishment of the cornet's choice — fixed by Her Majesty's regulation at £8. These items with other miscellaneous charges would cost him about £87 5*s.* a year. Then as to eating and drinking, taking the club standard, the cheapest way in which a man could live, or taking the standard of the wages given to the valet, this would come to 5*s.* or 6*s.* a day. Putting that down, then, at £100 a year, there was an actual deficiency of £50 a year at the very first, without reference to clothes or any article of comfort or luxury. Unless, then, they were prepared to increase the pay of the army they could not induce poor men to enter into the cavalry regiments. He would admit that the new regulations made the service more economical than before, and that the officers could live cheaper, nevertheless it required something beyond their pay to support them. He had heard a great deal of army extravagance, but he could truly say, from his own experience, having served in cavalry and infantry for a long time, and having been a member of what were termed a crack corps, that he never knew a single case of an officer ruined by extravagance at the mess, though there were no doubt many cases of officers being ruined by expenses incurred, extravagance and vice indulged in without the barrack walls. When such instances occurred the parents of the young men blamed the regiment for all these evil results. But, after all, how very few were those cases of misconduct on the part of individual officers! Such misconduct could not be long concealed, and it was obvious to everybody that the cases before the tribunals of the country where officers were accused were few indeed. The honour of the British Army stood far too high to admit for a moment such attacks. What he would ask would be the effect of the abolition of purchase? Why, one of the very first effects would be, that that which could not be done directly would be done indirectly the moment the purchase system was abolished. The truth was, that so long as men had money they would offer money for what they wanted, and when men had anything which others coveted they would accept of money. Nor could they, for instance, prevent the officers of a regiment privately subscribing for the purpose of purchasing a man out. The system prevailed in the Indian army, and it notoriously prevailed in the Militia, for Militia commissions were every day hawked about as they were in the Line. He had heard recently of an adjutant of Militia who had repeatedly refused £2,500 for his commission. It would be absurd to throw away so large a sum of money by the abolition of this system when a much smaller amount of money, if properly distributed, would contribute considerably to the welfare and comfort of the service. Abolish this system as they might, it would creep in again. A remark has been made as to the scarcity of cornets at the present time. One of the reasons for that scarcity undoubtedly was, that the examinations were what he should term absurdly severe. The very feelings which induced young gentlemen to enter the army, the very characteristics which stamped them as best fitted for the profession, were those least compatible with the present system of examination, which exacted close study and a knowledge of the most intricate questions. He knew one case of a young man who had gone to Oxford to take his degree rather than pass that examination, knowing that in the one case the knowledge which he would acquire would be useful to him throughout the rest of his life, while in the other it would not. He did not see why a certificate of having attained a certain position at a public school should not be received as a complete qualification for the army. He wished to read one or two opinions that had been given before the Commission. And here he would express his surprise at hearing the hon. and gallant General complain of the style of evidence which had been given before that Commission. He (Colonel Dickson) thought that the officers who had been examined there had given their evidence in the most straightforward way. Surely, the evidence of the Commander-in-Chief was as candid and as unexceptionable as any evidence could be. Earl Grey had expressed strong doubts as to the policy of competitive examinations, and said he did not think that those examinations were proper tests of qualities the most important in a soldier. Sir B. Brodie, in an interesting work, said he feared that the forcing of the youthful mind would prove most injurious in after life, and this was demonstrated in the French service, where diseases of the brain were often the consequence. He was almost afraid to refer to the French army, whose example was always crammed down their throats. But what was the fact? What was the experience of the two systems in the Crimea? He was aware that owing to peculiar circumstances our military system had at first broken down; but when we found out our deficiencies, day by day and week by week the system improved, until we became entirely superior to that of France, which, as we succeeded, decayed in the same proportion; so much so that he believed they could not continue the war any longer, and this country was obliged to conclude a premature peace because France was unable to continue the struggle. That which had carried us through the Crimean war and had gained for us so many of our most glorious victories was the so-much-decried regimental organization—the only portion of our military system which the principle of purchase affected. Now, what was the remedy proposed? It was a remedy of selection. Whatever might be the fate of this Motion that was a principle against which he must utterly protest. It was a system which, if adopted, would ruin the British army. It was a system which no officer could carry out. It was quite impossible for any commanding officer to decide who ought to be promoted and who ought not. The Duke of Cambridge said he should be sorry to see any partial change. A change should be complete or should not take place at all; for a partial change would lead to doubt and insecurity. He thought that if they did away with the purchase system the next day they would have an indirect purchase and sale going on, which would lead to great mischief. It would be impossible for the Commander-in-Chief to make selections without exciting great discontent and heartburnings in the army. Then how was a Commander-in-Chief to act as regarded officers on foreign stations? Even at home there might be two regiments in garrison, the colonel of one of which wished to retire. The major of the other might happen to be a relative. How was the Commander-in-Chief to act in such a case without exciting the suspicion of jobbing? Of course he would put into the hands of the Commander-in-Chief the power of a veto, in order to prevent the promotion of undeserving men. But to suppose that a Commander-in-Chief could act upon the principle of selection was perfectly ridiculous. The great body of the English army was characterized by an *esprit de corps*. If we ever destroyed that feeling we should ruin the efficiency of the whole army. The regiments which had performed the most brilliant actions were noted for their *esprit de corps*. That it was which sustained them at Inkerman, when every individual felt that he was not only fighting for his country but that the whole reputation of his regiment depended upon his efforts. In conclusion he wished to thank the House for the attention with which they had heard him, and to assure them that he was actuated solely by a wish to promote the interests of the service in the observations he had made.

Mr. P. O'BRIEN said, he had no wish to disparage the heroic exploits of the British army, but he thought the invidious references which had been made to the victories it had gained over the French might have been omitted at a time when we were entering into a treaty of commerce and peace with France. He could not believe the assertion which had so often been made, that the purchase system was absolutely necessary to the efficiency of our army, seeing that no such system existed in France and other countries, which, nevertheless, possessed excellent armies. Military men, however, were so bound up by their own transactions that they could not express an unbiassed opinion on the subject. He complained that, with the view of conferring some advantage upon certain places of education in England, admission to the Artillery and Engineers, which he had always regarded as scientific corps, were now regulated by the classical acquirements of candidates rather than by their knowledge of the theory of projectiles. He was no enemy of classical learning, but it seemed that in future the man who could repeat *arma virumque cano* with the best grace, was to be preferred to the candidate who was the most deeply versed in mathematics and mechanics. That was a matter which demanded, and he hoped would receive, some explanation.

Sir FREDERICK SMITH said, it was with great pain that he differed from the hon. and gallant Member for Westminster upon any subject, but especially upon one that so closely concerned the army. They were both old soldiers, though belonging to different branches of the service, and he could truly say that he had watched the career of the hon. and gallant Gentleman with great admiration. The question he had mooted went to the very root of the British army, and he felt sure that in the hands of the right hon. Gentleman the Secretary for War it would receive the attention which it deserved. He regretted that, in consequence of the low tone in which his hon. and gallant Friend had addressed the House, he had been unable to gather the purport of many of his observations; but he did not think, so far as he had heard him, that the hon. and gallant General had proved the existence of an abuse of any kind. The object of the Motion was to abolish promotion by purchase, and to substitute promotion by selection combined with seniority. He confessed he could not see how selection was to be combined with seniority. Promotion must be either by purchase, or seniority, or selection. As a member of the scientific branch of the service, he knew that promotion by seniority gave to the State men of advanced life when it wanted young active officers, and he believed that if the purchase system were introduced into the Ordnance, it would produce men equal in talent and superior in physical power. With respect to selection, the Duke of Cambridge, Earl Grey, and Lord Panmure—all high authorities—were of opinion that it would be utterly impossible to carry on promotion in the British army upon that principle. Take the case of selection in a regiment. Suppose a captaincy was vacant, and there were ten lieutenants. What was to be the test of fitness? In time of peace a man might possess latent qualities for war which the Secretary of State, or the Commander-in-Chief, or whoever had the appointment, could not discover. Who, then, was to be selected — the man of science or the man of drill? If neither science nor drill were to be the test what was it to be? Well, then, say the fourth or fifth on the list should be selected for promotion. What in that case would be the heartburnings and discontent of the first, second, and third, who were passed over? Instead of having a harmonious regiment, we should have one in which discord prevailed, and the mess would be a hell upon earth. He should regret, therefore, to see the system of selection introduced into regiments. But give the principle a wider range and suppose the power of selection to extend over the whole army. A captaincy might be vacant in a regiment stationed at home. The general commanding in Canada recommended Mr. A, belonging to the 10th Regiment. Mr. B, of the 20th, was highly spoken of by his senior officer in India; and a report came from Gibraltar in favour of Mr. C, a deserving officer of the 50th. Who was to decide as to the respective merits of these candidates for promotion? He believed that unless the men were brought together and tested in a variety of ways no Secretary for War or Commander-in-Chief could give fair play. But the hon. and gallant Member for Westminster was for seniority combined with selection; the latter based upon war services of merit, length of colonial and home service, and professional fitness. How was professional fitness to be tested in time of peace, and who was to say how many marks were to be given to war services, how many to colonial, and how many to home service? The hon. and gallant General was mixing up things which had no natural connection, and he might as well try to add pounds, shillings, and pence to pounds avoirdupois. He had heard that the late Sir William Reed, when a lieutenant of Engineers, was senior officer of Crawford's division in the Peninsula, and had under him a lieutenant of the line as an assistant engineer. By the recommendation of Lieutenant Reed, before the campaign was over his assistant becamelieutenant colonel, while Sir W. Reed came home still a lieutenant. That was an instance of the disadvantage of promotion by seniority, and the benefit of a system of merit and purchase. He hoped that Her Majesty would never be advised to adopt the Resolution of the hon. and gallant Member for Westminster. What he would say was, "leave things as they are." They were producing and had produced for the country the finest troops in the world, and if our regiments were good, surely the staff could not be bad. He believed that with practice and with such opportunities as the Government were now giving to staff officers, we should not only have the finest regiments but the best staff officers in existence. The Government were going in the right direction, and he hoped they would persevere and continue to encourage officers who were doing their duty. With the expression of these sentiments he was qnite satisfied to leave the matter in the hands of his right hon. Friend the Secretary for War.

Captain JERVIS wished, as a member of a non purchasing corps (the Royal Artillery), to say a few words. The intention of the hon. and gallant Member (Sir De L. Evans) appeared to be to open the army to the middle classes more than at present. It was, however, first necessary to ascertain whether the country was inclined to pay the cost necessary for that experiment or not. The purchase system, which had existed in this country for 200 years, had been so controlled during the last forty or fifty years that it had relieved the country of a great burden in pensions, and the Duke of Wellington had borne his high testimony to its value as a means of bringing young, active, healthy, energetic, and better qualified men into the army, at the same time that it threw none for a provision upon the funds of the State. But it would be impossible, without a great deal of inquiry, to state the amount of the dead-weight of pensions under the proposed system sf abolition of purchase. For himself, he should not object to open the upper ranks of the army to the whole body of the people, as he believed that the more closely the people were connected with the army the more attached did they become to the institutions of the country. But when a person in the middle classes put his son to a profession, after giving him a solid education and starting him in life, he expected that the young man would maintain himself by his own exertions. How far would the pay to officers in the British army go to realize that expectation? He would not take the case of the cavalry, or other expensive branches of the service, but instance that of the infantry, and ask whether a man could subsist upon it or not? The pay of an ensign was £95 14*s.* a year. or 5*s.* 4*d.* a day. In the Artillery it was a little more than £100, but, as that brought the officer under the income tax, his pay was a little less than that of the officer of the Line. The average duration of service as an ensign was three years. He then became a lieutenant, in which rank he remained, on an average, from seven to eight years, when his pay was £118 2*s.* 6*d.*, without deducting income tax. There were few who attained the rank of captain before the age of 35 or 36, when the pay was £211. The next step was that of a field officer, when his pay would increase to £292. At 45 a man might become a lietenant colonel at £310 a year. Now, would a man with any affection for his son place him in a profession where at 45 he would be in the receipt of no more than £310 per annum, with all the expenses attending his position? If the hon. and gallant General really meant to do away with the system of purchase, he must be prepared to increase the pay of the army to such an extent would induce persons of the middle class to put their sons into it. Any man, of whatever profession he might be, ought to be able to support himself upon his pay without running into debt. The very principle of a profession was that it should produce sufficient to live upon. He had served in many parts of the world, and could state that England was of all countries that in which an officer lived at the least expense. At home he was nobody—

a mere subaltern; but abroad he was the representative of the English people; he incurred mess expenses in entertaining fleets, &c., and he could not do this on his pay. Often on colonial stations had he expended £17 a month in mess expenses in entertaining persons of whom he knew nothing, when his pay for the same period was not more than £7 or £8. Compare with this the salaries paid to the civil servants of the Crown, who were not overpaid. The third-class clerks were paid from £100 to £300; the second-class, from £350 to £500; the first-class, from £500 to £800. So that entering a public office at 18 or 20 years of age upon £100, a clerk might reasonably hope, with intelligence and assiduity, to be in the receipt of from £600 to £800 at an age when in the army he would be receiving £310 per annum. Considerable expense was also incurred by officers in moving about from one station and one garrison to another. If an officer was foolish enough to get married upon his pay, he was doomed to sell out, and must go to the diggings. The late Lieutenant General, Sir C. Napier, was a lieutenant colonel, certainly a field-officer, at Corunna. He afterwards went to America. He made a name in Cephalonia, and afterwards in Bermuda. He was appointed to the command of the northern district in England during the Chartist riots, and at 60 he was offered as a reward for his long and distinguished services, the command of the Bombay army. Did Sir C. Napier, with these advantages, accumulate large means? On the contrary, when he arrived in India he looked back with desperation to the fact that if he had died on the voyage he could not have left his girls a single farthing, for he had expended all he had on the journey. Sir Charles had landed in India, after paying the passage of himself and family, with only £2 in his pocket. Without entering into particulars, he might state that the purchase system was no bar to the mercantile class going into the army; but as a general rule they carefully abstained from doing so, because it did not pay; and unless the House were prepared for a large pension list and increased pay, the resolution of the gallant General would mean nothing at all. With regard to promotion by seniority, the hon. and gallant Member for Berks (Captain L. Vernon) told the House he had been for twenty-four years a subaltern in the Engineers. The term of service had been shorter of late years, but the reason why promotion was better now was that in the coure of twelve years the Artillery had been exactly doubled. When he entered the service there were eight battalions; this year there were sixteen. He had, therefore, received the promotion due to twenty years' additional service. But you could not go on doubling this force. A return had been moved for by the right hon. Gentleman (Mr. Monsell) which showed that out of sixty general officers on the staff there were only two Artillery officers and one Engineer, the reason being that they were too old to serve on the staff. As far as opening the army to the middle classes was concerned, the question was one of money. Unless the hon. and gallant General was prepared to amend his Motion in this sense he must vote against him.

COLONEL LINDSAY said, he wished to explain to the House what a gallant officer examined before the Commission in 1857 said with respect to himself. That gallant officer, Captain Macpherson, stated in his evidence that he had been purchased over no less than eighteen times, and yet, when asked by the Chairman of the Commission what his opinion was of the purchasing system, he replied that he thought it highly beneficial to the service by accelerating promotion to officers who did not purchase as well as to those who purchased. The gallant officer added, that though he had been passed over eighteen times, and though it took him eighteen years to get his company, he considered that he should have had many years longer to wait for it if there had been no system of purchase. The officers examined before that Commission seemed to be pretty nearly divided in opinion, and the balance was turned over in favour of the purchase system very much by the civilians who gave evidence. He was willing to admit that if it could be fully proved that the system of purchase was vicious in principle, inefficient for the army, and inconsistent with the public benefit, it would be the duty of the House to make good to the officers who had sunk their money in commissions the amount so expended; but he did not think that the House would be called on for that sum, because he believed the system to be good, both as regarded the army and the public, and he had heard nothing that night to alter his views. The hon. Member for Richmond (Mr. Rich) had asserted that the system of purchase had not produced any greater rapidity of promotion than the system of seniority in the Ordnance, but and home service, and professional fitness. How was professional fitness to be tested in time of peace, and who was to say how many marks were to be given to war services, how many to colonial, and how many to home service? The hon. and gallant General was mixing up things which had no natural connection, and he might as well try to add pounds, shillings, and pence to pounds avoirdupois. He had heard that the late Sir William Reed, when a lieutenant of Engineers, was senior officer of Crawford's division in the Peninsula, and had under him a lieutenant of the line as an assistant engineer. By the recommendation of Lieutenant Reed, before the campaign was over his assistant became lieutenant colonel, while Sir W. Reed came home still a lieutenant. That was an instance of the disadvantage of promotion by seniority, and the benefit of a system of merit and purchase. He hoped that Her Majesty would never be advised to adopt the Resolution of the hon. and gallant Member for Westminster. What he would say was, "leave things as they are." They were producing and had produced for the country the finest troops in the world, and if our regiments were good, surely the staff could not be bad. He believed that with practice and with such opportunities as the Government were now giving to staff officers, we should not only have the finest regiments but the best staff officers in existence. The Government were going in the right direction, and he hoped they would persevere and continue to encourage officers who were doing their duty. With the expression of these sentiments he was qnite satisfied to leave the matter in the hands of his right hon. Friend the Secretary for War.

Captain JERVIS wished, as a member of a non purchasing corps (the Royal Artillery), to say a few words. The intention of the hon. and gallant Member (Sir De L. Evans) appeared to be to open the army to the middle classes more than at present. It was, however, first necessary to ascertain whether the country was inclined to pay the cost necessary for that experiment or not. The purchase system, which had existed in this country for 200 years, had been so controlled during the last forty or fifty years that it had relieved the country of a great burden in pensions, and the Duke of Wellington had borne his high testimony to its value as a means of bringing young, active, healthy, energetic, and better qualified men into the army, at the same time that it threw none for a provision upon the funds of the State. But it would be impossible, without a great deal of inquiry, to state the amount of the dead-weight of pensions under the proposed system sf abolition of purchase. For himself, he should not object to open the upper ranks of the army to the whole body of the people, as he believed that the more closely the people were connected with the army the more attached did they become to the institutions of the country. But when a person in the middle classes put his son to a profession, after giving him a solid education and starting him in life, he expected that the young man would maintain himself by his own exertions. How far would the pay to officers in the British army go to realize that expectation? He would not take the case of the cavalry, or other expensive branches of the service, but instance that of the infantry, and ask whether a man could subsist upon it or not? The pay of an ensign was £95 14*s*. a year. or 5*s*. 4*d*. a day. In the Artillery it was a little more than £100, but, as that brought the officer under the income tax, his pay was a little less than that of the officer of the Line. The average duration of service as an ensign was three years. He then became a lieutenant, in which rank he remained, on an average, from seven to eight years, when his pay was £118 2*s*. 6*d*., without deducting income tax. There were few who attained the rank of captain before the age of 35 or 36, when the pay was £211. The next step was that of a field officer, when his pay would increase to £292. At 45 a man might become a lietenant colonel at £310 a year. Now, would a man with any affection for his son place him in a profession where at 45 he would be in the receipt of no more than £310 per annum, with all the expenses attending his position? If the hon. and gallant General really meant to do away with the system of purchase, he must be prepared to increase the pay of the army to such an extent would induce persons of the middle class to put their sons into it. Any man, of whatever profession he might be, ought to be able to support himself upon his pay without running into debt. The very principle of a profession was that it should produce sufficient to live upon. He had served in many parts of the world, and could state that England was of all countries that in which an officer lived at the least expense. At home he was nobody—

a mere subaltern; but abroad he was the representative of the English people; he incurred mess expenses in entertaining fleets, &c., and he could not do this on his pay. Often on colonial stations had he expended £17 a month in mess expenses in entertaining persons of whom he knew nothing, when his pay for the same period was not more than £7 or £8. Compare with this the salaries paid to the civil servants of the Crown, who were not overpaid. The third-class clerks were paid from £100 to £300; the second-class, from £350 to £500; the first-class, from £500 to £800. So that entering a public office at 18 or 20 years of age upon £100, a clerk might reasonably hope, with intelligence and assiduity, to be in the receipt of from £600 to £800 at an age when in the army he would be receiving £310 per annum. Considerable expense was also incurred by officers in moving about from one station and one garrison to another. If an officer was foolish enough to get married upon his pay, he was doomed to sell out, and must go to the diggings. The late Lieutenant General, Sir C. Napier, was a lieutenant colonel, certainly a field-officer, at Corunna. He afterwards went to America. He made a name in Cephalonia, and afterwards in Bermuda. He was appointed to the command of the northern district in England during the Chartist riots, and at 60 he was offered as a reward for his long and distinguished services, the command of the Bombay army. Did Sir C. Napier, with these advantages, accumulate large means? On the contrary, when he arrived in India he looked back with desperation to the fact that if he had died on the voyage he could not have left his girls a single farthing, for he had expended all he had on the journey. Sir Charles had landed in India, after paying the passage of himself and family, with only £2 in his pocket. Without entering into particulars, he might state that the purchase system was no bar to the mercantile class going into the army; but as a general rule they carefully abstained from doing so, because it did not pay; and unless the House were prepared for a large pension list and increased pay, the resolution of the gallant General would mean nothing at all. With regard to promotion by seniority, the hon. and gallant Member for Berks (Captain L. Vernon) told the House he had been for twenty-four years a subaltern in the Engineers. The term of service had been shorter of late years, but the reason why promotion was better now was that in the coure of twelve years the Artillery had been exactly doubled. When he entered the service there were eight battalions; this year there were sixteen. He had, therefore, received the promotion due to twenty years' additional service. But you could not go on doubling this force. A return had been moved for by the right hon. Gentleman (Mr. Monsell) which showed that out of sixty general officers on the staff there were only two Artillery officers and one Engineer, the reason being that they were too old to serve on the staff. As far as opening the army to the middle classes was concerned, the question was one of money. Unless the hon. and gallant General was prepared to amend his Motion in this sense he must vote against him.

COLONEL LINDSAY said, he wished to explain to the House what a gallant officer examined before the Commission in 1857 said with respect to himself. That gallant officer, Captain Macpherson, stated in his evidence that he had been purchased over no less than eighteen times, and yet, when asked by the Chairman of the Commission what his opinion was of the purchasing system, he replied that he thought it highly beneficial to the service by accelerating promotion to officers who did not purchase as well as to those who purchased. The gallant officer added, that though he had been passed over eighteen times, and though it took him eighteen years to get his company, he considered that he should have had many years longer to wait for it if there had been no system of purchase. The officers examined before that Commission seemed to be pretty nearly divided in opinion, and the balance was turned over in favour of the purchase system very much by the civilians who gave evidence. He was willing to admit that if it could be fully proved that the system of purchase was vicious in principle, inefficient for the army, and inconsistent with the public benefit, it would be the duty of the House to make good to the officers who had sunk their money in commissions the amount so expended; but he did not think that the House would be called on for that sum, because he believed the system to be good, both as regarded the army and the public, and he had heard nothing that night to alter his views. The hon. Member for Richmond (Mr. Rich) had asserted that the system of purchase had not produced any greater rapidity of promotion than the system of seniority in the Ordnance, but such was not the case, for he was in possession of a return for a series of years before the Crimean war, showing the periods of service after which officers attained the rank of lieutenant colonel; and the return proved that, although the system of purchase was the system of the army, a system of non-purchase also existed to a considerable extent. In 21½ years—and he took the period before the Crimean war, that its influence might not be taken into the calculation—from 1833 to June, 1854, 428 officers arrived at the rank of lieutenant colonel, and these officers averaged about 25 years' service before attaining that position. Those who rose by purchase were 22 years and eight months attaining that rank, and those who did not purchase were 27 years and nine months. Now that was sufficient to show that the system of purchase was useful to give youth and vigour to the ranks of the army. If they abolished this system, they must come to compulsory retirement; and in France the allowances on compulsory retirement were, for a lieutenant general £300 to £350, for a lieutenant colonel £120, and for a captain from £90 to £120; the retirement taking place with a lieutenant general at sixty-five, with a lieutenant colonel at sixty-two, and with a captain at fifty-three, and a lieutenant at fifty-two years of age. It would be absurd to think of having lieutenants of that age in the British army, considering all the duties they had to perform, and all the different parts of the world they were sent to. He asserted that the country would not have lieutenants and captains of proper age, and youth, and vigour, in the several ranks of the army if the system of purchase were abolished. Again, the total number of officers on full pay of the army was 8,167, and the amount of retired full pay was £56,714. On the other hand, the number of officers in the Royal Artillery was 1,072, and the amount of retired full pay for that corps was £32,232, being only about £24,000 less than the other. The retiring pay would, therefore, be enormous if they desired to have that exodus out of the various ranks of the army which would maintain the present amount of promotion. Moreover, the system of purchase was compatible with every principle of examination. Examinations of a military character were regularly made under the authority of general officers, and controlled and watched by the Commander-in-Chief, who was extremely desirous that they should be effectively carried out. These examinations could be as effectively conducted for the benefit of the service and the good of the country as well with the purchase system as without it. They were all agreed that merit should be rewarded; and in the higher ranks of the army it was done whenever the opportunity presented itself. Lieutenant colonels were promoted to the rank of generals in consequence of merit; but what constituted merit it was difficult to arrive at in peace time. He had conversed with general officers on the subject, and always found that they considered it exceedingly difficult to ascertain degrees of merit. Men's capacities varied. Some men might be able tacticians, but they were not found out till they were engaged on active service. Others had talents of a different kind; but there was no means of deciding the superiority of one over another till they were taken into the field. It might seem a curious argument, but there was to some extent a control which upheld the discipline of the service, in the system of purchase. There was a species of control in the knowledge that they had embarked capital in the service; that that capital was their own, and that at any time they could get it back again. He prayed the House to reject the Motion, for he believed the system of purchase had been found most efficient in the army. Imputations were cast upon the regimental system, but the regimental system had never failed. It was not the regimental system in the Crimea that failed. It had ever stood the test of peace and the test of war, and he believed it was equally for the benefit of the army and for the public good.

Colonel P. HERBERT said, holding in very high respect the gallant General who had brought this Motion forward, he regretted to find himself compelled to oppose him on a military question. But as that question excited considerable attention in large constituencies, where perhaps it was but imperfectly understood, he could the better rely on the military opinions of the gallant General the further he was removed from Westminster. He had understood the gallant General to say that in the Crimea the horses of the Artillery suffered in much greater proportion than the horses of the Cavalry, and to attribute that in some way to the system of purchase in the one case and the absence of it in the other. [Sir De L. Evans intimated that he said quite the reverse.] So far as his

(Colonel Herbert's) experience went, he thought the Artillery branch of the service lost just as many horses there from starvation and suffering as the Cavalry did; and in proof of that he might cite the case of the two batteries attached to the division under the command of the gallant General, which, from having far on to 300 horses at the beginning of the war, had only 40 or 50 between them at the end of the first six months. He hoped the House would not be carried away by statements of opinion of the officers of foreign armies in reference to this question. He had had repeated opportunities of conversing with foreign officers on this subject, and he almost uniformly found them under the misapprehension that the system of purchase, as it existed in our service, was one under which a rich man was able to buy commissions at his will, over the head of any officer who did not happen to be so rich as he, and that, in fact, commissions were put up to the highest bidder. He had also found that when the system was explained to them as a system of seniority, provided that an officer was able to provide a certain sum of money, the foreign officers had allowed its advantages. He did not oppose this Motion from any consideration of the manner in which the system of purchase affected individuals. He rested his defence of that system on the broad public ground of its tending to promote the efficiency of the service as well as public economy. No one would deny that in general it was desirable that officers of all grades should be in the vigour of life, and that not only senior officers should gain their rank while still in the prime of life, but that officers in the lower grades should attain their rank young. Again, the House must recollect that officers retiring from the service after 10, 20, and sometimes 30 years' connection with it do not cost the country a single penny for pensions. He asked the House to consider the cost of retirement which would be requisite to keep up the necessary stream of promotion. In the service of the East India Company the retirement on full pay as a captain was allowed after 18 years' service, and as a major after 22 years; and yet there promotion in every case—at least it was so before the Mutiny—was lamentably slow amongst all ranks of officers. But did any one wish to reduce the promotion in the Queen's service to the same level? He would also remind the House that in the East India Company's service there was a system of purchase. That was a remarkably oppressive system, and many a young officer had been forced into debt by a system which was not virtually optional, as in our service. Again what was the case of the Artillery and Engineers? Between 1830 and 1840 there had been instances of subalterns promoted to the rank of captain after 20 and 22 years' service, and of captains promoted to the rank of lieutenant colonel after 20 and even 29 years as captain alone. It might be said that things were better now, but if so, that was entirely owing to the large additions that had been made of late years to the Artillery. At present the full pay retirement in our service amounted in the infantry and cavalry to £60,000, and in the Artillery and Engineers to £48,000. The number of officers in the Artillery and Engineers was 1,465, and in the infantry and cavalry upwards of 8,000, making the proportion as 1 to 5½. The present rate of retirement in the Artillery and Engineers, to keep up the stream of promotion, would be manifestly insufficient when the augmentations ceased; and in the infantry and cavalry we should have to increase the full pay on retirement from £60,000 to £264,000, which would make a differenee of £204,000. Certainly, the feelings of poor and meritorious officers ought to be much respected. He thought they were very often respected, and that great consideration was shown at the Horse Guards to officers who from want of means had been unfortunate in promotion, and although when they had entered the service they knew the system under which they were to serve. The question of military education was so irrelevant, that he did not think it necessary to say anything about that. Allusion had been made to the French army. What was the system of promotion carried on there? It was one partly of selection and partly of seniority. But he was not aware that the French Army was without heartburnings, and he had heard many accounts of duels that had taken place in the French army among the officers on account of promotions that had taken place. There was one very important point which should be borne in mind, and that was, that in France when people had complaints to make about promotions there was no House of Commons to discuss those complaints, and there was no free press which could take up their gievances, or in which some correspondent, signing himself "Justitia," could advocate the claims of an officer who might happen perhaps to be his own brother. A gallant officer, a friend of his, a man of high military rank and of still higher military reputation, had summed up in these terse and graphic words the opinion of British officers on a system of promotion by selection :—" Every officer of the army is ready to recognize the principle of selection, provided he is himself the person selected." He, however, defended the present system upon higher grounds than mere personal advantages, believing that it tended to the efficiency of the public service and economy in the public purse.

Mr. SIDNEY HERBERT: Sir, the subject which the House is called upon to consider is one of the most difficult and complicated that can be submitted to it. In the first place, it is well that we should be certain that we are using clear and definite terms and describing as we intend to do the subject we are discussing. I agree, as an abstract proposition, with the opinion advanced by the gallant Officer who moved the Amendment, that seniority by itself is a bad method of promotion ; but when you use that expression it seems to imply that seniority promotion was something unknown to our present system. The fact is, as has been stated in debate, we have several distinct corps, which may be said to be governed upon different principles in respect to promotion. We have the Infantry and Cavalry of the Line and the Household Troops, the two scientific corps, and the Indian army. These are all seniority corps, with this distinction between them, that in the Queen's service and in the Indian army there is a seniority system accelerated by purchase, and in the scientific corps in the Queen's army it is seniority pure. The man who stands first for a death vacancy in the Line gets it, or, if he does not take it, the man who stands first for purchase, having the money, gets it, and so on. Having said so much, I must add that there is no subject which has been so overlaid on both sides with arguments that are not tenable, and by statements which are gross exaggerations, as this question of purchase. I must also say that the gallant General (Sir De L. Evans) in my opinion, made some very extravagant assertions respecting that system. The gallant Gentleman opposite (Colonel Herbert) has truly said that the argument of the gallant General leads to this, that the greater loss of Cavalry horses in the Crimea was attributable to the purchase system, while the greater

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vitality of the Artillery horses was traceable to the absence of that system. On the other hand, the supporters of the present system declare that the whole spirit and value of the army depends upon what is certainly an artificial system after all. They have passed upon it the most extravagant encomiums, amongst other things attributing to it the victory of Waterloo. Again, the gallant General argued that purchase was not only incompatible with education, but that money and education are positively antagonistic. That is a great social and moral discovery, in the truth of which, however, I do not believe, but, on the contrary, I am of opinion that it is so ordained by Providence that you may truly say poverty and ignorance go together, because education costs money, and is therefore more within the reach of those who have money. There is nothing more erroneous than the notion, into which those who advocate the abolition of the purchase system have fallen, that the non-purchasing officer is necessarily a hard-working, meritorious man, devoted to his profession, while the man who purchases is therefore to be regarded as a man not devoted to his profession or deserving of his promotion. That is an unfounded assertion, and any argument based on it is therefore fallacious. There is another argument which on both sides is extremely doubtful. I have heard most sanguine expectations held out by the advocates of entire abolition of purchase that a change of system would procure for us a different class of officers, and would bring into the ranks the sterling ambitious characters of the middle class who would give immense force and strength to the army. It is said, on the other hand, that if you abolished purchase, you would lose the means of officering your army with gentlemen, and I am one of those old-fashioned persons who believe that gentlemen officers are a great advantage. In this country, which is not a military nation, and which possesses but little of the spirit of military subordination, I am not ready to give up anything which tends to secure to our officers a ready and willing obedience. But I believe that both those assumptions are incorrect. If purchase were abolished tomorrow, I do not think you would find the slightest difference perceptible in the class of men who would come forward to officer regiments. It is said, and truly, that the army is an ill-paid profession ; but it carries with it honour, and station, and reputation. The very fact of its being an ill-paid profession will cause its officers to consist in a great degree of men who have something else besides. But then, if you think the abolition of purchase will deprive the army of that class of gentlemen and all the professional and middle classes comprised within that term, I ask why should the army be worse off than the navy, where no purchase exists, and whose officers I am sure the army will admit will compare in any way with military officers? Then it is said by some that the Queen's army is completely and especially aristocratic, and that the Indian army, on the other hand, is a purely middle class army. But what is the English army but a middle class army? The presence of a few sons of noblemen does not alter the character of the great bulk of the officers who are drawn from the middle, by which I mean the professional, classes. Having premised so much upon the general subject, I will pass to another point. I was a Member of the Duke of Somerset's Commission. The Report of the Commission was drawn up with great ability, and gave a true and impartial account of the advantages and disadvantages of the system of promotion by purchase. The greatest stickler, either for or against purchase, would admit that the case on either hand is fairly put. When I came into office, among the various topics which presented themselves to my attention was the effect which the purchase system had upon the army and on the public service. I do not know why the gallant General says I inveighed against purchase, but certainly I have listened to and adopted, and am ready to act upon, any scheme by which I can see a way to get rid of the abuses and scandals that overlay the practice of purchase. I find, looking at purchase fairly, and admitting that it quickens promotion, that to a great degree it is valuable. Some one has said that purchase does not procure physical vigour and is incompatible with intellectual vigour. I do not admit that. It is true that as President of the Commission of 1854, I found that purchase alone would not insure vigour among officers, and that it was necessary to supplement it by additional measures of retirement; but with those supplemental measures it is quite possible and easy to keep the army on a safe and healthy footing as regards age. My gallant Friend (Sir De L. Evans) quarrels with me for what I did, and read extracts from my letters, and if I was at all thankful for his inaudible tones, it was when he quoted from my letters. The case is this:—I found when I entered office that an old controversy existed between the War-office and the Treasury respecting the cause of the difficulty in filling up the cornetcies in cavalry regiments. The matter was a very serious one. There were more than sixty vacancies for cornets, a number equivalent to all the cornetcies in seven regiments, which could not be filled up. It had been said that this was entirely owing to your making men pay subscriptions to the band and to the deductions made from their forage allowance. I asked what was the cost of the outfit of a cavalry officer. Several estimates were given me, none of which were under £1,500, and some reached £2,000. Now, will a charge of 1*s.* 5*d.* a day for those objects drive away from the cavalry men who are willing to pay £2,000 to begin with, and who afterwards pay large sums for their steps—as high as £17,000, I believe, for a Lieutenant Colonelcy? It was absurd to suppose that such a small amount would deter men from entering this branch of the service. Then I had to find some other cause, and I think the true cause has been correctly stated by the hon. and gallant Member for Limerick (Colonel Dickson). He said that the difficulty was not occasioned by the price of the cavalry commissions, the cost of the forage, the subscriptions to the band, nor even the expenses of messing. The chief expenses of a cavalry regiment, he added, lie outside the barrack-yard—that is to say, in the expensive amusements of wealthy men. Now, of all the recipes you can supply for repressing these none are so inefficacious as attempts by authority to impose sumptuary laws. Why, the very fact of attempting it would drive the officers into further expenses. There is another way of accomplishing your object. What is it that gives a tone to a regiment? There is a passage in Carlyle's *Life of Stirling* which I recollect made a profound impression on me. It is that where, talking of the English public schools, he says, the schoolmasters are always exclaiming, "See how we administer these schools; what men we produce; what a tone there is!" This is all nonsense, says Mr. Carlyle; it is not the masters but the boys who produce this tone—who produce it, moreover, not in obedience to the masters, but half the time in spite of them. It is through the boys that the spirit of combination, of resistance, and of honour which prevails in our public

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schools is maintained. and Mr. Carlyle laughs to scorn the claims of pedagogues to be considered the creators of this English tone and feeling. So it is in our army. It is the officers themselves who give the tone to a regiment. The best plan is to try and introduce fresh elements of a sounder public opinion into these regiments—to bring in men who cannot afford to lead this kind of life—to set their public opinion against that of the wealthy and extravagant; and as soon as there are enough of those who have not the means of indulging in these expenses you will restore a healthy tone to these regiments. I am sorry that the gallant Officer objected to my course in this particular, when he ought, on the contrary, to have approved of it as a step in his own direction. I had to deal with the price of the commission. He says I aggravated the evil. On the contrary, I diminished it by one-third, and two more moves of the same nature would produce a total abolition. He says the plan will fail. Now, I do not like to prophesy, but I think I shall prove right when I say that it will succeed, I know that already the applications to the Horse Guards for cornetcies have increased; and I myself have had letters from friends who have sons in the army, and who say, "We have kept our sons in the infantry because we could not afford the price of the cavalry commissions; but we had now much rather that they were in the cavalry." The feeling is that the reduction in the price of commissions will diminish the extravagance, which two things together have always hitherto made an inconvenient hole in the parental pocket. The Duke of Somerset's Commission took evidence upon these points at great length and from very able men. It is unnecessary for me to attempt to decry the character of the officers who were examined on either side. They were all excellent men, and there was a variety of opinion. Some spoke in favour of purchase without the slightest qualification whatever. Some, again, only deprecated the abuses of the purchase system, and thought that efforts ought to be made to check them. Well, what are the abuses which mark the purchase system? At the outset, I would say that nothing is more true than that both in England and abroad the system is very much misunderstood. A French newspaper, giving a *resumé* of the life of Lord Raglan, said that such was his enthusiasm for the profession of a soldier that, though the son of a Duke, he scorned to enter the army by purchasing a colonelcy, but came in as a simple ensign. That is very much the measure of the foreign view of the purchase system. In England I know it is commonly thought that when a rich man goes into a regiment he can get what rank he chooses by holding up his finger; he is certainly obliged to follow in the natural order of the military hierarchy, but though he cannot pass over ranks, he can pass over men's heads as he likes. That is not the case, and in the lower ranks it may happen that a poor man may gain by the system. Suppose, for instance, that a man has risen from the ranks, and that, as somebody expresses it, all the officers superior to him in his grade "get out of his way" by purchase. He finds himself thus at the top of his rank; the first time a death vacancy occurs he is there ready for it to fall into his mouth; and after having served for a certain number of years he may retire with a small fortune gained in the service by these means. No doubt, this purchase system is indefensible in theory, but in practice it is extremely useful, and I think you should pause for a proper substitute before adopting any sweeping measure of abolition. Where is it that the great scandals of purchase arise? Not in the lower ranks of the service. The great prices are given in the superior grades by very wealthy men who want a position which gives them power, responsibility and reputation. It is this which leads to these high prices at which public feeling is justly shocked. We hear, too, of exchanges made for the purpose of trafficking in this way, and sometimes a regiment is thus deprived of its step. A striking case has been mentioned by Lord West, and is to be found in the blue-book. An officer in a certain regiment wished to sell, but his juniors were poor; he had no prospect of getting a high price for his step, and he therefore exchanged with a lieutenant colonel into another regiment, where there was a rich man who was ready to pay any price for promotion, and his own regiment therefore lost the advantage of the step. Such cases are always attributed to the Duke of Cambridge and the Horse Guards, and it may not be unnatural to suppose that the officer who is at the head of the whole system has it in his power to stop such an abuse; but the Duke of Cambridge does not know, and cannot know, of such an intention. How is he to trace the motives for the different exchanges which come before him? A few months after they are effected he may find out that he has authorized an exchange for unfair purposes, but he is perfectly powerless to apply a remedy. The system of exchange is much complained of, and sometimes with justice; but in all professions, and especially in so severe a one as our army, it is often a great advantage to enable men who have served perfectly well in other parts to avoid serving in India, or in climates which they are, perhaps, unable to endure. I do not see much inconvenience or evil in such a system. The Duke of Somerset's Commission recommended that, in order to check the great prices which are given in the upper ranks of the army, purchase should be confined to the rank of major and the grades below it. The importance of a lieutenant colonelcy was so great, it was argued, that succession to it should not be allowed by seniority—that is, by seniority either with or without purchase. The Commission objected very much to the system of seniority. So do I. I have always been opposed to it. I was responsible for the introduction of a system which I freely admit has been much complained of in the army, but which I am sure has added very much to its efficiency, by which officers selected from among the colonels, are made either brigadiers or temporary major generals, and ultimately attain the rank of major general. That, therefore, is not promotion by seniority, but by selection. Of course, these changes are very disagreeable to a body like the army. Of course men who are not selected feel great disappointment and discontent. But, after all, the public service is the first thing to be considered. You may regret to wound the feelings of officers; but you must keep in view something higher and more important still—namely, the efficiency of the army of which they are individual members, and certainly the army has very much benefited by the change. The Duke of Cambridge in this respect is very much opposed to the system of selection, as casting upon the person who has to select a burden which in this country it is almost impossible for him to bear. He says that the duties of the commander of a regiment are of the most important kind. But if you contrast the seniority system with the system of selection, you find the former open to the gravest objection; because under it, with your eyes open, seeing the incapacity of an officer, you are forced deliberately to put him into an office of responsibility and trust. As to the effect of this system what is said by General Simpson? He is a most excellent officer, has had great experience in inspecting troops, and has been in command of a district; in reply to Sir H. Jones he stated that he had known several officers who were not equal to the command of the regiments which they held. He was unable to say what proportion had obtained their commissions by purchase, but the effect was the same where the promotions had been by seniority. He was asked if this could not be remedied by a system of selection, and he replied that it could, but to pass over a man would be a very serious and difficult matter. Some gallant Members appear to think it would be very easy for the Commander-in-Chief to exercise a veto in any case where the officer succeeded by seniority is deemed unfit for the post. [Mr. ELLICE: Hear, hear!] The right hon. Gentleman cheers; there are two ways in which this veto may be exercised, and I shall be glad to learn which method he considers least invidious. Either you must tell a man, "You are a good officer, I have no fault to find with you, but there is another still more able and with higher professional qualifications whom I must prefer;" or you must say, "You are utterly unfit and incompetent for the situation, and I therefore must appoint another man over your head." [Mr. ELLICE: Not so invidious as to allow juniors to purchase over old officers.] At all events it is so invidious that General Simpson said that in the course of his life he knew only two instances in which it was done. The Commander-in-Chief expressed his willingness, if supported by public opinion, to exercise the power which he possessed, but he found the thing was in itself so invidious as to render it impossible to do so. General Scarlett gave his opinion that selection in the upper ranks would operate as a check on those enormous sums which are given for commissions over and above the regulation price. You come then to this point, you have officers in command of regiments who having arrived at them by seniority are not equal to the commands they hold; you have the opinion of General Scarlett that selection in the higher ranks would remedy that evil; but you have also the practice and evidence of the authorities to show that it is impossible, as being too invidious, to pass over a man because he is incompetent when there are no fixed principles on which selection is to be made. We, who signed this Report in 1854, conceived that if a stop were put to the purchase of the rank of lieutenant colonel, by which an indefeasible right is acquired to the successive steps of major general and lieutenant general, with the command of a regiment, and all the perquisites and emoluments attaching to that important position, the same inducement would no longer exist to give extravagant prices in the junior ranks of the service. There have been very important changes in the system of promotion during the last six years; formerly every officer rose to be a captain, and then obtained a brevet, becoming, in course of time, lieutenant colonel, major general and so on; he might never have served a day in command of a regiment, or acquired any experience of that character, but he was eligible for command, and could retire on half-pay. It is impossible to imagine any worse system than this; not only was he promoted, though he had no service, but he had better chances than a man with service, because he did not go to unhealthy climates. This mode of promotion has been swept away, and in its stead has been substituted that of promotion for service. At the present moment the rule is that no man can rise above the rank of lieutenant colonel unless he has held a regimental command for a certain period, or served for a certain time upon the Staff. The Staff will be very soon closed to everybody who has not passed through the Staff College. The mass of regimental officers of course will not go there — in fact, it would be very inconvenient if they were to do so—and you will consequently have a number of excellent officers whose only chance of rising to the higher grades of their profession will be by having five years' service in command of a regiment. How are they to obtain this qualification? I will suppose the case of officers who have not the money sufficient to purchase their promotion. I hear it said by the gallant Colonel (Colonel Herbert) that they may acquire the necessary qualification by their senior going on retired full pay or by death vacancies. But again I ask, with the long list which precedes his own name, and the few opportunities which can thus occur, how is it possible for the necessary qualifications to be obtained by poor but deserving officers? As a broad and general rule I believe it will be very difficult for a man who cannot purchase his lieutenant colonelcy to rise to the higher ranks; and, when the practice becomes established, the injustice will be felt to be intolerable, and will lower the army as a profession in the eyes of the British people. It is therefore necessary to devise some means by which the rule may be broken through in favour of those who have not money, and who may not succeed in getting the death vacancies. The view of the Commission was that the cessation of purchase of the rank of lieutenant colonel would open an avenue to those who could only rely on meritorious services for their claims to improve position, and would also diminish what I believe is the unanimous disposition of the lower ranks—to give illegitimate prices. You found it impossible by the "declaration upon honour" to check this tendency; the only way, therefore, to do so, will be by diminishing this temptation. I come now to some other points which have been raised in the discussion. It is said in answer to the proposals of the Commission that the danger of selection will be very great, on account of the likelihood of favouritism and political pressure. Hon. and gallant Gentleman say that under a despotic government you may select the best officers for particular services, but that in a free country it is impossible to do so. I believe that is a libel on free institutions. Those selections are even now made in other professions, and in the army they would be made under the influence of public opinion brought to bear on them by this House. I believe the statement of the impossibility of selections under free institutions, when examined, really means this—that by the criticism to which the selections are liable you give the selector a very uneasy life. That is quite true; but in proportion as it is true, it is a guarantee against favouritism and jobbing. The apprehension of public criticism of a job prevents a job being done; the whole system of publicity rests on that criticism. Look at the Admiralty; for many years the Admiralty was in the habit of making political promotions; it was notorious. Public opinion has revolted against it, and the House of Commons took the chief part in putting it down. Now, no Minister to influence a division, or for any political motive, would dare to give a ship to an officer incapable of commanding her. Such is the susceptibility of the House of Commons on this subject that I recollect a strong and I think unreasonable attack was made within a very recent period on a right hon. Baronet opposite, because he wished to get a naval officer into the House to assist him with his professional experience in conducting the public business. I think it was a very proper course for him to take, and I only mention the case to show how jealous the House is of all such influence. But it is said the person making the selection of officers in the army should not be the Commander-in-Chief only, it should be somebody else. How the Secretary of State can make the selection I do not know. He would have no personal knowledge of the merits of any of the officers. He must go to some military man to make any selection for military reasons. It is argued that the selection by the Commander-in-Chief is not only liable to be influenced, but that it cannot be made with proper regard to efficiency. I doubt that very much. Sir G. Brown said, in his evidence before the Commission, that he was quite sure that the Commander-in-Chief has the means of knowing the character, capacity, and intelligence of every officer in the army, if he goes to the proper quarter to ascertain them—the Adjutant-General's office, and that he himself, when in that department, had been repeatedly sent for by Lord Raglan to discuss the fitness and ability of officers required for a particular service. Sir G. Simpson and Lord Panmure both state that the Commander-in-Chief has full means of knowing the character of every officer. It is said that this power of selection may be exercised during a war, but not in time of peace, and that in peace promotion by selection would degenerate into a system of promotion by seniority. But what is the present system but a system of seniority accelerated by purchase? Then it is said there is a difficulty of selecting in the case of officers serving abroad. The Duke of Cambridge says he can select officers at home, but not so well abroad. I admit there is a difficulty in doing so. Though in India, or wherever large bodies of troops are collected, the means exist of comparing officers together, yet where the force is less there are less means of comparison. I have gone through the objections raised to the question of selection for the rank of lieutenant colonel. I have in this blue-book evidence on evidence, from men whose opinion is entitled to great weight, that the command of a regiment should not be held for a very long period by one officer. This is the opinion of Sir C. Yorke and Lord Panmure. The distinction drawn by the Commission of which I was a member is, that it is in the upper ranks of the army the sale of commissions gives rise to scandal and injustice, but that in the lower ranks it gives that acceleration to promotion necessary to keep the army in proper physical youth and vigour without being attended by the evils it causes in the upper grades. When I signed the Report of the Commission, I did so with the conviction that on a very difficult question this was the best course to take. I view with apprehension and alarm any proposal for the entire abolition of purchase; I do not see what is to replace it. I have looked carefully at the plan of Sir Charles Trevelyan; but I think his proposals would weigh hard on the officers of the army, and throw a very heavy burden on the Government. His plan, on paper, shows a great saving, but, practically, I do not think it would prove so. The principle we follow is not open to many of the objections urged against the system of purchase, while it removes it from the ranks, in which the greatest evils and scandals arise from it. I signed the report, believing it laid down the best course to pursue, and I have seen nothing since to shake my opinion. Holding, as I do, that purchase in some shape, to some extent, in some ranks, is necessary, I believe it better to preserve that system and make it more useful by making it less open to objection. Without pledging myself to details, because many points will require very careful consideration, I may state that the principle laid down by the Commission is the principle the Government acknowledges in dealing with this question. It will be my duty to prepare a scheme founded on that principle with the greatest care, thought, and caution, and lay it before the military authorities for consideration. On one side it may be said by the hon. and gallant General (Sir De Lacy Evans), this is a miserable course of proceeding, and a very small measure of improvement; that it does not meet all his conceptions, and, therefore, he will have none of it. On the other, my right hon. Friend behind me (Mr. Ellice) will say the change is too hasty, too sweeping, and too rash. I have been accustomed to live between two fires; and, between two extremes, I am not sure but we are nearer the truth. As far as I see my way, I am prepared to act. It must depend, of course, on the Government how the measure can best be shaped. There are great difficulties to encounter, strong prejudices to be met; but beyond the point to which

I see my way I will not move an inch. This great machine, the English army, is not a thing to play with. The value and reputation of an army does not depend merely on its numerical force, but on the spirit by which it is animated, and we must not deal lightly with anything that concerns it. I have, for a civilian, had much experience of military matters; and every day I am disposed to think more highly of the English Army, its working, and administration. I have told you the principle on which the Government are prepared to act. I will lay before the military authorities a scheme based on that principle, and which will carry our views honestly into effect. I trust the House and the country will support us in bringing this scheme to a successful issue. I listened with the greatest attention to the evidence which was given before the Commission by Lord Clyde, General Spencer, Lord West, and other officers who were in favour of the total abolition of the system of purchase. They saw all the abuses and scandals by which the working of the system was attended; but they did not appear to have thought of the substitute for it which was to be provided, or how a remedy was to be applied to the evils of which they complained. The simple remedy of plunging our hands into the public purse will not do. Then what course, let me ask, is open to us? For my own part, I think that purchase ought to be limited to the ranks of the service below that of lieutenant colonel, in which position I think due care ought to be taken that an incompetent man, to whose charge the lives of 1,000 men are committed, should not be placed. While, however, I deem it right to act upon the principle which I have just laid down, I will not be driven to go one inch beyond the point to which I distinctly see my way. Our army is a machine too delicate to be lightly handled, and while I shall seize the earliest opportunity consistent with due deliberation to submit to the Government the scheme to which I have referred, I feel bound to dissent from the Resolution of the hon. and gallant Member for Westminster, as well as from the Amendment of the hon. and gallant Gentleman the Member for Berks.

Mr. ELLICE (Coventry) said, his right hon. Friend who had just spoken was quite justified in regarding the question under discussion as being one of the most difficult and important which could be submitted to the notice of Parliament. He must, however, confess that he did not think the mode in which his right hon. Friend had announced it to be his intention to deal with the subject was calculated to diminish the difficulties by which it was beset. To the system of purchase taken in the abstract he was perfectly aware strong objections existed. He was, moreover, ready to admit that if any scheme could be devised by which those objections could be put an end to, without impairing the efficiency of the army, he should be prepared to give such a proposal his cordial support. He was at the same time, however, unwilling to take a course by which the abuses which at present existed would, instead of being removed, be to a great extent aggravated, and he should, therefore, advise hon. Members to be careful how they gave their assent to the proposition which his right hon. Friend had shadowed out. It was quite true that that proposal had emanated from the majority of a Commission of which his right hon. Friend was a Member; but then it should be borne in mind that there was also a minority which had objected to the recommendations which the Commission had made. In that minority were two general officers of great experience, who were of opinion that those recommendations would, if carried into effect, tend to increase the evils with respect to the system of purchase of which complaint was made. One of those officers had, he might add, arrived at the highest rank in the army without ever having purchased a step, and had seen officers who possessed larger means frequently placed over his head. Now, the scheme which had obtained the approval of his right hon. Friend was accompanied by so many difficulties that he was unwilling to pronounce any very decided opinion upon it until the measure in which it was embodied had been laid before the House. He must, however, observe that if the right hon. Gentleman deemed the scheme so good a one as he seemed to think, it was somewhat strange he should not have placed it on the table in a tangible shape some time within the last two years. It would seem, indeed, as if the proposal of his right hon. Friend had been brought forward simply to meet the Motion of the hon. and gallant Member for Westminster, but he could not help thinking it would have been laid before the House with a better grace if it had been introduced when the Army Estimates were being moved, in conjunction with those great improvements which he was prepared to admit his right hon. Friend had during his military administration effected. The right hon. Gentleman founded his proposal on the grievous abuse which was said to exist with respect to the system of exchange, and also with respect to the means by which officers arrived at the rank of lieutenant colonel. The right hon. Gentlemam in doing so, however, appeared to forget that the abuse on which he relied was one which had reference to other times, for he (Mr. Ellice) must do his Royal Highness the Commander-in-Chief the justice to say that since he had become Commander-in-Chief it had ceased to exist. Those instances in which officers of large fortune had exchanged with poorer officers from one regiment to another, even when they did exist, could have been very easily dealt with, if the authorities were so disposed. They were perfectly well known at the Horse Guards, which, in fact, had encouraged them, so that the authorities were to blame for the abuse which had taken place. The practice, moreover, had not been one of common occurrence, and yet the right hon. Gentleman was disposed to regard it as one of the great evils of the existing system! Now, he should like to know what effect the proposal of his right hon. Friend was calculated to exercise on the lower ranks of officers in the army? Was it probable that many gentlemen would be desirous of entering the service by means of purchase when they were aware that, having arrived at the rank of major, they might be able to proceed no further, and might have a favourite of the Horse Guards placed over their heads? A great deal had in the course of the discussion been said about foreign armies, but the question which the House had to consider related to the English army, which could only exist in a country like our own. We had no conscription, no enforced military service. Our officers were independent, and not the slaves of absolute power. They were under the protection of that House. They were, as his right hon. Friend had truly said, derived for the most part from the middle classes. Well, then, how did the matter stand? A clergyman, a lawyer, or a manufacturer placed his son in the military service of the country. He happened, perhaps, to have some £3,000 or £4,000 to give him with a view of promoting his interest in life. He knew that as things at present stood so long as the young man conducted himself well nobody could be raised over his head by means of patronage or jobbery. Thus far the system worked well, and one security for the independence of the army was afforded. But there was also another point worthy of consideration. At present it appeared to him that whether a man was promoted by seniority or by purchase, it came to the same thing. One abuse—the great abuse of the system of purchase—had been done away with; no man could now enter the army without satisfying the country of his efficiency by passing an examination. There were now, owing to an agitation of the question for thirty years, and through the willing assistance of the right hon. Gentleman the Secretary for War, two examinations which a man must pass for the army as there were for the navy. Formerly there was no examination at all. A man could purchase his steps and arrive at the command of a battalion, and no man knew whether he was able to take the command of 1,000 men or not. But it was hard to say what influence the proposed change, if adopted, would produce in the independence of our officers, whose promotion might be interfered with by an undue exercise of patronage. There were also considerations of another kind. It must be recollected that ours was an army which was scattered throughout India, Canada, the West Indies, the Mediterranean—in short, over all parts of the globe, in small detachments, and that it was of the utmost importance that the officers by which it was commanded should maintain unimpaired their *esprit de corps*. That feeling would not admit, however, that it should be in the power of the authorities to select some gentleman, a relation perhaps of some Member of that or the other House, and put him over men who had been quartered in a pestiferous climate, where their services were forgotten—merely because it was thought he had done better service at St. James's than in foreign fields? His right hon. Friend was not a member of the Commission on which he (Mr. Ellice) had the honour to serve. Both Earl Grey and he had tried very much to improve the scientific corps of the army. The hon. and gallant Member for Harwich (Captain Jervis) had stated their case with great truth. Nothing could be worse than the state of the scientific corps. Six or seven years ago it was very difficult to find a captain who had not arrived at the age of 60. During the Duke of Wellington's campaign in the Peninsula they sent out to him various superior officers of the Artillery, and along with them

Captain Dickson. He found them all unfit for the position intended for them, and he took Captain Dickson, who being a general in the Portuguese service, and the two armies acting together, became a general in the united army, and commanded 12,000 men during the campaign. Such was the state at that time of the Artillery and Engineers. In the Commission, Earl Grey and he proposed that some measures should be taken at least to accelerate promotion, if for no other reason than this—that our troops served sometimes with other troops in the field, and a young foreign officer of 30 or 35 having been advanced for some particular service, was found commanding some of 60 or 70 years of age. They proposed to the two distinguished officers who served on that Commission, Sir John Burgoyne and Sir Hew Ross, that in the Artillery and Engineers, in order that something might be done, they should adopt the course taken, he believed, in the French army, and have one-third promotion by merit and two-thirds by seniority. Those two officers said they knew what were the feelings of these corps. The officers lived together as brothers. There was no mode of distinguishing during peace who were the superior officers, and they asked how they could select one man and place him above his seniors? If that system were attempted it must fail. The right hon. Gentleman (Mr. S. Herbert) had quoted such parts of the evidence of General Brown and General Yorke as appeared to be in favour of his proposition; but, so far as he (Mr. Ellice) knew their opinions, he must say there were no two officers in the British army more averse to this scheme. The proposition was that purchase should stop at the majority, and that officers should be selected for lieutenant colonels. His Royal Highness the Commander-in-Chief on being asked his opinion on the subject, said he hoped that if that plan were carried out they would find some other person to undertake that selection. In this country during peace it was impossible. It might not be impossible in time of war, but it would be unjust: for, suppose a regiment serving in Jamaica, the officers sacrificing their lives in that pestilential country, was some young man for distinguishing himself in the Crimea to be placed over the heads of men of long and laborious service? The men who suffered most and deserved most from the country were those who served and suffered in those remote and isolated stations. Well, but was there no remedy for the evils of which his right hon. Friend complained, and preventing incompetent officers arriving at the head of regiments? They had some discussion on that subject in the Commission, and he asked the Duke of Cambridge whether he thought it would be his duty, supposing he knew a man incompetent to command, to appoint him even by purchase in his own regiment? His Royal Highness said, certainly not; but still it would be a very difficult and invidious duty to place on him. This, however, was very unlikely to occur, since examinations were instituted in the army by which the competence of officers was, to a certain extent, secured. There was another remedy suggested by his right hon. Friend, in which he entirely concurred. He thought there was nothing so bad as placing officers in command of regiments, and keeping them there till they became general officers. First of all they became too old for their duty, and then it stopped all kinds of promotion in the service. Unless they intended to alter the system of purchase altogether—and he would give his willing consideration to any scheme the Government might propose with that view—his belief was the only improvement they could now safely introduce was to use their authority directly to see that no incompetent officer was appointed to command a regiment; that officers shall only remain six years in command, and that the public should be prepared to provide liberally for them. They had no right to tell a man who had embarked his money as well as his existence in their service, that they would deprive him of that reward he had looked forward to until he became major general. He did not think the difference between his retiring allowances on full pay when he became a major general would be a very serious addition to the expense of the army. And he believed the best step between the existing system and that new system, which some more able man than himself must suggest for the abolition of purchase altogether, would be what he had just indicated. The hon. and gallant officer (Sir De Lacy Evans) had stated that he had produced certain papers before the Committee with respect to the relative condition of the navy and army. To show how serious a question this was, they had 150 retired officers who had from £1,000 to £3,000 a year from the public. Those pensions for their past services in command of regiments were partly a remuneration for the money they had invested in the service. An admiral in the navy had from £400 to £600 a year and no more, yet no man could say that a general's service was either more difficult or arduous than that of an admiral in the navy. Then there was our Indian army. Was that to be placed on the same footing? Their Indian officers were in a state of great uncertainty; they knew not who were their masters, and what was to be their destiny. It was full time that question was settled. Before they attempted to patch up the affairs of their own army and entertained novelties in their system of promotion, for God's sake let them have, at all events, before them some scheme as to how they were to deal with the Indian Army. That army, he supposed, would be added to that of the Queen. In the Indian Army the system of promotion was very different; the scale of pay, allowances, and pensions was very different; but these things were all in the air. They unsettled things very fast, and settled them very slowly. Let them, then, have some general scheme, not of mere patchwork, but by which they seriously intended to settle the affairs of the whole army, and then the House would decide on the entire question. Having said thus much, he might add, that he knew of no Administration that had done so much for the British Army as that of his right hon. Friend. Go where they might, look to what branch or department of the army they pleased, they would find that his head and hand had been at work in the right direction. This made him regret all the more that he felt himself now compelled to differ from his right hon. Friend on this occasion; but he must beg and entreat him to consider that each British regiment of Infantry was the best pawn to be found on the military chess-board of the world. It always stood its ground; it always did its duty well whenever and wherever called upon. Let them be just to the army—err rather on the side of generosity and liberality to their officers than show a disposition to curtail their privileges and advantages. The moment was one in which it was necessary to give encouragement to do everything that was great and generous on the part of the country towards the army. And, being afraid that the proposition of his right hon. Friend would be very badly received by the army in general, he was sorry to differ from him.

Colonel NORTH said, he had heard with regret the observations of the right hon. Gentleman the Secretary at War. His proposition was but an endeavour to get in the small end of the wedge which would eventually lead to the destruction of a system most advantageous to the army and the country. The plan of the right hon. Gentleman was not yet before them, but it would appear that the only prospect which an officer had in future before him was to attain the rank of major. However bad it might be on principle to look merely to money as a means of promotion, it would be still worse to have to look to the patronage of men in power. He could not clearly understand from the statement of the right hon. Gentleman how the officers were to be selected, and whether lieutenant colonels were to be chosen from the majors of other regiments. If that were so, they would be obliged to proceed a great deal in the dark, for it was well known that many men who showed no particular abilities as majors when promoted to the rank of lieutenant colonel made very good commanding officers. The chief reason why he objected to doing away the system of purchase in the army was the way in which it would operate to the injury of as good and brave a body of men as was to be found in any army in the world—the non-commissioned officers. He could not suppose that for the mere 1*s.* or 1*s.* 6*d.* a day, which the sergeant major would get when raised to a subaltern's position, he would be willing to sacrifice all his associations and remove into a totally different sphere to that in which he had formerly moved, and a sphere for which he was quite unfitted. In his opinion, the non-commissioned officers themselves would much prefer the continuance of the present system, as they generally looked forward to obtaining a commission as a reward of bravery and good conduct, in order that they might sell it and maintain themselves and their families in comfort. He did not think the statements of the hon. and gallant General, with respect to the manner in which the promotions were made, were quite in accordance with the facts, nor did he concur in the remarks he had made with respect to the youth of the officers. He believed that no class of men showed themselves better or more efficient in the Crimea than those youthful officers, and contended that their early entrance into the army was essential for the formation of thorough soldiers and officers.

Lord STANLEY said, he did not rise for the purpose of continuing the debate, but to express his hope that the hon. and gallant General would not think it necessary to divide upon a question with respect to which no distinct expression of opinion would be conveyed by the votes they gave. He had been a member of the Commission which sat on this subject four years ago, and he could assure the House that though no man had gone into that Commission with a stronger conviction of the anomalies and inconveniences of the purchase system, yet after he had heard the evidence there given he could not but see, as he believed all the members saw, that to abolish totally that system throughout all grades of the army was an undertaking of great difficulty, one which would be attended with enormous expense, and for the carrying out of which no sufficiently matured plan had then or to this day been submitted to the House and the country. As a member of that Commission he had at the time readily concurred in the compromise to which it had come, and which was embodied in the plan now proposed by the Secretary of State for War. To that course he was still prepared to adhere, and if the House went to a division, he should be compelled to vote against the proposal of the gallant General, which went to abolish the purchase system without substituting any plan for it, while he should be equally prepared to vote against any Resolution which might assert that the system was one which could be defended in all its parts. It appeared to him that the hon. and gallant General would, by pressing his Motion to a division, only injure the cause he had taken up, since many Members would be compelled to vote against him, who on general grounds would be in favour of some amelioration of the system. He hoped the House would be prepared to receive the compromise recommended by the Government without a division.

Sir DE LACY EVANS said, he would accept the suggestion of the noble Lord, and withdraw his Motion.

Viscount PALMERSTON observed, that he hoped the hon. and gallant Gentleman who had moved the Amendment would be disposed to withdraw it; as, of course, it was inapplicable now that the hon. and gallant General did not mean to take the sense of the House upon the Motion.

Captain LEICESTER VERNON said, that of course, as the Motion was withdrawn, he could have no objection to the withdrawal of the Amendment.

Lord Stanley

Amendment, by leave, *withdrawn.*

Main Question put, the House *divided:*—Ayes 59; Noes 213: Majority 154.

UNIVERSITIES (SCOTLAND) BILL.

LEAVE—FIRST READING.

Colonel SYKES said, he rose to move for leave to introduce a Bill to amend an Act to make provision for the better Government and discipline of the Universities of Scotland, and improving and regulating the course of study therein; and for the union of the two Universities and Colleges of Aberdeen. The Commissioners under the Act of 1858 for improving the discipline of the Universities had suppressed the faculty of Arts in Marischal College. He begged to move for leave to introduce a Bill to remedy this suppression, which was felt to be a grievance by the people of Aberdeen.

Mr. CUMMING BRUCE remarked, that the Motion of the hon. and gallant Gentleman was, in effect, the casting of a most undeserved slur upon the legislative ability of that House. It was only two years since the then Lord Advocate introduced a Bill for the regulation of the Universities. The present Lord Advocate gave the measure his full concurrence. In Committee the hon. and gallant Gentleman proposed an Amendment which in substance was the same as the Bill he now proposed to introduce. That Amendment was negatived by a majority of about 100, and the Bill passed through Parliament. The Bill was scarcely in operation when the hon. and gallant Gentleman had the hardihood to move for leave to introduce a Bill to repeal it. He hoped that the House would refuse their assent to the Motion.

Mr. E. ELLICE (St. Andrews) said, when he stated that the whole public of Aberdeen, the county, the synods of the two churches—free and old—all, without exception, were against the manner in which the Commissioners under the Act of 1858 had exercised their duty—and that if the award of the Commissioners was to be carried into effect, it would be almost a war upon the whole population—he thought he had stated sufficient reasons why they should allow the Bill to be brought in.

The LORD ADVOCATE said, he supported the Bill of 1858, and was one of the Commissioners under it, and concurred in their ordinances, and he should therefore not be misunderstood when he recommended his hon. Friend not to throw any obstacles at this hour of the night to the introduction of the Bill; but he begged it to be distinctly understood that he did not mean to commit himself to the principle of the Bill, or promise the support of the Government to it.

MR. STEUART said, he did not think the House was in a fit state to enter into a discussion upon this Bill. Although the hon. Member for St. Andrews said that the synods of both Churches were against the commission, he had received within the last two days a letter from an influential member of one of those synods declaring his objection to the proposed Bill because he believed it would be destructive to the education of the rural part of the population north of Aberdeen. He would move that the debate be adjourned.

SIR GEORGE LEWIS expressed a hope that the hon. Gentleman would not persevere in his Amendment. Although it was not likely that he (Sir George Lewis) should support such a measure he should be sorry to see the Motion of the hon. and gallant General refused. If the Bill were introduced he would ask the hon. and gallant General to postpone the second reading of it until after Easter.

MR. STIRLING said, he thought that a *bonâ fide* case ought to be made out for the introduction of the Bill, and he did not think such a case had been made out. He hoped, however, the hon. Member for Cambridge would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Bill to amend an Act to make provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the course of study therein; and for the union of the two Universities and Colleges of Aberdeen, *ordered* to be brought in by Colonel SYKES, the Earl of MARCH, Lord HADDO, and Mr. EDWARD ELLICE.

Bill *presented* and read 1°.

PIERS AND HARBOURS BILL.

SECOND READING.

Order for Second Reading read.

MR. PAULL moved the second reading of this Bill, upon the understanding that it would be afterwards referred to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. RIDLEY opposed the Bill, on the ground that it conferred enormous powers on the Board of Admiralty, which already had enough to do in superintending and providing for the naval defences of the country.

LORD CLARENCE PAGET said, he could only assent to the second reading of the Bill upon the understanding that it should be referred to a select Committee. If the principle of the measure were carried out with due consideration it might lead to a vast saving in the preliminary inquiries relative to the improvement of piers and harbours.

MR. FINLAY condemned the Bill as wrong in principle, inasmuch as it proposed to devolve upon the Admiralty powers which ought only to be exercised by a Committee of this House.

MR. BOUVERIE suggested that time ought to be given for the consideration of the details of the measure, and moved the adjournment of the debate.

SIR GEORGE LEWIS observed that he entirely approved of the suggestion that more time ought to be allowed for examining the details of the Bill.

Mr. PAULL said, in that case he would consent to the debate being adjourned.

Debate adjourned till *to-morrow.*

CUSTOMS ACTS.—REPORT.

Resolutions *reported.*

MR. E. P. BOUVERIE said, he wished to ask why the article "books" had been omitted from the schedule?

SIR FITZROY KELLY remarked that as the Resolutions had been passed through Committee on the understanding that they should be afterwards taken more fully into consideration, he wished to know when that would be.

MR. LAING said, that in the absence of his right hon. Friend the Chancellor of the Exchequer he wished to state that it was of extreme importance to the trade of the country, when Resolutions of this description were agreed to in Committee, they should be reported to the House with as little delay as possible. At that late hour of the night it would not be fair to bring forward any of those articles which would be likely to excite serious discussion, which would probably be the case with two of the articles—malt and timber. He thought there was no doubt those two articles might be brought forward to-morrow. With regard to books, that article, as well as all those into the manufacture of which paper entered, was postponed by arrangement, until the question of the paper duty should be fairly considered.

Mr. BASS remarked, that as it was not intended to make any change in the malt duty for some considerable time, it did not matter whether that article was discussed to-morrow or a month hence.

Mr. LAING said, the article on timber would necessarily come on at once. The article on malt would be taken on Friday if possible.

Resolutions 9 and 10 *agreed to.*

Resolutions 11 and 12 *postponed;* to be further considered *this day.*

Resolution 13 *postponed;* to be further considered on *Friday.*

Resolution 14 *agreed to.*

Bill *ordered* to be brought in upon Resolutions 9, 10, and 14, by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Laing.

WAYS AND MEANS—REPORT.

Resolutions *reported.*

Mr. HENLEY said, he wished to ask the Secretary for the Treasury, as it seemed to be proposed by the Government to give a bounty to the exporters of British spirits, how much the bounty was to amount to?

Mr. LAING said, it was not properly a bounty, but it was an allowance to the exporter of British spirits for the loss he was subjected to on account of the Excise duty. The drawback would amount to 3*d.* per gallon on rectified spirits, and 2*d.* per gallon on raw spirits.

Mr. HENLEY said, the thing might be called by any name the Government chose, but the provision amounted to a bounty to the British producer on the exportation of an article, which he would not obtain if the article were kept at home.

Resolution, as amended, *agreed to.*

PACKET SERVICE (TRANSFER OF CONTRACTS) BILL.

THIRD READING.

Order for Third Reading read.

Sir FITZROY KELLY said, that as he understood that the contract, known as the Dover contract, entered into between the Admiralty and Mr. Churchward, was to be transferred from that department to the Post Office, and as under a former contract, that of 1849, a gentleman, Captain Jenkins, he believed, was taken as a surety, whereas the contract was now being performed under the provisions of an agreement come to in 1859, he (Sir F. Kelly) wished to know whether Captain Jenkins was still held to be a surety under the contract of 1859, or whether he was held to be discharged; and, if it seemed necessary, he would suggest that the consideration of the Bill should be postponed till the House had had time to consider the circumstances.

Mr. LAING said, there was nothing in the Bill before the House that interfered with the existing contracts. It simply did what was done several years ago in the reverse case. Then a number of contracts with the Post Office were transferred to the Admiralty; by this Bill there was a transfer of contracts or alleged contracts from the Admiralty to the Post Office, without in any way affecting their validity or invalidity. Whatever might be the position of Mr. Churchward or his sureties, with regard to the Admiralty, it would be precisely the same with regard to the Post Office. It was obvious, therefore, that if the view of the Admiralty was correct, that their contract of 1859 did not now exist, and that view was adopted by the House, and was not affected by law, no penalties on account of its non-performance could attach to a surety. No existing contract was affected by the Bill, which merely transferred the power of entering into contracts from the Admiralty to the Post Office.

Bill read 3°, and *passed.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Wednesday, March 7, 1860.

Their Lordships met, and having gone through the business on the Paper,

House adjourned at a Quarter before Four o'clock till To-morrow.

HOUSE OF COMMONS,

Wednesday, March 7, 1860.

REGISTRATION OF VOTERS BILL.

SECOND READING.

Order for Second Reading read.

Mr. MONCKTON MILNES, in moving the second reading of this measure, said the object of its leading provision was to prevent more than 300 objections being heard in one day by any barrister appointed to revise the list of voters. In the large constituency of the West Riding of Yorkshire by the absence of such a limitation a very large number of persons to whom objections had been taken were summoned to attend, and, having been detained till a late hour, were frequently dismissed without any possibility of having their cases decided till a future day; by which means, unless they happened to be zealous politicians, they became disgusted and went away, the result being that claims which were often just and valid were struck off the roll. From the magnitude of the practical inconvenience which was thus experienced it had become necessary to establish some fixed rule on the subject; and he selected the limit of 300 in order that the proceedings of the Court might not be unduly restricted. If any assurance, however, were given that the subject would undergo the general supervision of Parliament, he would be willing to withdraw his Motion; but in the absence of such an undertaking he believed the effect of a Reform Bill, if carried, would only be to magnify a grievance, of the existence of which there could be no doubt, by increasing the number of those entitled to the franchise.

MR. BAINES seconded the Motion.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. EDWIN JAMES said, he had no invidious feeling towards the hon. Gentleman who proposed the Bill, but with the enormous mass of important business before the House it was necessary to show the futility of this peculiar species of legislation. Some general review of the system of registration must shortly take place; that system had been originated by the first Reform Bill, and it was only natural to suppose that it would be dealt with in the measure now before the House by some provision introduced either by the Government or by some private Member. The present system it must be confessed was not satisfactory. The revising barristers, it was well known, complained that the duties of the registration, being intrusted to ignorant and insufficiently remunerated overseers, were often negligently and inefficiently performed. The Bill before them was drawn to meet a single evil, but if partial, and what he might term local legislation were sanctioned on this question, there was no knowing to what extent the principle might be carried. An Act might be passed limiting the number of cases to be tried by a County Court Judge who had frequently 400 cases to get through on a single day; nay, they might even direct that a Judge at *nisi prius* should not have more than thirty or forty cases on his list. Grievances undoubtedly arose in practice from an excessive number of cases being set down, but it should be remembered that many were often governed by the decision in a single case; and the only proper safeguard lay in the appointment of competent and sensible officials to preside. He hoped the Motion would be withdrawn, but, in case it were persisted in, he should feel it his duty to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR GEORGE LEWIS: It is a rule of law *de minimis non curat lex*, and I think it may be desirable that we should apply a similar rule to legislation. My hon. Friend makes this proposal from the best motives and with a desire to remedy an evil which has been brought peculiarly under his observation. But from any information which has reached me I am not aware that any general complaint is made respecting the mode in which the registration is conducted. With the exception of the 3rd clause, and of a provision that the name of the revising barrister shall be inserted in the notice, the Bill appears to be a *verbatim* reprint of a section of a former Act. Whether it is worth while to pass an Act of Parliament limiting revising barristers to the disposal of 300 cases a day it will be for the House to decide. My hon. Friend has not referred to any particular case in support of his argument, and I can only say that no complaint has reached me, nor am I aware that any communication has been addressed to Her Majesty's Government on the subject. If you are to legislate in this case why not in others? Why not pass an Act to limit the number of cases to be set down before County Court Judges or even those of the Superior Courts. But if you cannot trust Judges selected by authority to manage the business of their own courts, I contend that the whole of our judicial system must be abandoned. It may happen that 500 persons will have claims dependant on a common principle, and, being put down for a particular day, one decision will govern the entire number. It is, I admit, desirable that the somewhat intricate legislation with regard to elections, beginning with the issue of the writ down to the withdrawal of the election petition, should be revised, or, at all events, consolidated; and Her Majesty's Government have had under their consideration a Bill for the consolidation of all these statutes. The subject, however, is one of great difficulty and delicacy; the law on the subject is diverse both in Scotland and in Ireland, and where interests of such great importance are concerned it is requisite to proceed with caution. I cannot, therefore, undertake to bring forward the measure at any particular time, but the Government recognize the necessity which exists for its being considered at an early day, and they have already taken steps with that object in view.

Mr. BAINES said, he had been a personal witness of the practical grievance to the electors of the West Riding which this Bill was intended to remedy. Several hundred persons whose votes were objected to were detained before the revising barrister till 10 or 11 o'clock at night, and refused on that ground to attend any more, and their votes were consequently lost. Revising barristers, instead of being paid, as formerly, for the time occupied in the revision, were now paid so much for the entire duty, by which means, as well as from the pressure of their private business, they were sometimes tempted to compress the time occupied by the revision as much as possible, and to perform each day more than an ordinary day's work.

Mr. PEASE said, that in South Durham many voters were struck off the registry in consequence of the inconvenience to which persons were subjected in having to dance attendance on the barrister. He, however, hardly thought it worth while to pass a Bill on the subject.

Mr. BEALE expressed a hope that the House would give serious attention to this subject, which would assume more important dimensions when the constituencies were increased.

Mr. CLIVE said, that speaking from his own experience as a revising barrister subsequently to the passing of the Reform Bill, it was formerly objected that too much time was occupied in the revision. At that time the rate of payment was by the day; now, when the system had been altered, and barristers were paid by the job, it was said that they got through the work too quickly. There might be men in the profession who so far forgot themselves as to do that; but he did not know them. He believed the proposed limitation would be useless, and would interfere with the business of the Courts.

Sir FRANCIS GOLDSMID observed, that he had heard many complaints of delays in disposing of cases in the borough registrations; persons were kept waiting three or four days in the registration courts.

Mr. WALPOLE said, he objected to the measure. It was true the machinery of registration required material amendment; but if they attempted to lay down such a rule as that proposed by the hon. Member for Pontefract, by fixing a certain number of cases to be heard as a *maximum*, and if they extended that principle to boroughs, they would find the machinery much more expensive and dilatory, and that it would come to a stand-still. His opinion was, the work was, upon the whole, at present well done. In some boroughs there were thousands of objections, a vast number of which were of a very frivolous nature, being based upon a misdescription of the household property and the like, and which broke down as soon as they came before an experienced barrister. Again, if they were to limit the number of cases to be set down to 300 in one day, the revising barrister would some days have done at twelve or one o'clock, whilst other days two or three cases might occupy him the entire day. He felt confident, therefore, that the present Bill would increase rather than mitigate the inconvenience which at present existed. The best mode of securing a good administration of the law was to take care that able men were appointed to carry it out, and then they might trust to the influence of public opinion to correct any inconvenience. He was glad the Government intended to take the subject into consideration. He thought, if they imposed any restriction, that proposal would not, at all events, answer the purpose. He hoped to see the Government take the whole subject in hand very soon.

Mr. MONCKTON MILNES said, he would consent to withdraw his Bill, but subject to the assurance that if, when the general measure was introduced, no such provision was embodied in it, he should move the insertion of a clause.

Amendment and Motion, by leave, *withdrawn.*

CORONERS' BILL.—SECOND READING.

Order for Second Reading read.

Mr. COBBETT said, he rose to move the second reading of this Bill. The chief object of the measure was to alter the mode of paying coroners. At present they were paid by fees under an Act of the reign of George II. For some years there had been a conflict between the magistrates and the coroners as to the allowance of these fees. Sometimes they were allowed, and sometimes, under precisely similar circumstances, they were disallowed. In Middlesex, Kent, Norfolk, and twelve other counties, this conflict had taken place. He looked upon the office of coroner as one of great importance; and as the conflict raged and was spreading, it was desirable they should terminate it by altering the law as to the mode of payment. The dispute appeared to have begun soon after the passing of the Poor Law Amendment Act. Practically, the fees of the coroners were formerly paid out of the poor-rate; but the Poor Law Board, wishing to take from the poor-rate every payment not strictly chargeable upon it, obtained an Act which rendered it no longer legal to pay coroners' fees out of the rate for the poor; but the magistrates were enjoined to pay them out of the county rate. The magistrates, then, beginning to look more particularly into these expenses than before, and in some cases, perhaps, thinking they could supersede the coroners altogether, began to disallow their charges of fees for inquests. The practice began in the county of Middlesex, the magistrates of which passed a resolution in the year 1851 stating that the office of coroner was unnecessary. Other counties adopted the same resolution, citing the example of Middlesex as an authority for so doing. From that time there had been a strong contest raging against the coroner. In Middlesex a great nnmber of cases had been disallowed without reason assigned. In Kent the magistrates had instructed the coroner not to hold an inquest except in cases where there was a suspicion of criminality. In some instances the coroner had been instructed not to hold inquests at all. When some years ago the numerous cases of poisoning in the county of Norfolk excited public attention it was stated that twenty persons lost their lives by the administration of poison, without any inquest being held on them; and the Home Secretary of that time (Sir James Graham) expressed his regret at the jealousy existing between the magistrates and the coroners, which discouraged them from holding inquests. He (Mr. Cobbett) had received several communications in which the same opinion was expressed, and he might add that the number of cases of suspicious death was attributed in a petition from Durham to the disallowance of the coroners' expenses by the magistrate. In the counties where the fees were most generally disallowed the coroners' juries frequently passed a resolution condemning the conduct of the magistrates in disallowing the expenses. This proved there was a strong feeling in those counties, adverse to the course taken by the magistrates. His attention was drawn to the subject from hearing that in the West Riding of York the magistrates had issued a circular to the constables, instructing them as summoning officers in what cases it would be necessary to inform the coroner and summon a jury. This seemed to him to be calculated to lead to great mischief. The document directed the constable to make inquiry into suspicious cases, and, having satisfied himself, to act accordingly. He put it to the House whether that was not practically abolishing the office of coroner, or at least subordinating to the police-officer a jurisdiction which was one of the safeguards of the country. The police-constables could not possibly know all the circumstances of every death by accident. They were instructed not to inform the coroner of such cases as death by being thrown from a horse or falling from a scaffold, or an infant overlaid in bed, "or such like." Only by inquiry could it be ascertained if the scaffold was properly constructed or not; or whether a man in a quarrel might not have been pushed off the scaffold by another person. Death from such a fall might involve the guilt of murder or manslaughter. The cases of "infants overlaid in bed" were especially open to suspicion; it was a lamentable fact that in the last thirty years the proportion of deaths among infants had enormously increased and was increasing. If a kind of impunity were extended to deaths from such a cause, and the check of an inquiry by the coroner were removed, he feared the crime of infanticide would be fearfully increased. And could it be imagined that any person wonld give impunity to such cases, as was done by the circular of the magistrates in this instance? He had also received many letters on the advantages to the public of coroners' inquiries, among others from Mr. Dickinson, an inspector of coal mines, who stated that coroners' inquiries brought into discussion the management of mines. What would be the condition of the workpeople if there was no inquest? The principle of the Bill was that in future coroners should be paid by salaries instead of fees; that the amount of salary should be calculated on the area and population of a district; the amount to be fixed, on that calculation, by agreement between the magistrates and the coroner; in case they could not agree the salary would be fixed by the Secretary of State. There were other clauses amending the law in matters in which it had been found defective under recent statutes.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. EDWIN JAMES said, he would move that the Bill be referred to a Select Committee, which should also be instructed "to consider the state of the Law and practice as regards the taking of Inquisitions in cases of death, and the election of and the remuneration now paid to Coroners; and whether it is expedient that any, and what, alteration should be made in the manner in which such remuneration is now made; and to consider the effect and operation of the Statutes now in force upon that subject, and to report thereupon to the House." There were three principal points which were important enough to be examined by a Select Committee—first, whether coroners should be paid by fees, as at present under the Statutes of *Geo.* II., or, secondly, by fixed salaries, and, thirdly, whether the office ought to be abolished or retained. He thought the House would pause before it decided that such an office should be abolished. It was the most ancient in the kingdom, so ancient that its origin was scarcely known. He believed it could be traced to the reign of Alfred, and it was certainly in full operation in the time of Elizabeth and James I. That was shown by the illustration of "Crowners' quest law," given in the play of "Hamlet" by Shakspeare; with regard to which it was doubtful whether the great dramatist intended to vindicate the authority of the coroner, or to satirize a celebrated case reported in *Plowden*, in respect to the inquest on Sir James Hales, the Judge who tried Lady Jane Grey. But it was certain that the office of coroner was a very ancient one. The hon. Member for Oldham (Mr. Cobbett) had referred to the value and importance of a coroner's duty. But he might be allowed to mention a very remarkable case, in which, had it not been for a coroner's inquest, a great criminal might not have been brought to justice. It was the case of Palmer. The medical men in that case had given their certificate that Cook died of apoplexy, and the body would have been buried on that certificate, had not the father-in-law of Cook gone down to Rugely and obtained an inquiry into the cause of death by a coroner's jury. On the verdict of that jury Palmer was indicted for murder. When the duty of a coroner was properly performed it was a great safeguard. He did not say that duty should be exceeded, and that the coroner ought to wound the feelings of families by making an inquiry into every case of sudden death; but in all cases of which no explanation could be given of the circumstances under which the body was found, no doubt the coroner's inquiry was a great security. The other two questions were as to the different modes of paying the coroner, and on these points the House would derive great advantage from an investigation by a Select Committee. He thought the payment by fees brought the coroner into unseemly conflict with the magistrates. In some cases the magistrates were wrong. But the difficulty was that nothing like precedent could be established on which they could decide. It must depend entirely on the various circumstances of each case. It was impossible to lay down any fixed rule. It was a hard case for the coroners that one bench of magistrates might take one view of a case, and another a totally different one. The verdict on an inquest might also involve the visiting magistrates in blame when it was held in the county gaol or asylum. The next question was whether a coroner ought to be paid a fixed remuneration. Men of high authority upon the subject were of opinion that coroners ought to be paid by means of salaries, and almost the only argument which he had heard against that proposal was that the stimulus to hold necessary inquests, which under the present system existed, would thereby be removed. The best control, however, he could not help thinking, which could be exercised in the matter was that which was afforded by public opinion, and by the selection for the office of coroner of honourable and upright men. There would then be no fear that the duties of the office would not be properly discharged, as from his own experience he believed they were at the present moment.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed, to consider the state of the Law and practice as regards the taking of Inquisitions in cases of death, and the election of and the remuneration now paid to Coroners; and whether it is expedient that any, and what, alteration should be made in the manner in which such remuneration is now made; and to consider the effect and operation of the Statutes now in force upon that subject; and to report thereupon to the House,"—instead thereof.

Sir GEORGE LEWIS said, he feared the hon. and learned Gentleman who had just spoken must, after the Motion which he had made, be regarded as in some measure guilty of infanticide, and the Bill before the House as a fit subject for a coroner's inquisition, inasmuch as he found on the back of it the name of the hon. and learned Gentleman himself. So far as the office to which the Bill related was concerned, he could only say that it was one of high antiquity, and one by means of which great security for the preservation of human life was provided. It must, nevertheless, he thought, be admitted that changes and improvements had of late years been introduced into our social system which rendered the duties of the office of less importance than they were in ancient times. He might also observe that Shakspeare, in referring to "crowner's quest law," in the passage to which the hon. and learned Gentleman had alluded, had not intended to speak of it with any very great respect. In Scotland no such office as that of coroner existed, and yet he had never heard that life was in that country less secure than in England or Ireland. The fact was that the light which in modern times was thrown upon events, the intelligence which the newspapers supplied in each county with respect to everything which took place within it, and the general institution of the county police, had diminished the value of the office in question; and to that fact it was, he thought, to be attributed that the magistrates showed a desire to diminish the extent of its operations. In many counties the magistrates had, in certain instances, disallowed the fees for inquests which had been held; while in others a rule had in express words been laid down to the effect that unless reasonable cause of suspicion arose that the death of a person had been produced by illegal and improper means no inquiry before the coroner should be entered upon; that was to say, that such inquiry should not take place in those instances in which death was found to have been accidental. It was perhaps to the repeal of the old law of deodand in 1846 that that change in the views of the magistrates in particular localities was to be attributed; for to ascertain the deodand had, before the repeal of the Act to which he referred, been one of the functions with which the coroner and a jury were intrusted. There was, however, in the existing state of things with regard to holding inquests an evil which called for some remedy—he alluded to the conflict of opinion on the subject which prevailed between the magistrates and the coroner. The coroner had no defence against the magistrates, whilst the Home Secretary was unable to interfere. It was with a view to provide a remedy that he had introduced the Bill which stood on the paper for second reading in his name. In that Bill he proposed to give the coroner in those cases in which his fees had been disallowed by the magistrates a right of appeal to the Court of Queen's Bench; and, although he had heard it stated that that proposal would be rendered nugatory in consequence of the expense which the appeal would involve, yet he did not think it ought to be rejected in deference to that argument, because, notwithstanding that it was quite clear that if appeals were to be made every time a sum of 20*s.* was matter of dispute the objection would be valid, still he could not help believing that such would not be the case, but that, the question of right once tried, the decision pronounced would become of general application, and the principle contended for would be settled one way or the other. But, to advert for a moment to the Bill under discussion, the hon. and learned Member for Oldham proposed to give up payment by fees in the case of coroners, and to substitute for it payment by salary. Now, one obvious objection to that course was that it might make the coroner, under the altered system, less zealous in taking all the steps which would be desirable to inform himself with regard to the circumstances of the different deaths which might take place in his county, whereas while the payment continued to be by fees it was his direct interest to do so. The hon. and learned Gentleman, moreover, proposed to enable the coroner to enter into an agreement with the magistrates as to the amount of salary which he should receive, empowering him, if he were not satisfied with his bargain, to apply to the Secretary of State, who might without any control charge the county rates with the sum which he might think fit by way of increase of salary. Now, to act upon that proposal would be to impose a charge on those rates on a new principle, and he for one did not deem it expedient, unless some strong necessity for making the change could be shown, to resort to so extreme a remedy. The same might be said of the power given to the Lords of the Treasury to settle a scale of superannuation. He should, under these circumstances, vote against the second reading of the Bill, while he should not object to the appointment of a Select Committee to inquire into the subject.

MR. MONTAGUE SMITH said, it was formerly the practice to pay the highest judicial officers by fees, but this system was abolished because it was desirable that they should be rendered independent. He did not see, therefore, why the ancient judicial office of coroner should not be placed on the same footing. The Bill, however, would not remedy the state of things that existed; he was anxious, therefore, that it should go before a Select Committee. One of the evils of the system as it stood undoubtedly was that unseemly contests between the magistrates and the coroner in many instances prevailed, while the latter was fettered in his freedom of action by the fact that he had not only to come to a decision whether it was desirable a particular inquest should or should not be held, but also to take into account the probability, in case it should be held, of the proceeding obtaining the sanction of another body. He was also of opinion that the mode of electing coroners — in connection with which at present bribery to a great extent prevailed, so that the coroner *de jure* was not in all cases the coroner *de facto* — was a subject which might with advantage be investigated by the Committee. At present there was no remedy for the abuses that took place, except by a *quo warranto* on the part of the defeated candidate; and under that issue the jury would have to try the validity of all the votes given at the election.

MR. VINCENT SCULLY said, he thought that the whole subject of inquisitions in case of death should be referred to a Select Committee, and that any legislation on the subject which might take place ought to embrace Ireland as well as this country. The order of reference to the Committee, if one were appointed, should be more extensive in its scope than the provisions of the Bill would seem to justify, and he hoped that, pending the inquiry before the Committee, the Secretary for the Home Department would not press his Bill through the House. The office of coroner was, he might add, a most important one; it was, according to the report of the Registrar General, a popular institution, inasmuch as the county coroner was elected by the freeholders. It was also, according to the same authority, one of the great advantages of the inquest that it engaged the body of the people in the administration of justice. He trusted, therefore, that the Committee would enter into an extensive investigation of the subject.

MR. COLLIER said, he should support the Amendment. The ground stated by the hon. and learned Member for Oldham (Mr. Cobbett) for reading his Bill a second time was that inquests were not holden in cases where they ought to be. Now, he (Mr. Collier) thought that if they paid coroners by salary, and not by fees, their interest would be to hold as few inquests as possible. Coroners were placed in an entirely different position to the Judges, who had to deal with the business brought before them by other persons. The whole mischief had arisen through a mistaken view of the law by certain justices in some counties, and he thought they had taken a far too limited view of the duties of coroners. The justices had acted under a misapprehension of the law when they supposed that a repeal of the law affecting deodands interfered with the question of the payment of coroners. With respect to the Bill of the Government, it seemed to him to deal with a matter quite independent of the duties of a Committee.

MR. HENLEY said, he quite agreed that the subject before the House was one of considerable importance. The object of every hon. Member must be to secure that all inquests which were necessary should, and that all those which were unnecessary should not be held. Then arose the question, what means it was most desirable to adopt in order to secure that end. Was payment of the coroner by salary the best system which could be adopted, or was payment by fees preferable? Now in dealing with that point he could by no means concur with the right hon. Gentleman the Secretary for the Home Department in the opinion that the office of coroner was less necessary now than it had been in former times, or that inquests should be held only in those cases in which a person had come by his death by illegal and improper means, to the exclusion of those instances in which death was the result of accident.

Sir GEORGE LEWIS said, he had pronounced no opinion of his own upon that point, but had simply referred to the view of the matter which was in all probability that which was taken up by the magistrates.

Mr. HENLEY continued: Although the right hon. Gentleman had expressed no opinion of his own on the subject, yet it appeared to him that the tone of his remarks was such as to have justified him (Mr. Henley) in the inference which he had drawn. But, be that as it might, a question which naturally suggested itself was, how the coroner was to ascertain that death in a certain case had been the result of illegal and improper causes, unless inquiry into the matter were instituted. Take the instance of a railway accident. It was the duty of a coroner to inquire into the whole matter. Again, there were deaths which arose from negligence. That was an important matter, and, if he might use the phrase, it had received great development in the course of the present century. But it was said that the duties of the coroner were less necessary on account of the publicity given to such matters by the newspapers. It was the inquest, however, which gave that publicity which was turned by the newspapers to such valuable account, and in dealing with the subject that which such an investigation often prevented as well as what it brought to light ought, he should contend, to be duly regarded. Persons too often came to a hasty conclusion, from the nature of the verdict, that such and such an inquest should not have been held, forgetting that the holding of inquests prevented a great deal of bad work, as he should call it, going on. Coroners had other duties to perform than that of merely sitting in judgment. They had to ferret out the whole case. He was very glad the subject was to be referred to a Select Committee. It was not a very simple or easy question. Generally speaking, he believed coroners were a very respectable class of men, with important judicial functions to discharge, and they did their duty honestly, fairly, and well. He could not, however, approve paying them by salary; that would take away one of the strongest existing inducements to an active performance of their duty, particularly as the magistrates who paid would have an interest coincident with that of the coroner in preventing many inquests taking place. He thought the Government Bill should be referred to the same Committee so as to improve its machinery as much as possible, as there would be more difficulty in working out his Bill than the right hon. Gentleman appeared to imagine. No one case could properly form a precedent for other cases, for every case would depend on its own surrounding circumstances. He hoped, therefore, the right hon. Gentleman would allow his Bill to go through the same ordeal with that of the hon. Member for Oldham. He should support the Amendment of the hon. and learned Gentleman.

Mr. JOHN LOCKE said, he was at a loss to know why the right hon. Gentleman the Secretary of State would not send his Bill before a Select Committee. Supposing the right hon. Gentleman's Bill passed into law, they would call upon the Queen's Bench to perform duties which they had already declined. He thought both Bills should be referred to a Select Committee. The reference should also, in his view, be enlarged to comprehend an inquiry into the election of coroners. In Middlesex, for instance, persons amply qualified for the office were deterred from becoming candidates in consequence of the great trouble and expense involved in an election where the constituency was so very large and a contest might extend over ten days. The election was in the hands of the freeholders, but not freeholders on the parliamentary roll or any roll; nobody knew who they were; but they came forward and proceeded to establish their claim at the time of election. The coroner had often most important judicial functions to discharge. The Bill for the regulation of mines contained clauses imposing penalties not only on masters but on miners, for neglecting to carry out the regulations that were prescribed. Was it not absolutely necessary that the coroner should have the opportunity of inquiring into the causes of death in such cases? Who was to do it if not the coroner? The causes of the late accident on the Eastern Counties Railway were now being investigated before the coroner, and he had no doubt the result of the inquiry would be pretty nearly decisive, not indeed as to the amount of damages that should be awarded, but as to whether there was any negligence on the part of the railway.

Sir GEORGE GREY thought the law in an unsatisfactory state, from the different course which was taken by different benches of magistrates,—some placing no check on the discretion of coroners, and others too narrowly restricting them. It was urgently pressed upon him that the law should be altered, and it was suggested that the payment of the coroners should be by salaries. But the difficulty connected with the payment of coroners by salary was this, that it would take away every motive but a sense of duty for holding inquests. At present their payment depended on the number of inquests held; but the moment a salary was substituted for fees their interest would lie in the opposite direction. He thought, however, it would be right to give them a power of appeal when their allowances were too small. He agreed with the right hon. Member for Oxfordshire that coroners had very important duties to perform, and effectual precautions should be taken against their neglect. This Bill was totally silent on that point, and in other respects would require extensive alterations. The Commission which sat on the costs of prosecutions had taken some evidence which bore on the question, but only incidentally, and it was most desirable that, without committing the House to this Bill, the whole subject should be inquired into by a Committee. The terms of the inquiry proposed by his hon. and learned Friend (Mr. E. James) would include everything except the mode of appointing the coroner; but words might be added to the reference which would embrace that point as well. On the order of the day for the second reading of the Bill of his right hon. Friend the Secretary of State he would explain the course he intended to take in regard to it.

Mr. DEEDES said, that as a member of the Commission which had been referred to, he wished to state the course he should pursue on this matter. He thought the Bills should be referred to the consideration of a Select Committee. Unfortunately he had, as magistrate for Kent, been engaged in a contest with the coroners through a difference of opinion in reference to their charges. It was a matter which he did not like, but, as a guardian of the public purse, he felt that he was bound to inquire into the holding of inquests. He would suggest this. If the Government Bill could not be referred, he hoped the right hon. Gentleman would abstain for the present from further legislation, and until the House received the Report of the Committee, for the appointment of which he should vote.

Mr. INGHAM said, he also should support the Amendment. He wished, moreover, to point out that the constitution of the jury in the coroner's court was a matter that ought to be investigated. These juries had often delicate and difficult duties to discharge, and yet no qualification whatever was necessary for the office.

Sir WILLIAM MILES said, he was in favour of paying coroners, as well as all other judicial officers, by salaries instead of fees, which salaries should be fixed by the magistrates on taking area and population into account. He then denied the imputation that a salary would render coroners indifferent; he held that they were a most respectable class, and he was sure that in every case they would do their duty. He objected to the Government Bill on the ground that if an appeal were taken to the Queen's Bench, the Judges would only give a decision on that particular case, and it would be of no value for guiding other cases. If their Bill, therefore, were not sent to the Committee he hoped at least it would be withdrawn. He hoped, also, the hon. and learned Member for Oldham would withdraw his Bill, and allow the whole matter to go to the Committee.

Lord HARRY VANE said, he also would recommend that both Bills should be simultaneously referred to the same Committee. They would thus best meet the convenience of all parties, do full justice to the case, and most effectually secure the object they all sought to attain. He was the more sincere in this advice, as he had himself on former occasions brought in a Bill on the same subject.

Mr. BOVILL said, that in cases from Kent and Gloucestershire the Court of Queen's Bench had declined to entertain the jurisdiction of deciding cases which might guide the Courts of Quarter Sessions in saying whether the fees ought to be allowed or not. Therefore he thought the proposition of the right hon. Gentleman the Secretary of State, to allow an appeal to the Queen's Bench in certain cases, would end in no decision being obtained which would be of the slightest use. He happened to be able to speak from experience, on a matter that had lately come before the Court of Queen's Bench on the propriety of holding an inquest, and in that case affidavits were filed at an expense of from £50 to £100, and it was the opinion of the Court that the coroner had acted properly. The Bill of the Home Secretary proposed that a case should be stated for the opinion of the Court of Queen's Bench; but what materials would there be for such a case? No question of law would be raised, and if it were not a matter of law or principle the Court of Queen's Bench would decline to adjudicate upon it, and would probably send down the case again to the Court of Quarter Sessions, that it might be determined whether the coroner had exercised a proper discretion in holding the inquest. With regard to the Bill of the Government, he thought it ought to be referred to the same Select Committee as that of the hon. and learned Member for Oldham. Everybody seemed to be agreed that it was important to retain the office of coroner, and the only question for consideration was to ascertain how the performance of his duty could be secured in the most efficient manner. The best mode of arriving at a satisfactory decision upon the subject was to refer the whole matter to a Select Committee, and he trusted that the Home Secretary would accede to the suggestion.

SIR GEORGE LEWIS said, the debate had very much turned on the Bill that he proposed, but he wished the House to understand that the Bill was intended to remove a pressing evil, and it afforded a remedy for that which was admitted to be a grievance in a great number of counties. His belief was that it would afford a constitutional and effective remedy, and that it would not prejudice the question whether the coroner should be paid by salary or by fees. As it appeared to be a general wish that the Bill should not be proceeded with till the Committee had reported, he had no objection it should be postponed.

MR. PEASE said, he thought the general feeling throughout the country was in favour of the Bill of the hon. Member for Oldham, in preference to that of the Government.

MR. BUCHANAN remarked, that if a Scotch lawyer were asked the question, he would say that the sheriffs of counties in Scotland were as vigilant as the coroners in England, but the fact was it was a matter of reproach in Scotland that there were not sufficient inquests held, and the reason assigned was that there was no coroner who had his fee. He suggested that the Committee should include some gentlemen of legal experience in Scotland.

MR. COBBETT said, he was gratified by the discussion which had taken place, as his only object was to secure the efficiency of an important public officer. He was perfectly willing to refer the Bill to a Select Committee, as it appeared to be the general wish of the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put and *agreed to*.

Ordered,

"That a Select Committee be appointed, to consider the state of the Law and practice as regards the taking of Inquisitions in cases of death, and the election of and the remuneration now paid to Coroners; and whether it is expedient that any, and what, alteration should be made in the manner in which such remuneration is now made; and to consider the effect and operation of the Statutes now in force upon that subject; and to report thereupon to the House."

OXFORD UNIVERSITY BILL.—COMMITTEE.

House in Committee according to Order.
Mr. MASSEY in the Chair.

(In the Committee.)

LORD ROBERT CECIL said, he had a series of verbal Amendments to move, the object of which was to insure that the scheme of the college and the scheme of the Commissioners should appear on an equal footing before the Judicial Committee of Prviy Council. He would also suggest the propriety of some security being taken against the appointment of any of the Oxford University Commissioners to sit on the Judicial Committee of Privy Council when adjudicating upon the ordinance.

SIR GEORGE LEWIS said, it was not usual, and would be inconvenient in any Act of Parliament, to limit the discretion of the Crown in the selection of the members of the Judicial Committee of Privy Council. But he had no hesitation in informing the noble Lord that in advising Her Majesty in the choice of such persons care should be taken to avoid the selection of members of the Privy Council who might have acted on the Oxford University Commission when the ordinance that was the subject of discussion was passed.

Amendments *agreed to.*

Bill passed through Committee.

House resumed: Bill *reported,* without Amendment.

WAYS AND MEANS.

House in Committee according to Order. Mr. MASSEY in the Chair.

(In the Committee.)

MR. LAING moved the following Resolution:—

> "That towards making good the Supply granted to Her Majesty the sum of £4,500,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolution *agreed to.*

House resumed: Resolution to be reported *To-morrow.*

House adjourned at a quarter before Four o'clock.

HOUSE OF LORDS,

Thursday, March 8, 1860.

MINUTES.] *Took the Oaths.*—The Lord Ardrossan, having been created Earl of Winton in the United Kingdom—Was (in the usual Manner) introduced; The Earl De Grey (The Earl of Ripon)—after the Death of his Uncle; The Lord Dorchester.

PUBLIC BILLS.—Valuation of Rateable Property (Ireland); Packet Service (Transfer of Contracts); Medical Acts Amendment.

2ª Consolidated Fund (£407,649).

ANNEXATION OF SAVOY AND NICE TO FRANCE.—OBSERVATIONS.

THE EARL OF CARNARVON said, that those of their Lordships who had gone through the Correspondence relating to the proposed annexation of Savoy and Nice to France, recently presented to Parliament, would, no doubt, be aware that in one of the despatches Lord Cowley stated that an important conversation had taken place between himself and Count Walewski; that in such conversation Count Walewski had reminded him that on more than one or two occasions he had intimated to him that under certain circumstances—for instance, if the Duchies should be united to Sardinia—France would feel it necessary to annex Savoy. Lord Cowley acknowledged the correctness of that statement, but he proceeded to say that he did not think it necessary officially to notify that conversation in a despatch to the Secretary of State, but confined the mention of it to his private communications to the noble Lord. Lord Cowley further assigned, as a reason for that course, that these were questions likely to come before the Congress of the Powers which was to be held at Paris, and that he was unwilling, therefore, to involve Her Majesty's Government in hypothetical discussions of that nature. Lord Cowley might have been perfectly right in confining his intimation of these conversations to a private communication, but the reason which he gave for adopting that course was questionable. He was quite aware that there were times and cases in which it was desirable that a Minister abroad should have the power of writing to the Foreign Secretary with less restraint and reserve than was compatible with a public despatch; not but he thought that the noble Duke (the Duke of Newcastle) must feel that it was a power which ought to be exercised with the greatest discretion. Unless that discretion was observed clearly one of two consequences must follow. In the absence of communications which had a direct bearing on the subject of the papers submitted, and without which those papers were incomplete, Parliament could not be in a position to draw a fair and impartial conclusion. And, on the other hand, unless they insisted that the communications which passed between the Minister abroad and the Foreign Secretary should be such as could be produced in Parliament, he did not know how they could enforce that Ministerial responsibility which the constitutional practice of Parliament required. There might be good reasons for what was done in this particular case, and therefore if the noble Duke could assure him that in those documents to which he had especially referred there was nothing necessary to a full understanding of the papers laid before the House, nothing in them tending to modify the views which might be reasonably founded upon those papers, as far as he was concerned, he should be perfectly satisfied. He should, however, be glad to have a statement from his noble Friend that that was the case.

THE DUKE OF NEWCASTLE: The House will excuse me if I do not go into the question of the annexation of Savoy, or the conduct of Her Majesty's Government except as to one point, for that would be to anticipate the debate which is shortly to take place on the general subject; neither will I enter into any question as to the scope of private letters which may be addressed by a Minister abroad to the Secretary of State. I readily admit that it requires the exercise of discretion in both parties. But there are none of your Lordships at all conversant with the conduct of public business, who will not admit that anything which should tend to diminish free and unrestricted intercourse between those in high office and those whom they employ in distant missions, would be very prejudicial to the public service; and that, rightly restricted, the power of addressing the Minister at home or the Ambassador abroad in private letters is of great advantage, and enables the Minister to know much more of the details of what is going on than he could learn by means of public despatches, restrained by considerations which it is needless to point out. I do not think that in this instance the remarks of the noble Earl imply any blame to Earl Cowley for the letters he wrote, nor to the Foreign Minister for treating them as private. The noble Earl asked me whether these letters would alter the aspect of the case as appearing on the face of the papers already presented to Parliament. That is a difficult question to answer. It is a matter of opinion. It is possible, no doubt, that if the noble Earl saw the letters, he might take a different view from that which I take. But if the noble Earl asks me my opinion, I tell him that I believe Parliament has before it, frankly and fully stated, the whole of the case, from the time when the Government entered upon office down to the present time, and that the private letter would not at all alter or affect it. These letters give an account of conversations, in which, as Earl Cowley states, Count Walewski puts hypothetically a case assumed—that in such and such an event, France might consider she ought to have Savoy. It was not stated that there was any such proposition before the French Government. On the contrary, Count Walewski denied all intention of annexation, and he only reverted to the subject from time to time, hypothetically, as Earl Cowley states. These conversations were reported to the Foreign Minister; but, until the production of these papers, there was no reason to suppose that the solemn denial given by Count Walewski at an early period had been departed from. As soon as it was known that the subject was revived in the form of a definite project, the communications assumed an official character, and those official communications have been produced, and are on your Lordships' table. I can give no further answer, therefore, to the noble Earl than this—that I do not believe that the private letters would at all alter or affect the case on the papers presented to Parliament.

THE MARQUESS OF NORMANBY: I cannot agree in the inference drawn by the noble Duke from the fact that the communications of the French Government declared no positive intention to annex Savoy. If I am not mistaken, the communications of Count Walewski amounted to a notification on the part of the French Government that if the English Government should persevere in taking a certain course, then that would compel the French Government to take a course which, at the first, they had disclaimed any intention of taking. If that is the real state of the case, the communication of these conversations ought never to have been confined to private correspondence. I am bound to say that I believe, in the whole course of diplomatic correspondence, there has never been an instance in which a communication from a foreign Government, of a possible change of purpose grounded on a change of course on the part of the British Government in a matter so important, has been suppressed: the result being that there is no official or parliamentary record of so important a fact. I cannot admit that a communication of that kind should be confined to private correspondence, and I protest against it as an unusual course.

EARL GREY: I concur with the noble Marquess, and think it is a subject of considerable importance. I admit that it would be unwise to throw restrictions on private correspondence between Secretaries of State and those who serve the Government abroad; it would be a restraint attended with extreme inconvenience and injury to the public service. But the condition upon which such private correspondence ought to be allowed is this, that no fact of importance should be reported to the Government in a private letter which ought not also to be recorded in a public despatch; and that no instructions on which any official servant of the Government is to act shall be sent in a private letter without its being also accompanied by a public despatch. It is absolutely necessary that any facts reported to the Government, and any directions or instructions given thereupon, should be officially recorded. My Lords, observe how serious are the evils which must arise from the contrary practice. In the first place, as has been pointed out by the noble Earl who originated the conversation, the constitutional power and control of Parliament is defeated. And if eventually the negotiation, or the conduct of any affair, leads to consequences which occasion a discussion in Parliament, it is depriving Parliament of its power of forming a proper judgment on what has occurred. Again, the Queen has a right, and it is her duty, to exercise a control over the conduct of the Foreign Minister, and no despatch of importance can be sent to a foreign Ambassador without receiving the sanction of the Queen. Now we know that the noble Lord the present Foreign Secretary, in a very remarkable instance, enforced this prerogative on the part of the Crown against his present chief in the Cabinet. Nor is this all. It is not the less important to make the whole Government responsible for what is done in public affairs. It is a practice, however, I fear, not new for the Foreign Minister to act on a different principle from that which is observed in every other public Department; and I believe a great many important matters have been improperly confined to private letters, instead of being recorded in public documents. What is the consequence? The members of the Cabinet find themselves, from time to time, brought into a situation in which they are obliged to choose between either making themselves responsible for measures which, if they had known what was going on, they would have objected to, or abandoning the Government perhaps in a season of difficulty. My Lords, this is no imaginary case. Such things have actually happened. And when, in any particular instance, it is brought to our notice that the wholesome rule has been departed from, it is fit that it should be brought to our notice, as it has been by the noble Earl on the present occasion. No one can deny the fact that the Foreign Minister of France told our Ambassador that, under certain circumstances, France might feel it necessary to take possession of Savoy. And that was a fact of very great importance, which ought to have been placed on record officially at the Foreign Office. It is no excuse to say that is was desirable not to involve our Government in any correspondence about it, for it would by no means follow, because our Ambassador reported it to our Foreign Minister, that therefore the Government would think it proper to take any further notice of the fact. Such a notification was undoubtedly made, and I must repeat that there ought to have remained at the Foreign Office a record of the fact. On the contrary, we find that for several months there had been no official record of such an important fact, and I must say that a great constitutional principle has been seriously infringed, and that great blame is attached to the Government for having taken such a course.

Lord WODEHOUSE said, his noble Friend (the Earl of Carnarvon) had laid down the rule very distinctly as to private letters passing between our agents abroad and the Foreign Secretary; but although he spoke of the Minister abroad exercising a certain discretion he appeared to deny altogether the exercise of any discretion in the present instance. In point of fact, the course which should have been taken depended very much upon the manner in which the so-called communication was made by Count Walewski to Lord Cowley. Any one who had carried on diplomatic conversations must be aware how very difficult it was to know how to treat a communication made by the Minister of a foreign country of an informal kind, especially when the communication is made as an illustration of an hypothetical event. There was, however, one mode of testing the weight which Count Walewski meant to be placed upon the communication he made, and the amount of importance Lord Cowley should have attached to it. In all cases where an important communication was made by the Foreign Minister of one country to the Government of another a despatch was addressed by the Foreign Minister to the Ambassador at the other Court, stating his views, and thus ensuring their communication to the foreign Government in his own words and supported by his own arguments. Such was the rule, and it was rarely, and always with inconvenience, departed from. The reason for it was obvious; being simply that, were the views stated in conversation, the person to whom they were addressed might not attach the same importance to them as the Minister who uttered them. He must say, therefore, that Count Walewski not having followed that course, Earl Cowley was entitled to believe that the communication in question was not of such importance as it was now attempted to attach to it. The noble Lord spoke of a change of purpose on the part of the French Government; but as far as he (Lord Wodehouse) was aware no such change had occurred.

The matter remained as before. Count Walewski had on one occasion given an explanation of the condition of affairs, which was accompanied by a statement on the part of the Emperor himself; and afterwards the Count, in reference to the proposal for a Congress, made an observation as to what might take place in the event of a certain arrangement, which he thought could not possibly be adopted, coming into force. The noble Lord had alluded to a former difference between the noble Lord the Secretary for Foreign Affairs and the present chief of the Government, in reference to the subject of despatches to Ministers abroad; but the conclusion to be drawn from that circumstance was, that the discretion of the noble Lord (Lord John Russell) might safely be trusted not to dispense with an official responsibility he had himself so strongly enforced.

THE EARL OF MALMESBURY: My Lords, there can be no doubt as to the right of Parliament or the Crown in this matter. There is no question that the Parliament, as well as the Queen, has the right to be fully informed as to what has passed; and that the Queen must be informed before any despatches or orders are sent to our Ministers abroad. But I think the noble Earl (Earl Grey) went a little too far, and applied the rule somewhat too rigorously, when he alluded to a practice that he says has risen up, of Foreign Secretaries keeping their Colleagues in ignorance of what is going on. There is a difference between the Foreign Office and the Colonial Office (of which the noble Earl was formerly the head) as to the manner of transacting business. The Colonial Minister has plenty of time to answer despatches he receives, and to determine upon the course of action. That is not so with the Foreign Office. There is often extremely little time for action, or for reply. In these days much of the correspondence of the Foreign Office is conducted by means of the electric telegraph, and it is therefore obvious that if upon every point, even of importance, the Foreign Secretary were obliged to send round to all his colleagues, and inform them exactly of the communication he had received and what his reply was to be, it would be impossible to carry on the business of the Department. I agree with the noble Earl, however, that it is fit that the subject should be brought forward; and I cannot help thinking that on the present occasion there must have been some oversight on the part of the noble Lord the Foreign Secretary; and I am astonished that he should not have required an official despatch for his own security. For my own part, I never considered myself, when I had the honour of filling the same office, I never considered myself safe unless my course of action was covered by an official record of the information on which I acted. I should have thought it to my own disadvantage to take action myself, and still more to give instructions to a Minister at at a foreign court to be carried out by him upon private information, without having it reproduced in a public despatch, properly numbered and recorded at the Foreign Office. Therefore I am surprised that the noble Lord the Foreign Secretary should, in a matter of so much importance, have neglected to have the sense of Lord Cowley's private letters put into an official despatch, in order that he might at any time have been able to exhibit the grounds on which he took the course which he pursued. What has happened might have been expected. It was impossible that the fact of the private communication should escape Parliament; and the consequence is that in both Houses the noble Lord is censured, and he has not escaped some suspicion of having attempted to conceal something. The noble Lord has thus been himself the sufferer from the course he has adopted. But at the same time I must add, that it would be quite impossible to carry on the public business without private correspondence between the Ambassador and the Foreign Minister. An immmense quantity of information can be imparted only in this manner—without it the Minister would be without any better information than all the world possessed; and it would be impossible to carry on the public business if that information were not rigidly kept secret. Its publication would very often involve the safety of individuals, and many other consequences which their Lordships could well understand.

THE EARL OF ELLENBOROUGH: My Lords, there is a point which has not been adverted to, but which is of great importance. There can be no doubt that on many occasions it is essential to the public service that communications of facts should be made in private letters; and perhaps, also, that instructions should be given in the same manner. But whatever it is necessary for the Minister or the Ambassador to communicate should remain on record in the Foreign Office. If it is important that the Minister for the time should have the information, his successor should have the same information. I happen to know, however, that it is not always the custom to leave these private letters at the Office, and when it is not so, the Minister who succeeds is in a very unfortunate position, deprived of information which he ought to possess. I remember that the Quadruple Treaty was formed in 1834; and when the Duke of Wellington came into office at the end of the year, he could not trace the existence of one single paper relative to that treaty, assigning the grounds on which it was entered into. So as to the serious events in China; when Lord Napier got into serious difficulties, which might have led us into a war, there was not a paper left in the office about them; and it was only by applying to the then Earl Grey for any private letters he might happen to have, that any information at all could be obtained on a matter of such serious moment. My Lords, I consider this practice, which I believe to be a common one, a serious defect in our public administration, and it is for the public interest that it should be corrected.

THE DUKE OF NEWCASTLE: My Lords, scant justice, or rather great injustice, has been done to my noble Friend at the head of the Foreign Office in the course of this discussion. It has been assumed all along that proposals were made through the medium of these private letters. I have already denied this, and have stated that these letters merely refer to hypothetical conversations. The noble Earl (the Earl of Malmesbury) says he always covered himself by an official communication. I own I am of opinion that that principle may be carried too far, and it is dangerous for the public interests that a Minister should be constantly looking to the possible "blue-book." If he means to carry out his duty honestly, he must frequently depart from that respect for the possibility of publication. The noble Earl implied that my noble Friend had exposed himself to the suspicion that he was attempting to conceal something.

THE EARL OF MALMESBURY: Not as my own suspicion, but as that of others.

THE DUKE OF NEWCASTLE: Quite so; but there cannot be the least ground for such a suspicion, for if my noble Friend had desired to do so he might easily have suppressed the fact that any private letters had passed, for he could have erased the passage in the despatch referring to them, and the Parliament could have had no knowledge of their existence. But my noble Friend proposed taking a more manly course, and he permitted the mention of these letters to appear, while he judged it useless to produce them, as they were merely mentioned as an hypothetical, and not a definite or formal proposal, as the noble Earl (Earl Grey) appeared to suppose.

EARL GREY: I never said anything as to a "definite" or "formal" proposal. I said that Count Walewski told Lord Cowley, and gave him clearly to understand, that in certain circumstances France would consider it ought to annex Savoy; and that this was a most important fact, which should not have been confined to a private letter.

THE EARL OF DERBY:—My Lords, without imputing to the noble Lord (Lord John Russell) any desire to conceal the existence of these private letters, I cannot admit that it would have been at all easy to suppress all mention of them, considering the nature of this correspondence. For, my Lords, how does the case stand? For four or five months the noble Lord remains, so far as concerns any official communications, in the full assurance and conviction that the French Government had abandoned the project of the annexation of Savoy. When the project again assumed a definite form, no time was lost by the noble Lord in communicating to the French Government the views of our Government upon the subject. But as soon as that communication was made there was another party concerned—the French Government and the French Minister; and when that remonstrance was made by the British Government, and Count Walewski replied,—"I told you that the proposal of the annexation of Savoy was abandoned. But it is equally true that this took place four or five months since, and during the interval I have, not on one occasion only, but many occasions, told you, on the part of my Government, that circumstances have changed, and that if all the proposals for the aggrandizement of Sardinia come to pass it will be necessary for France, having due regard to her own security, to take possession of Savoy." My Lords, that was stated by the Foreign Minister of France to our Ambassador at Paris as the answer to an implied charge on behalf of our Government that the French Government had been guilty of a breach of faith. And that answer, so defending the French Government, so announcing the intentions of the French Emperor, so reminding the British Minister that their intentions had been communicated to him, not once, but repeatedly—that answer, my Lords, ought to have been made the subject of an official communication, and ought not to have been wrapped up in a private letter. My Lords, after that correspondence it would have been impossible for the noble Lord (Lord John Russell) to have suppressed the fact that there had been such letters; for, supposing the paragraph alluding to them to have been omitted (which would have been very unjust to Lord Cowley), the question would have been asked at once in Parliament whether, if those statements had been made to the British Ambassador at Paris, to which Count Walewski alluded, the Ambassador had communicated them to the noble Lord; and the answer, of course, must have been the admission of the fact, that such communications had been made by the French Minister to Lord Cowley, and had by him been communicated to the noble Lord in private letters. My Lords, I can hardly understand how the noble Lord at the head of the Foreign Office with his sense of honour or of truth, after these communications from Lord Cowley — knowing that everything was tending towards the very event pointed at, namely, the aggrandisement of Piedmont —that very event which was to lead to the annexation of Savoy—I say I cannot understand how the noble Lord could give the answer which he is represented to have given in his place in Parliament, at the commencement of the Session, referring to the communication in July, as if that was the actual state of things at the time when he spoke, and suppressing the fact that from time to time the French Government had been warning us that if certain events should take place which were then in actual progress and in course of active accomplishment, the idea of abandoning the annexation of Savoy would be considered as not binding; and that it would be deemed necessary, on the part of France, to pursue it. I repeat, my Lords, I cannot understand how, under those circumstances, the noble Lord could refer us to the communication made in July, as if that contained all the information that could be given—sedulously concealing from us all that had passed in the meantime to vary and alter the case. The noble Duke may argue that the noble Lord did not desire to conceal anything, but it is vain to urge that he could have concealed the fact; for even though all allusion to the letters had been suppressed, the fact must have come out, even more discreditably than it has done as it is. My Lords, I think the Government have had fair warning as to the course which the French Government intended to pursue in a certain event, and that Her Majesty's Ministers had no right to charge the French Government with having deceived them or kept them in ignorance of their intentions; or to tell us that they were taken by surprise when they found in January that a totally different course was to be pursued by the French Government from that which had been avowed in July.

THE DUKE OF ARGYLL said, he thought it must necessarily have been left to Lord Cowley to judge whether the communications made to him were such as ought to be embodied in a public despatch, and he thought the noble Earl had exercised a sound discretion in making them the subject of a private letter. It had been assumed throughout that the communications made to Lord Cowley were much more definite than they really were. If the French Government had intended to make such a definite communication as was supposed, they ought to have done it in the form of a despatch. He regretted that this discussion had arisen. The argument of the noble Earl opposite as to the formal and definite nature of the communication was unfounded. The whole thing was not only hypothetical, in the event of certain conclusions being come to with regard to the Italian war, but it was also hypothetical upon the meeting of a Congress; and it was fully understood by Lord Cowley that whatever might be the views of the French Government at that time, this and other subjects would be matters for consultation at that Congress.

House adjourned at Six o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 8, 1860.

MINUTES.] NEW MEMBER SWORN.—Right honble. Rickard Deasy, for Cork County.

PUBLIC BILLS.—1° Bankrupt Law (Scotland) Amendment; Titles to Land (Scotland) Act (1858) Amendment; Herring Fisheries (Scotland).
2° Isle of Man Harbours.
3° Spirits (Ireland).

NEW PALACE AT WESTMINSTER.—GREAT BELL IN THE CLOCK TOWER.

QUESTION.

ALDERMAN SALOMONS said, he would beg to ask the Chief Commissioner of Works, as they had not lately heard the solemn sounds that so often warned the House during the last Session, if he can afford the House any information as to the condition of the Great Bell in the Clock Tower, and if an early expectation may be entertained of its tones being again heard?

MR. HANKEY said, before the question was answered, he would remind the Chief Commissioner that the question he had put on a former evening relative to the Lions for the pedestal of the Nelson Column had never received any reply?

MR. COWPER said, that the Great Bell in the Clock Tower was in the unhappy condition of being cracked in five places—the first crack was twelve inches, and the second nine inches in length. He was not able to state the origin of the cracks, but thought he was safe in saying that either the hammer was too heavy for the tenacity of the Bell, or the Bell was too brittle for the weight of the hammer. He could not hold out any expectation that the wish of the hon. Gentleman the Member for Greenwich would be fulfilled, and that we should again in a short time hear the solemn tones of the Bell. As to the Nelson Monument in Trafalgar Square, Sir Edwin Landseer had received the commission for the completion of the Monument some eighteen months ago, and had decided upon the arrangement of the Lions, but he was not prepared to say at what period they would be completed.

POSTAL SERVICE IN WALES.

QUESTION.

MR. JONES said, he wished to ask the Secretary to the Treasury, Whether the Post Office authorities have it in contemplation to avail themselves of the facilities afforded by the Llanelly and Vale of Towy Railways to transmit letters to the Northern and Eastern parts of the county of Carmarthen, in compliance with the numerous petitions presented to them for that purpose.

MR. LAING said, that no such arrangement was in contemplation. The expense with which it would be attended was such as not to justify the Post Office authorities in availing themselves of the accommodation in question.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

SIR JOHN WALSH said, he rose to ask the Secretary of State for Foreign Affairs, Whether he will lay upon the Table of the House any Correspondence with the Government of France relative to the Affairs of Italy and the annexation of Savoy, which has taken place subsequently to the date of the last Papers communicated?

LORD JOHN RUSSELL said, he must beg to state that there was a further Correspondence on the subject alluded to by the hon. Baronet which he would be prepared to lay upon the Table on the following day, and which would be delivered to hon. Members on Saturday next. There was other Correspondence connected with the subject, which would be delivered at an early day. He might, perhaps, be permitted to take the opportunity of making an appeal to his hon. Friend the Member for Bridgwater. When his hon. Friend brought forward his Motion for Papers respecting Savoy and Nice, on a former evening, he (Lord J. Russell) stated that although it was not convenient to bring the subject on then on account of the Commercial Treaty, still he told him that he had no objection to the production of the Papers. The hon. Gentleman had since given notice of a Motion for Monday next. Now, on consideration, the Government thought it would be attended with injury and inconvenience to the public service if his hon. Friend brought forward that Motion at that time. Under these circumstances, he hoped his hon. Friend would not persevere in his Motion, but would withdraw it.

MR. KINGLAKE said, that after the appeal which had been made to him by the noble Lord on his responsibility as Secretary of State for Foreign Affairs, he would not, of course, feel justified in pressing his Motion on the attention of the House on the day which he had originally proposed. He was at the same time anxious to assure hon. Members that he continued to be as firmly convinced as he had ever been of the deep importance of bringing the subject plainly and distinctly under the notice of the House, and that no consideration would prevent him from taking that course when he found that there was an opportunity of adopting it without the probability of injury being thereby done to the public service. He should, under present circumstances, postpone his Motion until Monday week, and he might, perhaps, in conclusion, be allowed to say that he did not seek in bringing it forward to imply anything like censure on the policy in the matter which Her Majesty's Government had pursued. On the contrary, he thought, and he believed the greater number of Gentlemen on the opposite side of the House were of the same opinion, that the noble Lord the Secretary of State for Foreign Affairs had conducted the negotiations relating to it in a very satisfactory manner.

CHINA.—QUESTION.

Mr. BAILLIE COCHRANE said, he wished to ask the Secretary of State for Foreign Affairs, Whether he will lay upon the Table of the House all the Despatches which have passed between Her Majesty's Government and Mr. Bruce, our Ambassador in China, up to the present time?

Lord JOHN RUSSELL said, he would lay two Despatches upon the Table on the following day; there were some further despatches which he would lay upon the Table on an early day.

THE WHITWORTH GUN.

Mr. WILBRAHAM EGERTON said, he would beg to ask the Secretary of State for War, Whether it is true that the offer of Mr. Whitworth's gratuitous services in aiding to adapt the Enfield Establishment to the production of rifles on his system has been refused by Her Majesty's Government; and, if so, whether he has any objection to state the reasons why; and whether any calculation has been made of the probable cost of the Whitworth Rifle if made at the Enfield Establishment?

Mr. SIDNEY HERBERT said, he had looked back into some of the Minutes of the Committee which had sat on the subject of the Enfield and Whitworth Rifles, and had found that in November, 1858, Mr. Whitworth had proposed, not to the War Office, but to the Committee, to give instructions at Enfield with a view to enable rifles on his principle to be manufactured at that establishment. He had not been able to discover any record of a refusal of that offer, but he gathered from a Resolution at which the Committee had arrived that they had rejected it, and that their rejection had been based on the fact that they conceived the principle of rifling which was adopted by Mr. Whitworth required a different metal from that which was employed at Enfield—which was less strong than the homogeneous metal which he used—thus rendering the expense of his rifle £10, while that of the Enfield was only £2 17*s.* 6*d.*

CUSTOMS RESOLUTIONS.

QUESTION.

Mr. HORSFALL said, he wished to ask Mr. Chancellor of the Exchequer, Whether he intends to propose for the acceptance of the House, Nos. 11, 12, and 13 in the Customs Resolutions, and Nos. 1, 2, and 8 of the Ways and Means Resolutions; and, if so, whether he is prepared to state with what modifications he intends to propose them?

Sir FITZROY KELLY said, he would also beg to ask the right hon. Gentleman when he proposes to take the discussion with reference to the Drawback on Wine, and upon the Duty relating to Foreign Malt?

Sir STAFFORD NORTHCOTE said, he wished, before the right hon. Gentleman answered these questions, to ask him when the Customs Bill will be in the hands of Members.

The CHANCELLOR of the EXCHEQUER said, the Customs Bill contained little or nothing beyond that to which the House in Committee had already assented. It would, however, be placed in the hands of Members as soon as possible, certainly before they were called upon to go into the discussion on the Resolutions. With respect to the time at which the discussion on the Malt Duty would be taken, he could only say that he did not know how he could make any particular arrangement on the subject. He did not think, he might add, that the question whether the Duty upon Foreign Malt should be 25*s.* instead of 26*s.*, as the hon. and learned Gentleman opposite (Sir FitzRoy Kelly) proposed, was one which was likely to lead to any lengthened debate. So far as the drawback on Wine was concerned, he was perfectly ready to admit that those who supported the views of the hon. and learned Gentleman should be afforded the necessary opportunity to state their opinions on the matter, while it was, at the same time, desirable that the decision of the House with respect to it should not be postponed for many days. As the business of the House at present stood, there were, beside the subjects which were to come on that evening, the Repeal of the Paper Duty and one or two other questions—the Chinese, for instance, on which it was expedient that the opinion of the House should at as early a day as possible be taken. He hoped, however, that those matters would be disposed of sufficiently soon to admit of the discussion on the question of the drawback on Wine being entered upon next week, even though it should be necessary to effect that object that the House should submit to the inconvenience of a morning sitting. In answer to the questions of the hon. Member for Liverpool (Mr. Horsfall) he had to state that Resolutions Nos. 11, 12, and 13, which related to Registration Dues and Warehouse Charges, would be laid on the Table to-morrow in their amended form. Of the other three Resolutions to which the hon. Member referred, and which were to be moved in Committee of Ways and Means, the first had reference to the charge on Dock Warrants, and the second to Contract Notes, and he hoped to be able to lay those also as amended on the Table to-morrow. The 8th Resolution had reference to the exemption enjoyed by Building Societies, and the Resolution stood in a different category from the others, because the financial consideration was not the only one involved, but the question turned rather upon whether in the existing state of Building Socities the exemption ought to be continued. He was not prepared to state that any positive determination had been come to by the Government on the subject, as other more urgent matters had prevented their giving the necessary attention to its consideration. But he hoped to be able to give a positive answer in the course of a few days. In case also he should find it necessary to persevere with the Resolution as it stood, he would take care that ample time was allowed for its discussion.

PAPER DUTY—QUESTION.

MR. BRIGHT said, he wished to ask Mr. Chancellor of the Exchequer, Whether the second reading of the Bill for the Repeal of the Paper Duties would be taken on Monday next, as the hon. Member for Bridgwater (Mr. Kinglake) has withdrawn his Motion for that day.

The Chancellor of the Exchequer

THE CHANCELLOR OF THE EXCHEQUER said, that an arrangement, subject to the concurrence of the House, had been come to between the hon. Member for East Somersetshire (Sir W. Miles) and the Government, by which the Paper Duty could be taken to-morrow, if the question of the Treaty were disposed of that evening. If it were not, the second reading of the Paper Duty Bill could be taken on Monday next.

MR. HORSMAN said, that the Bill had not yet been printed.

THE CHANCELLOR OF THE EXCHEQUER said, it would be in the hands of Members before the second reading was moved.

THE WHITWORTH RIFLES.—QUESTION.

MR. CORNWALL LEGH said, he would beg to ask the Secretary of State for War, Whether the additional expense which Mr. Whitworth suggested with reference to the alteration of the rifles at Enfield to his principle, was not *5s.* per barrel and no more. He asked this question because great stress had been laid upon the comparative cost of the two weapons.

MR. SIDNEY HERBERT said, that Mr. Whitworth had proposed that an attempt should be made to apply his principle to the metal used at Enfield for the purpose of manufacturing rifles, the adoption of which course would entail, according to that gentleman's own calculation an additional cost of only *5s.* per barrel. The House would not, however, fail to perceive that where a large number of rifles were to be manufactured a considerably increased expense would be thus entailed. There is no evidence to show that this principle of rifling could not be applied to the Enfield with the metal now in use; and being of that opinion he had given directions that the experiment should be tried.

FOREIGN POLICY OF THE GOVERNMENT.

QUESTION.

MR. VINCENT SCULLY said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Ministers, being all Protestant, whilst a large proportion of the Queen's subjects are Catholic, it is the intention of the present Government to observe faithfully the principle of absolute non-intervention, so far at least as regards the territories and sovereignty of His Holiness the Pope?

VISCOUNT PALMERSTON: Sir, I can assure my hon. and learned Friend that the foreign policy of Her Majesty's Government is not in the least degree influenced by the consideration of what may be the religion either of the members of the Cabinet or of any number of Her Majesty's loyal subjects. It is founded on considerations of a much larger and higher order than any question of that kind. I have already stated on former occasions, that with regard to the affairs of Italy the principle which Her Majesty's Government have endeavoured to inculcate on other Powers has been to leave the people of Italy free to arrange their own affairs according to their own notions of what is best for their respective interests. That is the principle, Sir, on which alone we have interfered, if interference it can be called, to endeavour to exhort other Powers to act on that principle; and I am persuaded, if this principle be permitted to guide the conduct and course of other Governments, the people of Italy would in the end be enabled to arrange their affairs, so as to add to the prosperity and happiness of the people. Perhaps the House will allow me, before resuming my seat, to appeal to those Gentlemen who have Notices standing on the Orders for this evening, and who of course are entitled to that precedence which the rules of the House afford them over my hon. Friend the Member for Middlesex (Mr. Byng), who has given notice of an Address to Her Majesty on a matter of great interest to the House and the public. I should really be very much obliged to them, and I am sure the convenience of the House would be consulted, if they would kindly postpone the Notices which stand in their names previous to that of my hon. Friend, so as to enable him to proceed with his Motion now rather than at a later period of the evening.

MR. CAVE said, that as a young Member he was willing to leave the matter in the hands of the House. At the same time if the House wished to hear his Motion, he would consider it his duty to press it, being one in which time was of great importance, as the Treaty to which it referred might be ratified at any moment.

THE OYSTER FISHERIES.
QUESTION.

SIR GEORGE PECHELL said, he rose pursuant to notice to ask the President of the Board of Trade if it is intented to lay on the Table the result of any inquiries that may have been instituted respecting the complaints made and losses sustained by the Fishermen and others on the coast of Essex, Kent, and Sussex, in consequence of the French Government having called on this Country to enforce certain penal regulations limiting the period for taking Oysters in the Seas between England and France, including those parts of the Channel common to the subjects of both nations, being quite distinct from the Oyster Fishery exclusively reserved to France by the 1st Article of the Convention of August, 1839.

MR. MILNER GIBSON said, in answer to the question of the hon. Baronet he had to state that inquiries had been made of the Custom-house Officers and those belonging to the Coastguard on the subject, and the reply was of such a character that they could not be conveniently laid on the table of the House; but he might state that there had been no recent remonstrances on the part of the French Government.

IRISH REPRESENTATIVE PEERS.
QUESTION.

MR. LONGFIELD said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been called to Statements in local newspapers that two of the Representative Peers of Ireland voted for a Candidate at the recent Election for the County of Cork, and whether such Statements are true or not?

MR. CARDWELL: Sir, my attention has not been called to the subject, and I have no information whatever in regard to it.

TURKISH MEDALS.—QUESTION.

MAJOR STUART said, he would beg to ask the Secretary of State for War when the Turkish Medals are to be issued to the British Officers and Non-commissioned Officers who served with the late Turkish Contingent in the Crimean war?

MR. SIDNEY HERBERT said, he understood that some of the medals were received yesterday, and he hoped they would be distributed forthwith.

THE CONSULAR SERVICE.
QUESTION.

MR. MONCKTON MILNES said, he wished to ask the Secretary of State for

Foreign Affairs if he has any objection to lay upon the table of the House Copies or Extracts of any Correspondence that may have passed between the different Departments of the Government on the subject of the Report of the Consular Committee of 1858.

Lord JOHN RUSSELL was understood to reply that he had no objection.

HER MAJESTY'S SHIP "CÆSAR."

EXPLANATION.

Sir CHARLES NAPIER said, he rose to state that he had on a recent occasion, in the debates on the Navy Estimates, inadvertently mentioned Her Majesty's ship *Cæsar* as one of those on board of which there had been some disturbances. Since then he had received a letter from the captain of the *Cæsar*, expressive of his surprise and annoyance at this statement, and denying that it had any foundation in fact. He (Sir Charles Napier) therefore felt bound to say that he was very sorry he had made a statement which gave annoyance to the officers and crew of the *Cæsar*, and to state that no disturbances had taken place on board that ship.

THE SHRUBS IN THE PARKS.

QUESTION.

Sir ANDREW AGNEW wished to ask, Whether it is the intention of the right hon. Gentleman the President of the Board of Works to restore the shrubs and flowers in the Green Park facing Piccadilly, and in Hyde Park from the Marble Arch to Kensington Gardens. He might state that the orders of that Board had been rather erratic of late, and that a great many thousand young trees had been rooted up and destroyed.

Mr. COWPER said, he had to inform the hon. Baronet that arrangements had been made for planting both shrubs and flowers along the edge of Hyde Park and also along the boundary of the Green Park, and that the work would be proceeded with when the weather and season were favourable.

EAST INDIA (INDENTURED LABOURERS).

PAPERS MOVED FOR

Viscount PALMERSTON said, perhaps the hon. Member for Shoreham would allow him once more to make an appeal to him to follow the example of hon. Members who had postponed their Motions. It would be convenient to the House if the hon. Gentleman would accede to his request.

Mr. CAVE said, he had every desire to consult the convenience of the House, and as the hon. and learned Member for Bridgwater had withdrawn the Motion which he had placed on the Paper for Monday, perhaps the noble Lord would allow him to bring his Motion on upon that evening.

Mr. DISRAELI asked the noble Lord if he would agree to the arrangement proposed?

Viscount PALMERSTON: Will not Tuesday do as well?

Mr. DISRAELI: No. Go on, go on.

Mr. CAVE: I would most readily have postponed this Motion, in favour of that of the hon. Member for Middlesex, had I not felt that in this case also every day was of importance. The Treaty with France, to which it refers, may be ratified, I understand, at any moment, and I do wish most earnestly that this House may have an opportunity of hearing what its nature is before it is too late. The discussion cannot occupy much time, and I will waste no words. I venture, therefore, to hope that I may have a patient hearing granted me, while I endeavour, as concisely as possible, to lay the case before the House. Soon after the emancipation of the slaves in the French Colonies, consequent upon the Revolution of 1848, results took place similar to those which had been experienced in our own plantations. We learn by a report from Martinique, to be found in the correspondence relating to the Slave Trade, ordered by the House to be printed last Session, that the negroes had manifested what I must confess to have been a natural repugnance to that agricultural labour which they had performed during slavery, and had retired in a great measure from the sugar estates, and that neither high wages nor coercive measures were of any avail in inducing them to return. The consequence was, the produce of those colonies fell off much in the same way as that of our own colonies had done, and the French, in the same manner as ourselves, looked about for some substitute for the labourers who had withdrawn. The French Government considered their colonies of sufficient importance to make their restoration a Government measure, and a most extensive scheme for procuring immigrants from the coast of Africa was set on foot. How it was conducted, the pages of the blue-book to which I have referred plainly show. The reports of our naval officers commanding on the African station speak in terms of the strongest reprobation of the cruelties of the system. Commodore Wise writes of these pretended free emigrants dragged along under the lash with their hands bound, and their necks secured to forked sticks. He writes of the system being apparently placed on a permanent footing at a notorious spot named heretofore Pirates' Creek, but henceforward to be called French Creek, where Government buildings were in course of erection on a large scale. Here, as well as upon the East Coast, the operations were sanctioned by officers in the French uniform. On the West Coast the independent territory of Liberia was not respected, as the protest of the president shows; and on the East, the untoward collision with Portugal soon arose which is fresh in the memory of the House, and which threatened at one time serious consequences, though eventually settled by Her Majesty's late Government in a way that gained them the warm acknowledgments of the Portuguese Minister. It is, indeed, well known that free emigration from Africa is impossible; that our own colonies are entirely prohibited, and rightly prohibited, from looking to that quarter at all for labour. These proceedings of France were, therefore, most embarrassing, because it was quite clear that we could not consistently maintain repressive measures on that coast if one Power was allowed openly to defy them. It appears that on Her Majesty's Government remonstrating with that of the French Emperor, Count Walewski at first denied the abuses which were alleged against the system, and afterwards, when these became too clearly known to be any longer concealed, the French Government, as far as I can gather from what has been said elsewhere, replied that it was all very well for us to prohibit immigration from the coast of Africa, who had India as the *officina gentium*, the labour mart to which we could resort, and that they are determined that their colonies should not go out of cultivation. This was not a conclusive reply, as China was open to her in common with other nations, and she has since resorted to it—at best it was a plea of necessity, the tyrant's plea which may form the excuse for any crime. It was not, however, without its force with Her Majesty's late Government. We were then at the close of the great Indian mutiny, and were anticipating a difficulty which has not occurred to any great extent, that of getting rid of the Sepoys who might surrender. Any embarrassment on this ground entirely passed away; and a very different feeling prevails with regard to the Indian subjects of the Queen. France has also, by her commencement of emigration in China, shown that she is by no means more scrupulous in her dealings with Asiatics than with Africans. Experience has since then told us that abuses are caused even by agents of different British colonies competing with each other, and Her Majesty's present Government have, I understand, now properly recommended that this should cease. How utterly inconsistent, then, to let in the competition of a foreign agent, who must be even less under control. Again, experience has shown us that with the increasing public works of India, there is an increasing difficulty in supplying our own colonists with the labour they require, yet we this very moment sanction the withdrawal of our labourers by a foreign power, and if we are to let in France, on the grounds upon which she demands it, might not the Spaniards, the Brazilians, the Americans, the Dutch claim to participate on the same grounds, as all complain of insufficiency of labour? Will the loyalty of our Indian population be increased by a residence of many years in a foreign and occasionally, perhaps, in a hostile community? But we are told that the Coolies themselves will benefit by this measure. The House knows the stringent, the jealous regulations with which the emigration of Indian Coolies to the British West Indies is, and is most properly surrounded. Unlike emigrants from our own shores whom we consider able to protect themselves, these people are watched and guarded like children. From the moment they agree to indenture themselves to a British colony, to the moment, when that compact fulfilled, they again set foot on their native India, emancipation agents in every port, stipendiary magistrates in every district, make them the objects of their special care. So stringent is the practice that the noble Lord the Member for King's Lynn (Lord Stanley), favourable as he is to Jamaica, thought it necessary to disallow an ordinance which deviated, though slightly, from the prescribed model, and our West Indian colonies had suffered from want of labour far longer than those of France, before we were allowed, even under these restrictions, access to the shores of India. We may be told that France will adopt our Passenger

Act, and that our consuls will act as immigration agents in her ports. But is it likely that so jealous a people will long tolerate this foreign interference? We may be told again that the French authorities will guarantee their proper treatment, but *quis custodiet ipsos custodes?* We learn by a despatch from the Governor of St. Lucia in the blue-book to which I have more than once adverted, that he was one day surprised by the appearance of the French war steamer *Acheron*, in pursuit of some free emigrants escaping from Guadaloupe, and with an account of others who had been drowned in the attempt. But if it be true that they will be well treated, why have a treaty to enforce it? and if they are not well treated, your treaty only gives you the guarantee of the French themselves, you gain no security you had not before; but you run the risk of stultifying yourselves by enacting terms you never mean to enforce. It has been said that some 40,000 of our people have been already smuggled into French colonies by Pondicherry, and that we cannot help this; we make the best of it by securing their good treatment; but is it not most humiliating to confess this? we cannot prevent a foreign Government carrying off our own subjects against our will. If it be so, let them go, but do not incur the additional humiliation of an *ex post facto* treaty to sanction it. And supposing that we should hear that these Coolies were badly treated, or that their liberty was refused, on some pretext. French Government agents, we find from this same blue-book, are very willing to believe in the desire of Africans to go to French colonies; they may be equally ready to believe and bear witness to the desire of the Indians to remain in them. Already more than five years have elapsed since the first went to the French colonies, and we hear of none returning. Should we make the restoration of these poor people a *casus belli*? The example of Spain shows that we should not. Spain, according to our own Consul's return, imports into Cuba slaves at the rate of 40,000 a year, contrary to treaty. Hundreds of thousands of Bozal negroes are living in slavery in that island, every one easily recognized as a man whose liberty is guaranteed by treaty between Great Britain and Spain, and we confine ourselves to ineffectual remonstrance. Should we be more peremptory with France? Then, again, we think to bind France by a fresh treaty, to do what she is already bound to do by an equally binding treaty she has chosen to break, and as in other treaties with the same Power we give in at once; she vaguely promises, she does not bind herself to abandon the slave trade, but holds out a pretext that she will give it up next year, in 1861. Now, if this African immigration is not slave trade, why stop it? If it is, it is piracy and murder, as this country has often declared; and are we asked to respect existing contracts to commit a certain amount of piracy and murder, after which they may possibly be abandoned or suspended? In the dark days of Spanish tyranny in the West Indies, Las Casas is said to have introduced negro slaves with a view to save the remnant of Indians who were perishing under excessive labour; he had at least reason on his side, for he substituted the stronger for the weaker, and strangers for the subjects of the King of Spain. We are doing the converse of this without the same excuse; we shall substitute the weaker for the stronger, and redeem the savages of Africa by the sacrifice of our fellow subjects. Besides, this Commercial Treaty with France, which we are asked to sanction to-day, is a strong reason against such a measure. When two nations are commercially linked together, should disputes arise, that nation whose trading interests and instincts are strongest, always gives way. This is the case with ourselves and the United States. In all our differences, whether the Oregon boundary, the bombardment of Grey Town, or the gun-boats on the Cuba coast, the Americans push their demands beyond all reason, because they say, "We have an ally in the midst of you. Manchester will not let you go to war with us." It will be well to carry this consideration to the case of France, and not embarrass ourselves with these stipulations about labourers which are sure to be fruitful in misunderstanding. Sir, I know how difficult, how impossible, it is for an obscure individual like myself, to revive any feeling in the House upon a subject to which in past days it would have lent the keenest attention, but my connection with some of our colonies has called my attention to it. I have not been reassured by what has transpired in "another place," nor by the reply of the right hon. Baronet the Secretary for India, to the question I put to him on this subject. I have therefore resolved not to participate without a protest in what I fear will not redound to our national credit. It is, therefore, Sir, with all humility and diffidence, but with the fullest confidence in the justice of my view that I protest against the ratification of this Treaty. I protest against it on a ground which both sides of the House must admit—the ground of common humanity to our Indian fellow-subjects, and common justice to our West Indian colonists. I protest against it, for a reason which Her Majesty's present Government will most readily appreciate, that it is fraught with the greatest danger to our friendly relations with France. I claim the support of hon. Members on both sides of the House who take an interest in the future destinies of India. I appeal to the remnant of the once powerful West Indian body, and to the representative, if there be one left, of the old Anti-Slavery Society. I call upon every man of every shade of politics, who has any regard for consistency in legislation, to unite in resisting to the utmost this ill-advised and most unfortunate measure.

SIR MINTO FARQUHAR, in seconding the Motion, said he believed that the first object which the Government had in view in entering into this Treaty was to put a stop to the French system of emigration instituted on the coast of Africa under the Mires Contract; and he readily admitted that he was glad that that system was likely to be brought to an end. But what he wanted to understand was, how the stipulations were to be carried out. It was perfectly true that England was to be allowed consuls in French colonies where she had now no consuls, whilst French agents would be permitted to reside in the Indian ports from which the emigration would be conducted; but he would ask the House to consider whether, after having entered into this Treaty, whatever its stipulations or articles, it was not likely that disputes and misunderstandings might still arise. What he feared was that a competition similar to that which now existed in China might grow up in the ports of India, and he prayed them not to take any step which would be attended with such an unfortunate result. The evidence before the House showed clearly that the emigration to the Mauritius and the West Indies had been productive of benefit not only to the colonies but to the emigrants themselves. That emigration was guarded by the severest restrictions, which provided for the mode of embarcation, the treatment of the Coolies whilst in the colonies, and their return home at the expiration of their term of service; and he trusted that in the proposed treaty such regulations would be adopted, as that the native subjects of the Queen should be protected from all ill-treatment or oppression. It was desirable that the House should consider what might be our position with such a touchy and sensitive nation as France in the event of the arrangements under the Treaty being differently interpreted; and he warned them that if this treaty were carried into effect we might be drawn into similar arrangements with the Dutch and the Spaniards, all of which might be the cause of most regretable complications. He trusted, however, that such distinct and unmistakable stipulations would be agreed to as that, before the Treaty was signed, the emigration from the African coast would cease. He knew that it was to cease immediately on the east coast; but it was to last for another year on the west coast; and he must repeat the hope that some clear and well understood agreement would be come to upon the subject, which would leave room for no mistake.

LORD JOHN RUSSELL: I will not detain the House long, but it is right that I should give the hon. Gentleman such information upon this subject as I can afford. It is no doubt, a great question whether such a treaty as this should have been concluded, but upon the whole, I think that it was advisable to enter into these negotiations. The case was this:—A contract called the Mires Contract had been made, under which, although the Africans taken were nominally free, yet they were really kidnapped in precisely the same manner as slaves. All the evils of private war and hunting men down with the view of carrying them as slaves on board ships prevailed under this contract. When these facts were brought to the knowledge of the Emperor he declared that he did not wish this system to continue, but his Government declared that if it were abandoned they should expect some assistance from us in procuring labour for the French colonies. Negotiations were commenced upon that, when my noble Friend near me (Viscount Palmerston) was last in office, which resulted in an agreement by the terms of which France was to have the same facilities for procuring labourers for India as are now enjoyed by our own colonies. I must say a few words with respect to that plan. Many years ago, when I held the seals of the Colonial Department, there was a great question in this House whether Indian labourers should be allowed to be taken to the Mauritius. I persevered in introducing that system, and for many years I inquired after its operation. I always found that these Indian labourers, many of whom had been at the point of starvation in India, were well employed and humanely treated, and that not a few of them returned home with sums of money which were considerable for persons in their condition. Therefore the possibility of such a system being well conducted and producing advantage to the Indians themselves is well established. It is to be observed that, with regard to the introduction of these labourers into either the English or the French colonies, the first process is quite different from that of the slave trade. The first process in the slave trade is that the chiefs make war upon one another, there is a great deal of bloodshed and extermination of tribes, men are brought down to the sea coast manacled and placed in a sort of prison, and are afterwards embarked in vessels in which they are so much crowded that great mortality takes place amongst them. Now, in the case of this Indian emigration to the Mauritius or the West Indies the case is different. Provided the business is properly conducted, the emigrants are persons who voluntarily accept the service; there is no force or compulsion, still less any bloodshed, in the country from which they emigrate. That being the case, it was proposed to the French Government that our system, which had been successfully introduced into the Mauritius, and afterwards into the West Indies, should be extended for the benefit of the French colonies. I must admit that, while upon the whole I think it was right to enter into that negotiation, it is attended with some great inconveniences, and even dangers, which cannot be altogether provided against. In your own colonies you have officers who protect the interests of the emigrants, and you have governors who receive orders from the Secretary of State, and who are bound to see that no abuses take place. Of course there is a great difference when you have these labourers taken into a foreign colony, because although you may give strict orders to your Consul, and although he may make it his duty to represent any abuse, yet the governor is the officer of a foreign State, he gets his instructions from a foreign Minister of Marine and the Colonies, and he is not in any way under your control. At the same time I think it must be said that although it would be difficult for your Consul to follow out each individual case of abuse of power on the part of an employer, yet he could easily ascertain the existence of any great crying abuse, and it would be his duty to represent it to the colonial authorities. I confess, however, that our only remedy in the case of an abuse would consist in giving notice for the termination of the treaty. But that would have a considerable effect both upon the French Government and upon their governors in the colonies, because, as they must wish to have the benefit of this labour, they would take some care not to expose themselves to reproach, and not to have the treaty set aside. Our sole object in entering into this treaty was to put an end to the Mires contract, which, in the opinion of the Government and the people of this country, is almost equivalent to the revival of the slave trade. We asked that that contract should be put an end to at the close of this year; but the French Government has since proposed that it should remain for fifteen months after the signing of the treaty, and that it should then be terminated for ever. I can assure the House that great pains have been taken by Sir Frederick Rogers, who was employed for this purpose in Paris, under the superintendence of Earl Cowley, in arranging the articles of the treaty, which has been submitted for revision to the Colonial Secretary and the Minister for India. Every step has been much considered, but I should be giving the House an assurance which I do not feel myself if I were to say that every abuse has been completely guarded against. The treaty has not yet been signed, but, upon the whole, I believe the advantage of putting an end to a revival of the African slave trade is so great that it is expedient to go on with the treaty, which will be signed as soon as the French Government has consented to some proposals of ours. I may conclude by stating that I have no objection to the Motion of the hon. Member, provided he will consent to amend it by inserting the word "Extracts," as the correspondence itself is of a very voluminous character, to produce the Papers moved for by the hon. Member opposite.

MR. KINNAIRD said, he wished to thank the hon. Member for Shoreham for having brought this subject before the House. It was his belief that if the people of this country had been consulted with respect to the treaty they would have expressed a strong feeling against it. He wished to know whether the sanction of the authorities in India had been obtained to the treaty, which he feared would do no good to the people under their rule. He also felt some disappointment that the noble Lord had not communicated more of its details to the House.

Motion *agreed to.*

Address for

" Copies or Extracts of Correspondence between Her Majesty's Government and the Government of France in respect to legalising the exportation of Natives of British India as Indentured Labourers to French Colonies."

CORRUPT PRACTICES AT ELECTIONS.

MR. CRAUFURD said, that upon an assurance he had received from the right hon. Member for Kilmarnock (Mr. Bouverie) that the Select Committee on the Corrupt Practices Prevention Act was inquiring into the subject, he wished to withdraw the Motion of which he had given notice, to the effect that the Committee should be instructed to take evidence as to the working of the system of protected voting in the Australian colonies, with a view to its effect in checking corrupt practices at elections in this country.

COMMERCIAL TREATY WITH FRANCE.

ADDRESS MOVED.

MR. BYNG said, he then rose to move an Address to the Queen on the subject of the Commercial Treaty with France. The House would feel that he presented himself under circumstances of no ordinary importance and difficulty. The responsibility attendant on a duty similar to that which he had undertaken would at all times be very great, but it had been seriously increased by the discussion that took place on Monday evening. At the risk of detaining the House for a few moments on a matter personal to himself, he could not refrain from stating that, if hon. Gentlemen on the other side had suffered any inconvenience from the shortness of the notice he had given, no one could more deeply regret that circumstance than himself. But he might remind the House that a fortnight ago notice was given of a Motion of a very serious character. It was given, he believed, very nearly at the same hour at which he gave his on Friday night, but there was this difference between the two cases, that whereas the notice given on the 17th February by the right hon. Gentleman the Member for Bucks (Mr. Disraeli) only appeared in the Votes on Saturday morning, he thought it respectful that he should give public notice of his Motion at the same time, in order that those Gentlemen who had left London might, if they did not receive their Parliamentary papers, see it in the public journals. He also took the earliest opportunity of sending a copy of his Motion to the right hon. Gentleman the Member for Bucks and the hon. Member for Sunderland (Mr. Lindsay) and he hoped, therefore, the House would acquit him of any intentional disrespect. He was glad to think that, whether or not his opinions or his arguments would meet with the assent of the House, he was, at all events, treading that night in the steps marked out by precedent and constitutional usage. He found that on the 21st of February, 1787, Mr. Blackburn, the Member for Lancashire, and Captain Berkeley, the Member for Gloucestershire, respectively moved and seconded an Address to the Crown, expressing the approbation of the Commons of England of a treaty of commerce which the reigning Sovereign had entered into with the King of France, and within his own recollection, when in 1856 a treaty of peace was concluded between Her Majesty and the Emperor of Russia, the right hon. Gentleman in the chair, and the right hon. Member for Kerry (Mr. H. Herbert) were severally the exponents of the feelings of the House in their loyal and dutiful reply to the gracious message from the Crown. Under ordinary circumstances, when a treaty like the present was concluded, it was difficult to separate its political from its commercial bearings. On this occasion it was not only difficult, but simply impossible to do so, and therefore he did not wish to shrink from discussing the political as well as the commercial elements of the Treaty. He should have felt satisfied a fortnight ago with using the language employed by Earl Cowley in the correspondence which had been laid on the table, and expressing the hope that the generous and philanthropic views which had actuated Her Majesty's Government in concluding the Treaty might meet with their reward by proving the means of drawing closer together the bonds of amity between the two countries for whose benefit the Treaty had been contracted, but he now was obliged to go somewhat further. The House knew that he was not in the secrets of the Government, and that all he said, therefore, was but the simple expression of the opinions of an independent Member of the British Parliament. If he had thought for one moment that the Government intended to pursue any other course of policy abroad than that which was far less the opinion of any set of Ministers than the predetermined will of the country —a policy which during the last few months had been marked by dignity and moderation—he should not have undertaken the duty which he had risen to discharge, but he firmly believed that no change was contemplated in that respect. He knew that definitions were difficult, he was sure they were dangerous; but if he were asked to define what the foreign policy of this country ought to be, he should say it should be a combination of dignified forbearance, calm conciliation, and friendly intercourse with all nations. It was our duty to embrace every fair opportunity of extending our commercial and trading connections with other countries. With regard to peace we should use every means in our power to preserve it unstained and unsullied. With regard to war, he would bid them bear in mind the old motto on the Spanish sword —"Do not draw me without reason, nor sheath me without honour." Let this country respect treaties, let it not refuse its good offices when solicited to offer them, but, above all, let it not interfere unnecessarily and unwarily in the internal affairs of other nations. He believed that a policy of that kind would secure respect abroad, and he felt certain that it would acquire confidence at home. At the same time, while England pursued that line of policy, there was no reason why it should not on all legitimate opportunities endeavour to extend its trading and commercial relations with other countries, more especially when, as in the present instance, such a course would go far to wipe out old prejudices and ancient grudges. There was a subject connected with foreign policy of a painful character and of such importance that he did not wish his feelings with respect to it to be misunderstood for one moment. He would willingly have postponed any observations with respect to the annexation of Savoy to a more legitimate opportunity, but, as he believed that the Motion he was about to make involved to a certain degree an expression on the part of the House of confidence in the Ministry, thus much he would say, that he believed in respect to foreign policy the honour and best interests of England were in safe and trustworthy hands. To say more would be inopportune. He would now pass on to the subject that was more immediately inviting their attention, and first, he would ask the House to consider what had occurred during the last eight nights of debate on the Commercial Treaty with France. He had heard with some surprise the statement made by the right hon. Member for Buckinghamshire that the course taken by the Government with respect to the Treaty was neither right nor fair as regarded the House. The right hon. Gentleman said that the Government should first have invited the House to express approbation or disapprobation of the Treaty on a Motion of an Address to the Crown, and that if that Motion were decided in the affirmative the House should have proceeded to discuss, and reject or accept, the various items connected with the Customs' duties. The House, however, had given its vote against the suggestion of the right hon. Gentleman, and they had had lengthened debates on a number of points involved in the Treaty. He (Mr. Byng) had been surprised to find that the very course which the right hon. Gentleman recommended was denounced by the leader of the Opposition in 1787. Mr. Fox declared that of all ways the proceeding by Address was the most unconstitutional and dangerous; that it tended to deprive the House of its legislative functions, tied up the hands of Members, and tended to annul all those forms which our ancestors had devised to secure freedom of discussion. The course pursued on the present occasion was not obnoxious to any of those charges. The Chancellor of the Exchequer laid on the table of the House the provisions of the Treaty of Commerce at the same time that he made his financial statement. Time was allowed the country to deliberate on the propositions; deputation after deputation waited on the right hon. Gentleman, and all the great trading and monied interests of the country were consulted. Many amendments were proposed; many deficiencies were detected, and after the discussions which had taken place he believed that the House was in a position, with a due regard to the public interests, to pronounce an affirmative or the reverse upon the proposition he was about to submit to it. He could not help being struck by what occurred during the debate on the Motion of the hon. Member for North Essex (Mr. Du Cane). The question was very fairly raised by that hon. Member, but upon that occasion some of the Conservative Members, for South Lancashire, Liverpool, Cornwall, Northumberland, the Potteries, and other places, declined to follow the hon. Gentleman; and he therefore drew the inference that those Gentlemen were convinced of the beneficial character of the Treaty, and that they wisely preferred what they believed to be the interests of their constituents and of the country to any advantage to be gained by a party victory. In glancing at the Treaty he would not endeavour to over-estimate its advantages, or undervalue its corresponding disadvantages, but if he were asked why he supported the Treaty he should say, because it involved on the part of this country the almost entire removal of protective duties, and that simplification of the Tariff so long and urgently asked for. With the permission of the House, he would quote a few figures in order to show that the country had been advancing rapidly in this direction during recent years. Two hundred years ago there were 1,630 articles charged with Customs' duty; in 1787 there were 1,425 articles charged with duty; in 1826, 1,280 articles; in 1841, 1,163 articles; in 1845, 1,052 articles; in 1853, 466 articles; in 1859, 419 articles; and in 1860, when the present Treaty would come into effect, if the proposals of Her Majesty's Government were adopted, there would be only forty-four articles charged with duty. He likewise valued the Treaty because, in the first place, it constituted on the part of France an abandonment of prohibition, and, in the next, it established a great reduction of the import duties on articles of English produce and manufacture. He had heard it stated during the late debates, and probably he should hear again that night that a bad bargain was being made for the people of this country. If it were a question of how much one party would give and how little another would take, that objection might have some weight, but he denied that these negotiations were entered upon in the spirit of mere barter or bargain. This was not, in a literal sense, a treaty of reciprocity, but it was one of mutual benefit. Through this treaty the people of England said to the people of France, "We have seen past years of privation and distress; but recent years have been marked by unexampled prosperity in our commercial undertakings; this shows that the policy on which our legislation is now founded is wise and just in principle, and, as we wish other nations to be prosperous as well as ourselves, we invite you to meet us in the spirit of free trade; we do not ask for a bargain or barter, in making which everything must be weighed with exact nicety, and where the slightest preponderance would vitiate the fairness of the proceeding, but we ask you to remove prohibition and reduce protective duties, meeting us in a spirit of free trade, and we venture to predict that our convictions, which are strong on this subject, will become yours also." And how did the people of France answer this appeal? They said, "We recognize the justness of your arguments, and your condition justifies your statements; but these views are novel to many of us and unpalatable to others. Give us time, therefore, and we will endeavour to meet you in the path of commercial progress, and honourably and faithfully endeavour to carry out all our engagements." Paradoxical as it might appear he thought the mere fact that the Treaty did not excite on either side of the Channel any great enthusiasm was a proof of its impartiality. While in this country persons were heard in certain quarters grumbling with the Government for giving up all and getting too little, French manufacturers were complaining that 30 or 25 per cent *ad valorem* duties would hardly enable them to compete with English manufacturers. But what was the opinion of Mr. Pitt in 1787 with respect to the mutual advantages conferred by such a treaty as the present? Mr. Pitt said:—

> "It was ridiculous to imagine that the French would consent to yield advantages without an idea of return; the Treaty would be of benefit to them; but he did not hesitate to pronounce his firm opinion, even in the eyes of France, that, though advantageous to her, it would be more so to us. The proof of this assertion was short and indubitable. She gained for her wines and other produce a great and opulent market; we did the same and to a much greater degree. It was in the nature and essence of an agreement between a manufacturing country and a country blessed with peculiar productions that the advantage must terminate in favour of the former; but it was particularly disposed and fitted for both the connection. Thus, France, was, by the peculiar dispensation of Providence, gifted perhaps more than any other country upon earth with what made life desirable in point of soil, climate, and natural productions. Britain was not thus blessed by nature; but, on the contrary, it possessed, through the happy freedom of its constitution and the equal security of its laws, an energy in its enterprise and a stability in its exertions which had gradually raised it to a state of commercial grandeur, and, not being so bountifully gifted by Heaven, it had recourse to labour and art, by which it had acquired the ability of supplying its neighbour with

all the necessary embellishments of life in exchange for her natural luxuries." [*Hansard, Parl. Hist.* xxvi., 394,]

Every word uttered by Mr. Pitt in 1787 applied to the present Treaty, with this qualification, that at the present time the people were even more anxious than formerly that the inventive genius and mechanical industry of the two countries should be directed not to their mutual destruction, but to their relative improvement. Those who complained that France did not march in the steps of free trade with the same alacrity and rapidity, which we now displayed, ought to remember that England had arrived at her present convictions only by slow and painful degrees. We, too, had passed through the various stages of prohibition and protection; and if our neighbour in banishing the former still clung to the latter, we should endeavour to lend them a helping hand. On this point Mr. Buckle, in a well-known work, used some remarkable words. Speaking of free trade, he said:—

> "It should always be remembered, as a proof of the backwardness of political knowledge, and of the incompetence of political legislators, that although the principles of free trade had been established for nearly a century by a chain of arguments as solid as those on which the truths of mathematics are based, they were to the last moment strenuously resisted, and it was only with the greatest difficulty that that was conceded the necessity of which had been proved by the ablest men during three successive generations."

It would be neither just nor right on his part if he were to abstain from noticing what he considered the errors of omission and commission in this Treaty. He could assure the hon. Gentleman the Member for Sunderland (Mr. Lindsay) that he sympathised in the feeling which had induced him to give notice of an Amendment to that Motion, and that he deeply regretted that, upon an occasion when the commerce of the country was to receive a material development, the shipping interest would still be subjected to harsh and injurious restrictions. It should be remembered, however, that this was a Treaty of Commerce, and not of navigation, and although it would affect the indirect trade, the direct trade, as he understood the Navigation Laws, would not suffer. Thus, an English ship going with an English cargo to a French port, would stand on precisely the same footing as a French ship; but if a Dutch or American ship went to France with a cargo of English produce, the differential duties in such a case would be levied. He sincerely hoped, with his hon. Friend (Mr. Lindsay), that this state of things would not last. Another objection taken to the Treaty was of equal importance. He confessed that when he first read it he regarded the 11th Article with concern and apprehension. But the more he had considered the subject, and the more he had received information from competent authorities, the more had those feelings of concern and apprehension been removed. He now believed that in case of war the 11th Article would have no force with regard to the antecedent rights of other countries. What was the opinion of the Lord Chancellor on our undertaking to impose no export duty on coals?—

> "As to the prohibition, this is merely intended by both sides commercially, and for commercial purposes it is most fair. If war should break out with France, the prohibition has no operation. It has no effect upon belligerent or neutral rights."

He (Mr. Byng) would, with deference, go further than this, for it seemed to him that, supposing we were at peace with France, and war were to break out between France and a friendly Power, which Power complained of our export of coals, as thereby furnishing France with munitions of war, we should not be able to let that Article of the Treaty continue in force. But, besides this, his feeling of regret at the existence of the 11th Article had been considerably diminished by the fact that ours was not the only country from which France derived its supplies of coal. The Belgian collieries were of large extent, and France might, in case of need, draw considerable stores from the shores of the Black Sea. One argument used against the Treaty on this subject had somewhat astonished him. It was said that we ought to retain the power of prohibiting the export of coal because the veins of coal in England only contained sufficient to last us for 400 years. That reminded him of a passage in a witty author respecting the people of Laputa, who, though they enjoyed many advantages of soil and climate, were described as being perpetually tormented by the fear that, at some time or other, the rays of the sun would be extinguished, and neither light nor heat would be received from this source. But supposing it were proved that the 11th Article were so injurious to the interest of England, was it absolutely binding on the Government? From the statement made by the Foreign Secretary on this point he gathered that the clause was capable of modification and of alteration, and that it would be in the power of the Government almost to reject it, if they thought fit to do so. Passing from these objections, he would ask the House these questions, "Do you believe this Commercial Treaty to be right in principle? Do you believe that, if fairly and honourably carried out, it will conduce to the advantage of the two contracting parties—that by its operation trade and commerce will be extended, and the material and industrial resources of both countries developed—that it has been entered into in a spirit of mutual conciliation and good-will, with a firm hope that it will produce between the people of the two countries an alliance more stable and permanent than any which can be formed between Sovereigns and Governments? Do you believe that it will knit together the two nations in one common bond of friendship and interest, and that the Treaty is one which will bear the scrutiny of time and the judgment of posterity?" If the House could return an affirmative answer to these propositions, he asked their co-operation in this Address. They had all, no doubt, consulted the precedent of 1787, and studied the debates on that occasion. The right hon. Gentleman (Mr. Disraeli) had taken a technical objection to the words of the Address he was about to move, but it really breathed the same spirit of loyal attachment to the Throne as the Address to which he had referred, and the House of Commons was animated seventy years ago by the same hope which, he felt certain, now animated men of all parties around him—namely, that whatever treaties Her Majesty might ratify they might tend to the happiness and glory of Her Majesty and to the prosperity of her dominions. Before concluding he had another duty to perform. If it were true, as had been said, that that man was a benefactor of mankind who made two blades of grass spring up where but one grew before, he was not a less wise and useful citizen in his generation who gave up time, health, and fortune, and the yet more precious treasures of a gifted intellect to carry out what he believed to be for the benefit of his country. Such a man we had seen. We had seen him receive the greatest reward to which in this country an honourable ambition could aspire,—the reward of seeing every day the successful results of his arduous efforts in the great contest of free trade against protection and monopoly. Not content, however, with this, he had sought another and a wider field of action, in the wish that other countries should possess those benefits which, under Providence, had accrued to his own from a policy of unrestricted competition. Differences of opinion there might be respecting this Treaty; on the one hand its advantages, and on the other its disadvantages, might be over-estimated; but he (Mr. Byng) believed that there would be but one opinion as to the wise and patriotic part which had been played by the hon. Member for Rochdale (Mr. Cobden), and if the Treaty produced the happy results which many anticipated, it would ever be a source of pride and gratification to the Commons of England that it had been negotiated and, in the main, concluded by one of their own number. In conclusion, he would respectfully appeal to hon. Gentlemen on the Government side of the House not to allow individual discrepancies of opinion to prevent their joining with him in this Address. To those who sat opposite he would hold a different language. He would ask that great historical party—the Conservative Gentlemen of England—to approach the discussion of this great question in a spirit worthy of the occasion, and that when recording their votes to-night they would all, in the words of the prayer which was daily read at their table, "lay aside private interests, prejudices, and partial affections." He trusted it would never be said again that there was a desire on the part of any one in that House to stifle discussion, for it was impossible that discussion could there be stifled. He would call upon hon. Members to reflect upon the vast interests which were at stake, and to give such a vote as they could look back to in future times with pride and satisfaction. If they objected to the Treaty financially, commercially, politically, morally, or socially, then let them return an indignant negative to this proposal. If they believed that in the negotiations the honour and dignity of the Crown or the interests of the nation had been sacrificed, then let them move an Amendment. If they thought that the Government had trifled with the interests of the country or had failed in their duty, let them displace the Ministry, and although he believed the country would not ratify such a judgment, even if pronounced by that House, yet the people would understand the manliness of such a step. If, however, hon. Members believed—as, in his opinion, a great majority of them did believe—that the Treaty would conduce to the best interests of England and France, he asked them to approach the Sovereign with the Address which he was about to propose, and to express with him a hope that, under the blessing of Providence—without which the efforts of the wisest statesman would fail—the two great nations of England and France might be still more closely united by the common bonds arising from identity of interests and reciprocity of intercourse, and thus prove, as they had heretofore proved, to be the pioneers of civilization and progress in all parts of the habitable globe.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, to assure Her Majesty that, having considered the Treaty of Commerce concluded between Her Majesty and the Emperor of the French, this House begs leave to approach Her Majesty with their sincere and grateful acknowledgments for this new proof of Her Majesty's desire to promote the welfare and happiness of Her subjects:

"To assure Her Majesty that we shall proceed to take such steps as may be necessary for giving effect to a system which we trust will promote a beneficial intercourse between Great Britain and France, tend to the extension of Trade and Manufacture, and give additional security for the continuance of the blessings of Peace."

Mr. BAINES said, he had the honour to second the Motion of the hon. Member for Middlesex, which had been proposed in a speech of so much ability, judgment, and good taste. He (Mr. Baines) felt it a deep satisfaction to join his hon. Friend in asking the House for its definitive approbation to a Treaty which had been formed to cement the friendship and advance the prosperity of the two greatest nations in the world. He felt that Her Majesty had in that exercise of her prerogative conferred another great boon upon her subjects; and it was right that the House should express its grateful acknowledgments for an act which he believed would be mentioned in history as one of the memorable events of Her Majesty's bright and happy reign. His hon. Friend, representing the metropolitan county, had expressed the mind of his constituents upon this Treaty. He (Mr. Baines), coming from another part of the country, was there to declare the opinions of his constituents regarding this great compact. He might speak, he believed, not only for the great town which he represented, as possessing a considerable variety of important branches of industry, but for all the great branches of industry carried on in the counties of York and Lancaster, and the northern and the midland counties. He believed that those engaged in the cotton, woollen, worsted, and linen manufactures, in the leather manufacture, in the porcelain and earthenware manufacture, in that of cutlery and hardware, in fact, in all the great branches of English industry, regarded the Treaty as opening a new market for their products, whilst, at the same time, they considered it a new pledge for peace. In the year 1855 he was a witness of two great and striking spectacles in the city of Paris. One took place in the *Champs de Mars*, and the other in the *Champs Elysée*. That in the *Champs de Mars* presented the spectacle of 60,000 French troops of all arms drawn up, and Her Majesty the Queen of England riding in an open chariot, attended by the Emperor and the marshals of France, through that vast host of armed men. That was an interesting spectacle, and he felt proud of his Queen. But he also felt proud of the French, for he felt that his Sovereign was as safe among that large body of gallant men as if she was surrounded by her own guards and in the midst of her own capital. The most pleasing thought presented to his mind by that great spectacle was, that it was not merely an alliance of friendship between two Sovereigns, but that it was an indication of an alliance of a very important kind between two great nations. It was, however, merely a political alliance. He then went to the other spectacle, the exhibition in the *Champs Elysées*; and there he was led to see that the political alliance was not supplemented by a commercial alliance, for there he found the manufactures of his own town and his own county displayed, indeed, for show, but not permitted to be sold. They were not allowed to be introduced into France by the Commercial Code of the country. A special licence was granted for the introduction of a few articles, by way of sample to the French manufactures, but as a general rule they were excluded. This was a great defect, for it showed there was not a perfect alliance between the two countries. The present Treaty had been concluded for the express purpose of remedying this evil. No one in that House would deny that commerce was the best guarantee of peace. He would show how extraordinary was the defect that now existed with regard to commercial interchange between the two countries. If they looked at the amount of that intercourse, they would find it disgracefully insignificant compared with the vast amount of the industry and trade of England and France respectively. The exports of British and Irish produce and manufactures in 1859 amounted in value to £130,440,000; but the proportion sent to our nearest and wealthiest neighbour was only £4,744,000. But there was also an inequality between our imports from and exports to France, which it was the duty of Government, if possible, to remove. The imports from France into the United Kingdom, in the year 1858, amounted to £13,271,890, and in the same year the exports of British and Irish produce to France amounted only to £4,863,131. The exports to France were little more than one-third of the imports from France into this country. But a great part of those exports consisted of raw produce or of articles in the first stage of manufacture, for example:—Wool (sheep and lambs), £701,090; coal, £578,232; iron, wrought and unwrought, £533,876; copper do., £372,628; tin, unwrought, £68,175; yarn, cotton, £53,393; linen, £84,223; silk, £143,236; thrown silk, £372,675; woollens, £196,975; making the total value of raw or partially manufactured goods exported £3,164,603 out of £4,863,131, the total amount of exports from England to France in 1858. He begged, in the next place, to call attention to the following statement of the exports to France in 1858 of manufactured goods:—Cotton manufactures, £229,058; hardware and cutlery, £99,115; linens, £67,260; machinery, £260,142; silk manufactures, £42,166; woollen, £256,212; total manufactures, exclusive of yarn, £953,953. From that return it appeared that less than one million's worth of their manufactures were exported in that year to their nearest neighbour. He begged, in the next place, to call attention to the following statement of exports of British and Irish produce in the year 1859:—To France, £4,744,103; United States, £22,611,283; Germany, £11,777,162 (exclusive of Austria); Australia, £4,939,199; Holland, £5,379,794; Russia, £3,493,016; Turkey, £3,752,458; Brazil, £3,686,353; Egypt (Mediterranean), £2,195,882. It was most evident that the amount of mutual and beneficial intercourse between the two countries of England and France was miserably below what it was calculated by nature to be, and which it might be, to the infinite advantage of both countries. Allusion was made by his hon. Friend who preceded him to the admirable and unanswerable speech of Mr. Pitt, in defence of his Commercial Treaty with France. In a passage in that speech it was remarked, that while France excelled England in her natural productions, England excelled France in her manufactures, thus showing how desirable it was that an exchange of productions should be entered into between those two countries. The treaty of Mr. Pitt, affirmed by such enormous majorities worked well, and until the breaking out of hostilities the trade was continually and rapidly on the increase. But since that time they had had experience of two contrary kinds. They had the experience of twenty years of desolating war, by which the two countries were afflicted, by which mankind was injured, and by which civilization and Christianity were dishonoured. And they had had another sort of experience in England, and that was the experience of forty years of commercial reforms. Those forty years of commercial reforms were about to be closed by the Treaty before the House, which threw down almost every barrier that was interposed to prevent the establishment of perfect freedom of industry and consumption between England and all the world. Of course it did not throw down all the barriers in regard to France, but it was a great advance to perfect freedom on the part of that country. Had not their experience in England of the working of free trade sufficiently convinced them that they might take this step, and encourage France and other countries to follow their example? Had not all the interests deprived of protection been benefited? They took away the protection from their manufactures, from their commerce, from their colonies, from their agriculture, and from their shipping; and was there a single trade deprived of protection—bating partial and temporary exceptions—that was not much more extended and flourishing than when protection existed? Then what had been the results to different classes? To the landlord the removal of protection had brought an increase of rent-roll as well as securer rents—to the farmer a more abundant produce and a larger income—to the manufacturer a great extension of his operations—and to the merchant and tradesman the removal of protection had brought a great advance in prosperity. Great social and constitutional effects had also resulted from the removal of protection. They had a population much more contented than they had when protection existed. The dangerous complaints of class against class — of bread-eater against bread-grower had entirely ceased, and they were enabled in consequence to enlarge the basis of the Constitution. The noble Lord, the Member for the City of London, had the singular honour and felicity, as the reward of his long course of consistent patriotism, to be able to present himself in that House, holding in one hand the Treaty of Commerce with France, and in the other the Reform Bill for England. He should regret if it were thought by the manufacturers of England that they had unworthy competitors in France. They would have in the French manufacturers worthy competitors. The enjoyed in France the advantages of nature and of art—they had sunnier skies, clearer streams, great knowledge of chemistry, a natural and cultivated taste, patient industry, and a prolific invention. And if there should be any of the manufacturers of England so conceited as to think that they could easily bear away the palm, he would tell them that they might go to France and look at the productions of the French manufacturers with infinite advantage to themselves. He had asked an eminent manufacturer whether he thought he should be able to send his goods to France under the duties now to be levied, and he thought he should; but he added that it was not to be supposed that the French manufacturers would remain where they were now, but that competition would stimulate them to new exertions and greater improvements. Hitherto the French manufacturers had not had that stimulant, and improvement had consequently been much more rapid on the part of the British manufacturer than on their part. Was there any reason, however, for us to despond? No. In England they had advantages of the most substantial kind which would enable them to compete with their livelier, more ingenious, and more tasteful rivals in France. They had in the first place accumulated wealth and capital, which—being charged with a lower rate of interest—was an agent of commerce and of manufactures of the greatest potency. Then they had iron in the utmost abundance and of the most excellent quality. They had coal, which, with iron, formed one of the main agents of manufacturing industry. They had machinery, in which they had not yet been approached by any other country. They had that talent for mechanical invention which had made England the birthplace of spinning by rollers, of the steam-engine, of the power-loom, of railways, and of the telegraph. They had also labour of a kind the most valuable in the world. There was no labour equal to that of the English labourer in point of activity, energy, and endurance. They had also a principle of self-reliance on the part both of manufacturers and artizans that was not equalled in any country of Europe. They had perfect freedom of commerce and of institutions. And, lastly, they had an impregnable insular position opening to them all the commerce of the world, and protected by an invincible navy against any hostile attack. He was one of those who would maintain that their navy should always be the first in the world, and should be equal to every demand that might be made upon it in defence of the honour and interests of England. He assured the House that the great population among whom it was his lot to dwell, were animated by an earnest and true wish to cultivate a spirit of friendship and harmony with the French people, and to bury in oblivion the feelings which lingered in the recollections of by-gone days, when the two countries presented towards each other an attitude of antagonism. He believed the Treaty met the general approbation of the people, and that no party which should attempt to defeat it would find favour with the country. In conclusion, he might be permitted to remark that the utmost reach of political philosophy and all the results of historical experience just brought them to appreciate the old, simple, and Divine injunction, which might be attached as a motto to every commercial treaty, "Thou shalt love thy neighbour as thyself."

MR. W. S. LINDSAY: Sir, reference has been frequently made to the Treaty of 1787, but when we compare that Treaty with the Treaty which we are asked now to affirm, I must say that that Treaty of 1787 is a Treaty of Reciprocity in the strict sense of that word, as regards Commerce and Navigation. In the course of this discussion we have often been invited to accept the Treaty now under consideration, as furnishing good ground for warranting the continuance of peace between this country and France; and I am one of those who think that anything which tends to facilitate intercourse between nations, also tends strongly to the binding of those nations together. But we must not forget that the Treaty of 1787 tended to make the ties much stronger between

England and France than this one is likely to do, and yet within three or four years after it was ratified a fearful war was commenced between the two countries. Although this present Treaty fails as a Treaty of Reciprocity, and falls very far short of that of 1787, nevertheless I feel bound to accept it, and feel also bound in gratitude to the Government, and especially to my hon. Friend Mr. Cobden, through whose exertions the Treaty was obtained, to use my best exertions to carry it through, and upon these grounds :—It does not effect, most certainly, all that I desire, and in truth it is very far short of what I desire ; but it places England in a better position than she is in now, and it will give increased sources of employment to her people, and enlarged markets for her commerce ; and as it places us in a better position than we have hitherto occupied, I give it my hearty concurrence and support. But I rose more particularly to direct the attention of the House to Article 3 of the Treaty, and to speak more particularly to the Maritime view of the case in our dealings with France. If honourable Members will turn to the Treaty they will see by Article 1, that on British manufactures imported into France the duty shall in no case exceed 30 per cent, and so forth ; and then, in Article 3, reference is made to the differential duty respecting French shipping ; and looking at that Article 3, we should naturally draw the conclusion that the Article was levelled against English shipping ; I was under the impression myself at first that it was levelled against English shipping ; but if hon. Members look closely into it they will see that, though the language is not so clear as it might have been, it has not this meaning, but leaves matters, in reference to the position of the British shipowner, exactly as they now are. The first Article states that certain articles are to be admitted upon paying a duty of not more than 30 per cent, but it does not say in what ships those articles shall be conveyed, and this leaves the importer at liberty to ship in any bottom he pleases. That being so, Article 3 is necessary ; for, as the Navigation Law of France stands at present, there is no differential duty on the produce or manufactures of England imported into France from this country in French or English vessels, and therefore, but for some such provision, foreign shipping — the shipping of America or of Holland, for example, which are subject to differential duties in that trade—would have been able to come to our ports and load our manufactures, and proceed with the cargo to a port in France. Under these circumstances it was necessary to make a provision, that this Treaty should not interfere with the differential duties which now exist as between France and foreign shipping, I will, with permission of the House, endeavour to state how we stand with regard to the Navigation Laws of France. They divide themselves into four distinct heads. First, the direct trade between this country and France. In that direct trade the ships of England and France can load the manufactures or produce of England without differential duties of any kind whatever, except in reference to some paltry matters on both sides, which ought to be removed from the path of free trade. Then there is the coasting trade of France. That trade is confined entirely to the shipping of France ; that is to say, if any foreign ship should take a cargo of goods from Havre to Bordeaux, she would be liable to confiscation, both goods and ship. Then there is the indirect trade, so far as regards the colonies and possessions of the respective countries, and the trade between them and the mother-country—that is to say, the trade between the French possessions and France, the trade between our East Indian possessions and France, and the trade between those colonies and possessions and England. The shipowner of France, as far as we are concerned, can enter into this trade with perfect freedom, as well as into our coasting trade. He can go to any of our possessions and load on the same terms as the English now do for the ports of England, or, by the laws of his own country, he can of course load for France. Now, British ships cannot load in the ports of Australia or India for France. They may load, indeed ; but the differential duties on most articles imposed by France are so heavy against British ships, and consequently in favour of the French ships, that British ships are entirely prevented from loading from our possessions for ports of France. Then there is the indirect trade again, so far as regards the trade between foreign countries and France—that is to say, the trade between America and France, or China and France. By the Treaties of reciprocity which France has, the ships of America can leave the ports of America for France on the same terms as French ships, but English ships cannot do so; in fact, the duty is so heavy that it is entirely prohibitory. Reference was made the other night to what has been stated in the *Moniteur* as being a great boon which the Emperor was about to grant to English shipping. At present the duty on cotton in French ships was the same as in American ships, while the duty on cotton in English ships was ½*d.* per lb., whereas, by the change about to be made the difference would be reduced to ¼*d.* per lb. on cotton in British ships carrying it, say from New Orleans to Havre. A farthing a pound, however, was a prohibitory duty as much as ½*d.*, for the farthing amounted to just 50 per cent on the gross amount of freight on the cargo between New Orleans and Havre. Therefore, to reduce the charge from ½*d.* to ¼*d.* is no advantage at all, for the lower amount entierly prevents us from entering into that trade. I should wish to direct the attention of the House to one or two other points connected with this matter, and I would ask, "Has France gained by these restrictive duties?" If the system is unjust to us, it is more unjust towards the people of France—because it is a remarkable fact, that while the general Commerce of France has been increasing at a greater rate almost than any country in Europe, their shipping has remained almost at a standstill. I referred to *M'Culloch's Commercial Dictionary* the other day, and was astonished to find that from 1827 to 1836, the trade of France increased by 10,000,000,000 francs; from 1837 to 1846 it increased 15,000,000,000 francs; and from 1847 to 1856 the export and import trade of France increased by no less than 22,000,000,000 francs, and this was the "Special Commons" of that country; that is to say, it consisted of articles imported for their own use, or articles of their own manufacture exported. Yet while all this wonderful increase has been going on in their commerce, the shipping of France has been at a standstill, for in 1830 they had 14,852 vessels, and in 1857, 14,845, or just seven less than they had twenty-seven years before. It is true that the vessels now are of a larger tonnage, but at this moment the whole tonnage owned by France is only 1,000,000 tons, not one-sixth of what we own, and little more than two-thirds of the tonnage owned in the city of New York. In 1787 France sent to San Domingo 527 ships, manned by 9,855 seamen, whilst in 1857 she had only 407 ships engaged in the whole trade of all her colonies and possessions, and those ships employed only 6,000 men. If, therefore, anybody had reason to complain of the narrow-minded policy of France, the people of France had most reason to complain. But we also have reason to complain, for while we throw open our ports to the shipping of France, and our coasting trade to the shipping of France, and whilst French ships are allowed to enter our ports on the same terms as our own shipping now enter them, France has made not the slightest concession to us. But what I am more anxious to direct attention to is, that if this Treaty, which I trust will be confirmed—is to produce the results we anticipate, it is utterly and absolutely essential that there be some material change in the Navigation Laws of France, and it is more necessary to make such alteration for the people of France than for those of England. I say not one word about the injustice of the law, which stipulates that we shall not take the produce of our own Colonies in our own ships into the ports of France, but I will endeavour to show that it is essential that France should make some change in her Navigation Laws. As I have said, the ships of France and England may take the manufactures of England to the ports of France; but, before many years are gone, the whole of that trade will be carried on in steamers. There will be large quantities of wine and silk coming from France, and large quantities of cotton goods—chiefly of the better sort of fabrics, I am told—going from England to France. But they will not be all going to one port. The cargo will be too valuable for any one place to take it, and it will be necessary for the vessel to proceed to two or more ports of France. An English ship at present can go to Liverpool and load a cargo for Havre, but she could not load a cargo from Havre to Bordeaux, for the moment it appeared that she was going from one port of France to another with cargo, the French authorities would stop her, and confiscate both ship and cargo. But the wines and silks of France will not in all cases be paid for by the manufactures of England; in many cases they will be paid for by the sugars and rice of India or the coffees of Ceylon. And how will the case stand then? The French merchant who has sold his wines to London has to receive payment in sugars from Calcutta, but he will not be able to take those sugars to France in English ships. He will therefore be working at a great disadvantage. Now, Sir, I have on the paper a notice—I fear I must call it an Amendment, though I do not mean it as such, but only an addition to the Address—I suppose, however, in accordance with the rules of the House, it must be considered to be an Amendment. I feel myself placed in a somewhat awkward position, for I am anxious to see this Treaty ratified, because I think that the people of this country, and the shipowners of England will be considerable gainers by it, as it will increase that particular trade in which they and the shipowners of France are alone interested. But while I am anxious to see this Treaty of Commerce confirmed, I, at the same time, feel that some change must be made in the Navigation Laws of France, and I feel that it is but justice to the shipowners of England that some change should be made. Now, I am in this position: My great anxiety is to carry a Resolution of this House which will convey to the Emperor of the French the feeling of this House in regard to his Navigation Laws. I do not ask that the Emperor should place the ships of England on the same terms as we place the ships of France, but I ask that the trade of the colonies and dependencies of the respective countries may be placed on the same footing as the direct trade now is. I have stated the grounds upon which I ask this, and I have stated the necessity there is for it; but so anxious am I to confirm the Address to Her Majesty, that I am afraid to put my Amendment to the House, for fear I might prevent the ratification of this excellent Treaty, and if I press my Amendment to a division, and that division is against me, it will go to the Emperor of the French that we do not want a change in the French Navigation Laws. If on the other hand my Amendment is carried, it might defeat the conclusion of the Treaty. Under these circumstances, I think I shall best consult the interest of the shipowners of the country if I accept the offer which the noble Lord made to me the other night, and receive from him as early a day as possible for bringing forward what I propose as an Amendment, in a substantive form, when I understand I am to receive the support of the noble Lord; and I hope to be able thus to convey to the Emperor a distinct Resolution of Parliament in regard to this important matter. I shall therefore not press my Motion.

MR. PEACOCKE said, he was ready to join issue with those who predicted that immense advantages would be derived from the Commercial Treaty with France. He opposed the Treaty, in the first place, because he did not believe the commercial relations of England with foreign countries ought to be made the subject of commercial treaties; next, because he thought no duty ought to be remitted of which the remission could not be defended on its own merits. If the Treaty had been negotiated by a Conservative Government, what, he would ask, would have been the language of the hon. Member for Birmingham? He would have denounced the Government as the enemies of the great cause of commercial freedom; he would have taunted them with being false prophets, and intimated that the bucolic intellect was unable to appreciate the great truths of M'Culloch and Ricardo; he would have contended that by negotiating this Treaty they had thrown back free-trade principles for a period of twenty years. And this Treaty had really, he believed, stopped the advance of free-trade principles in France. The Government of England had attempted to obtain commercial concessions from France by granting still greater. Was that the way to propagate free-trade principles in France? He thought, on the contrary, that if we were not to haggle and bargain with the French for the purpose of obtaining commercial advantages we should be more likely to induce them to adopt the principles of free trade. They would otherwise say that our faith in those principles was shaken, and that we had come to the conclusion that though excellent in theory they were ineffective in practice. He was opposed to commercial treaties in general, but he objected in a special manner to that under discussion, as tending to fetter our legislative action for a period of ten years, and deprived Parliament for that period of the free control over our financial code. No duties ought, he contended, to be abolished, the remission of which could not be defended on its own merits, and to that rule the proposal of the Chancellor of the Exchequer in reference to the wine duties certainly formed an exception which the right hon. Gentleman had failed to justify. The noble Lord the Secretary of State for Foreign Affairs in his correspondence with Earl Cowley had admitted virtually that the remission was made for the purpose of obtaining concessions from France. The right hon. Gentleman the Chancellor of the Exchequer had, indeed, argued that those duties stood up like a brazen barrier between the poor man and a glass of wine, and that if they were only removed wine would become the beverage of the humbler classes. That, however, was a view of the question which was merely speculative and problematical; all we know for certain is, that wine is the beverage of the rich and tea the beverage of the poor; and it seemed to him, he must say, far from being a sound financial policy, at a moment when a deficiency of nine millions and a-half in the national exchequer existed, to cast away 2,000,000 of revenue for the sake of an hypothesis. Looking at the Treaty, however, upon its own merits, the view he was disposed to take of it was that it was an excellent Treaty for France. It was said, indeed, to be calculated to confer reciprocal advantages upon both the nations who were parties to its stipulations; but, for his own part, he could see very little of that reciprocity which some hon. Members seemed to suppose would be the result of its operations. France, under its provisions, would receive duty-free coal—an article which to her was of great importance for purposes of war: but how did she deal with the other products of our industry? While we consented to reduce or entirely to abolish duties, which we had hitherto levied on her staple products, she would continue to impose upon ours a duty of 30 per cent. If there was any reciprocity here it was unintelligible to him, and it was equally unintelligible on a former occasion to a Minister who enjoyed no inconsiderable reputation, who on a similar occasion, when the Dutch nation wished to treat our commerce after a similar fashion, sat down, and to our Minister at the Hague wrote in cypher his opinion of the matter in the following well-known lines:—

> "In matters of commerce the fault of the Dutch
> Is giving too little and asking too much;
> With equal advantage the French are content,
> So we'll clap on Dutch bottoms a twenty per cent.
>
> Nous frapperons Falck with a 20 per cent."

Now, if the noble Lord the Secretary for Foreign Affairs, who was ever ready to fashion his conduct after historical precedent, had sat down and written a despatch couched in a similar spirit, it would have been far more conducive to the interests of British commerce. He would not go into the question of the navigation laws, which had been sufficiently dealt with by his hon. Friend who had just sat down. The operation of the Article of that Treaty which related to coal, which was at the present day almost as much a muniment of war as saltpetre or gunpowder itself, had been argued on the supposition of this country going to war with France. But he would ask what would be the consequence if France were to be engaged in hostilities with the United States or any other foreign Power? Why, the other Power would seize our transports, public feeling would be roused, and the result of our abiding by that Article, under those circumstances, might be that we should be dragged into a contest with such foreign Power contrary to our wishes, and in direct opposition to our best interests. But it was said the Treaty would tend to foster and extend friendly relations between the French and English people. Now, he, for one, was not sure that it would so effectually lead to the attainment of that object as some hon. Gentlemen seemed to suppose. The three great interests in France were the army, the priesthood, and the manufacturing classes. How her army was affected towards this country we had learnt from the addresses of the French colonels. The sentiments of her priesthood we had ascertained from the writings of M. Veuillot in the *Univers*. The manufacturing classes remained; whose industry existed only by the monopoly which they enjoyed. It was well known that under a change of fiscal system great distress must arise under the best circumstances. Let them consider what must be the effect of great distress in the manufacturing districts of France? We all knew what it implied in this country; starvation in the cottage and disorder in the market-place. When such distress had to be suffered in France, and when the people were told that it was owing to the importation of English goods, was that likely to produce in the minds of the manufacturing classes in France a feeling of favour towards England? For his own part, he was of opinion that the effect of the Treaty would be to unite in one common bond of hostility to England the three great interests which he had named, and, believing that to be the case, as well as regarding it to be false in principle, one-sided in its provisions, and calculated to produce disastrous consequences, he had no alternative but to enter his protest against the Motion of the hon. Member for Middlesex.

Mr. CLAY said, he rose to express his approval of the course which the hon. Member for Sunderland (Mr. Lindsay) had pursued in not pressing his Amendment upon the present occasion. The hon. Gentleman had, in adopting that course, he thought, consulted in the best manner the interests of those whose cause he had espoused, inasmuch as his Resolution, if it were passed at all that evening, could be carried only by a small majority, whereas upon a future occasion it might reasonably be expected to go forth with all that weight which attached to the unanimous decision of the House of Commons. Having said thus much upon that point, he might be permitted briefly to tender his thanks to the Government for having negotiated a treaty which would, he believed, be productive of very beneficial results. It afforded, he might add, no small indication of the favour with which that treaty was generally regarded that, so far as he could ascertain, it was highly approved by his constituents in Hull, who were, he would not say neglected in its negotiation, but, at all events, whose particular interests were not directly or immediately consulted by its provisions. The hon. Member who had just spoken, however, condemned the Treaty as making a bad bargain; but he (Mr. Clay) would not look upon it in the light of a bargain at all, for he could not help thinking that every concession which we pledged ourselves to make by virtue of it might very well be defended upon its own merits. It tended to render the path of free trade more easily trodden by the ruler of the French nation, and to make it almost impossible for France herself to stop short in the career which she had so auspiciously begun. Other countries, seeing the advantages which such a policy conferred, would be induced to follow her example, until at length principles from the adoption of which England had already derived so much advantage would come to be prevalent throughout Europe. Seeing that such would be likely to be the result, he could not hesitate to support the Motion of the hon. Member for Middlesex.

Mr. BAILLIE COCHRANE said, he could not understand how the Treaty could be regarded otherwise than as a bargain between the two countries by which it had been entered into, and, while prepared to admit that few hon. Members in that House were more interested than himself in the success of that bargain, yet he felt that he could not, on political grounds, even more important than its commercial consequences, give to it his support. As Mr. Pitt had been quoted, he would take the liberty of quoting another authority, which would have even greater weight with the noble Lord the Minister for Foreign Affairs—he meant Mr. Fox—in order to justify him in viewing this question from a political point. In 1787 Mr. Fox said:—

> "The object of France was to put us off our guard, to lull us into security, to prevent our cultivating other alliances, to lessen the dependence of foreign States upon us, to turn all our views to commercial profits, to make it the private interest of individuals rather to acquiesce in any future project of ambition which France might engage in rather than come to a rupture with her."

If anything could prove the truth of Mr. Fox's remarks, applicable as he held them to be to this question and the present crisis, it would be, with reference to "commercial profits and private interests," what he should call the un-English observations that fell the other evening from the hon. Member for Birmingham (Mr. Bright). He did not think the hon. Member would have uttered the sentiments he did but for the interests involved in this Commercial Treaty. The noble Lord himself, when on a former occasion he was understood to palliate the possible annexation of Savoy to France, had no doubt also in his view the importance to this country of carrying through this Commercial Treaty. And he would observe that he approved of the language of the noble Lord as exhibited in the Despatches, but he regretted that he did not go further, and avail himself of the opportunity, knowing of the desire of the French Government as to Savoy, to throw greater obstacles in the way. The Treaty of 1787 was constantly referred to, but the greatest difference existed between the two cases. In 1787, Mr. Pitt had a surplus of £1,500,000, while we in 1860 had a deficit of £10,000,000. In 1787, Holland occupied the same position with reference to the two countries of England and France that Savoy now did, and there were mutual armaments. It was proposed by France to interfere in the United Provinces. And what followed the carrying of the Commercial Treaty? It was proposed by France that there should be a mutual disarmament. But, now, if the proposed Treaty meant anything it did not mean disarmament, for with a Treaty which was to bind the two countries in terms of mutual amity and alliance, we had almost double war Estimates, and were, besides, forming volunteer corps all over the country. There was no use in blinking this question.

Why, then, armaments—why, then, volunteer corps? They were occasioned by the ambitious views of France, which were exciting a spirit of mistrust and suspicion throughout the country. He did not wish to say anything that might give offence to the Emperor of the French, nor did he find fault with anything he had done since he came to the throne, but he must say all his protestations had been falsified by the result. The *coup d'état*, the occupation of Rome, the war carried on for an idea, and the prospective realization of that idea in a form which must add to the mistrust and suspicion of Europe, were instances in point. Throughout France the prevalent impression was that political considerations chiefly influenced us in the formation of this Treaty. It was only yesterday he read in the *Revue des Deux Mondes* the following statement:—

> "It is not exaggeration to say that the Treaty of Commerce, in place of cementing an alliance between the two nations, is more likely to lead to war. It had been wiser for England never to enter into it, but there is time to reject it, and Parliament would evince great wisdom and foresight in declining the fatal gift. Its rejection would be the source of immense joy to France, and the two nations would be placed in better relations towards each other.

It was distinctly asserted that the two things—the Treaty and the annexation of Savoy—had gone on together, and that the noble Lord was influenced in giving way on the annexation question for the sake of the Commercial Treaty. On the Continent the two questions could not be separated. The observations which the noble Lord had addressed to the hon. and learned Member for Bridgwater (Mr. Kinglake) precluded him from going into the foreign part of the question further than to say that in the state of distrust which now prevailed, to link ourselves for the next ten years with a country in the ruler of which we had not perfect confidence was a very great blunder, which might lead us into serious difficulties. Within two years of the treaty in 1787 the revolution broke out in France; and we might still find ourselves in very difficult relations with that country—all the more objectionable because we were made to appear in some degree party to those acts which the French Emperor might commit. Although we were perfectly free of any compact with him, the Continent would not hold us to be so. In the end we might find ourselves deserted by that country to which we had clung so long and for the alliance of which we had sacrificed so much—deserted without a single ally or an adequate national defence.

MR. W. EWART said, he must deprecate the system of quoting partial extracts from partial reviews. The hon. Member who had just sat down had alluded to the volunteer movement as if it were evidence of a secret hostility to France. But nobody who had looked into the question had any other view of it than that it was a great national movement arising from a feeling that the defences of the country were not sufficient. He believed that the Emperor of the French himself, if his opinion could be obtained, would say that we were doing that which was right on general grounds. A more unfortunate quotation than that made by the hon. Member from Fox never fell from the lips of any man, when they recollected what Pitt, who was deeply versed in the subject, said on the same question. Pitt was before his age in political economy. He was the disciple and the friend of Adam Smith. It was said and believed that Fox had never read the works of Adam Smith. He had no respect for political economy; nor had Burke given deep attention to it, though so great a political philosopher. He felt inclined to give his earnest support to the Commercial Treaty now proposed, because, if not in conformity with the simple forms of free trade (which prescribe independent action, without a treaty), it was based upon free-trade principles. It might be said let France reduce her duties spontaneously as England had done, but that she had not done so was no reason why they should reject the very same thing because it came before them under the guise of a Commercial Treaty. There were two especial reasons why he should give the proposal his warm support—first, because it was eminently a measure of peace; and, secondly, it was a measure of extended commerce, a continuance of that policy which began in the days of Mr. Pitt, was advanced by Mr. Huskisson and Sir Robert Peel, and which his right hon. Friend now asked the House of Commons to confirm. He thought it only just to the Emperor of the French to state that a Commercial Treaty with this country was no new idea of his, for what was now his policy as an Emperor had also been his policy when President of the French Republic. When, in 1852, a Committee of the House sat upon the question of the wine duties, a French nobleman, the Baron de Clérant, who was also a large winegrower, was examined before it. In his evidence he stated that he had recently had an interview with the President of the Republic, and that it was the wish of the latter to obliterate hostile feeling between the two nations, and that the best treaty of commerce would be mutual intercourse between them. The two main points with respect to the present Treaty were the wine question and the free admission of articles of French manufacture. With regard to the first of these points one hon. Gentleman stated that the English people had no taste for the wines of France—that they were not suited to the English palate. It might be that our people would not like the *vin ordinaire,* much less the *piquette,* but he would maintain, on the strength of the Report of 1852, and of that which Lord Chelsea had drawn up for Lord Cowley, that many of the wines of France, particularly those produced in the region extending from the mouth of the Rhone to Bayonne, were well fitted for English consumption. He denied that French wines were unsuited to the English taste and climate. Any reader of Chaucer would remember the allusion to Bordeaux wine in the *Pilgrimage to Canterbury.* But it was needless to cite old authorities; French wines would have continued to be the prevailing wines, had it not been for the measures of prohibition adopted by our Legislature. In the reign of William and Mary an Act was passed declaring the importation of French wines and other goods a common nuisance, and providing means for putting a stop to it. But the wants of mankind would always defeat the ingenuity of the Legislature; and accordingly they found in another Act, passed he believed, in the second year of Queen Anne, complaining of French wine still coming in, and that it was not "staved, spilt, burnt, or destroyed," as had been ordered by the previous enactment, and more rigorous means were taken to secure its exclusion. Next came the Methuen Treaty which confined us to port—and when that was first negotiated petitions were presented against it. Among them was one from the afterwards port-drinking University of Oxford, signed by a large number of Members—among others by Dr. Aldrich, the celebrated Dean of Christ Church, the author of the *Logic,* of *Peckwater Quadrangle,* and of the well-known *Merry Christ Church Bells.* To show that the people of England even now were not impervious to the use of French wines, he would call attention to the evidence given before the Committee of 1852 by Mr. Tower and Mr. Short, which showed that what he might call the lower middle classes relished the use of wines, and if that were the case under the operation of restrictive laws, what might not be expected when wine came into the country under a system of free trade. But it would be idle to open the door to the importation of French wines if means were not at the same time provided for distributing them among the people, and particularly for bringing them down to a lower *stratum* of society; and on that account he greatly approved the proposition of the Chancellor of the Exchequer for extending the system of granting licences. Many persons, now denied the use of wine, might then have the privilege of enjoying it. Why, to put a case, might not a poor governess cheer her solitary meal at a confectioner's shop with a glass of wine. With respect to other articles of French manufacture they would, he thought, by their superiority of design, greatly improve the taste of the manufacturers of this country. It was a remark of Adam Smith's that there were no persons were much interested in the removal of prohibition as the landed interest, since they were the general consumers of imported goods. He trusted now that their peculiar monopoly was removed, and they were enrolled, so to speak, in the category of Free-traders, hon. Gentlemen opposite would come forward boldly, and, as in the time of James I., demand the abolition of all monopolies. As a measure of peace he supported this Treaty with the greatest cordiality. He protested strongly against the notion that there was any natural enmity between France and England, and he would refer those who had any idea of this sort to the language of Mr. Pitt—"The doctrine that France must be the unalterable enemy of England," said Mr. Pitt, "is strongly to be deprecated. To suppose that any nation should be the unalterable enemy of another is weak and childish. It has no foundation in the experience of nations, or in the history of man. It is a libel on the constitution of human society." As a friend of peace, he rejoiced that the Treaty had been signed. It was said by a poet of the last century, not now so much read as he deserved:—

"The Gaul, in days of antique story,
Saw Britain link'd to his now adverse strand;
No cliffs between, sublime and hoary,
He trod, with unwet foot, from land to land."

He trusted that though the two countries were no longer linked together by material bonds, they would long be bound to each other by mutual feelings, by mutual interests, and he hoped hereafter by mutual freedom. He congratulated his right hon. Friend the Chancellor of the Exchequer on the success of this peaceful enterprise, of which the glory indeed was great, but of which the good was greater than the glory. He hoped that to the last hour of his life his right hon. Friend would have the satisfaction of knowing that he had conferred an inestimable benefit not only on his own country but on all mankind.

MR. MAGUIRE: I wish, Sir, as an Irish Member, to state the reasons why I give my most cordial support to the Commercial Treaty with France, and the Budget of which it forms a part. I do not agree with those hon. Gentlemen who apprehend that serious political inconvenience will follow from this Treaty; but, on the contrary, I firmly believe that it will not only be productive of highly beneficial results to England and to Ireland, but tend to secure the continuation of peace and the growth of friendly and amicable relations between this country and France. No doubt, Sir, there is an apparent inconsistency in a war budget and a peace treaty—in enormous Estimates for military and naval preparation, and a treaty, on the base of mutual interests; but it is an inconsistency for which the Government and Parliament are scarcely, if at all, responsible. The Government, acting with the concurrence of Parliament, have really done nothing more than act in obedience to those feelings of alarm and suspicion which seem to pervade all classes in this country with regard to the present or the ultimate policy of the Emperor of the French. Nevertheless, it is not by new and improved rifles, or by Whitworth and Armstrong guns, or by launching additional line of battle ships, or even by studding the coast with impregnable fortresses, that we can obtain that confidence and security at which we naturally aim—we can only do so effectually by endeavouring to enlist the sympathies of the mass of the French people in favour of mutual kindly relations, and thus strengthening the union between both countries. I do not believe that now, when we are spending £30,000,000 on our armaments, we are one whit nearer the end which we have in view—namely, security and confidence—than we were when our expenditure was only £20,000,000; nor do I think that, by the gallant display which was yesterday made in the streets of London, we are likely to enlist the sympathies of the French people, so as to influence the policy of the Emperor in the direction of an honest and enduring peace. I hold, then, that this Treaty will prove more efficacious than the most costly armaments, inasmuch as it will unite the two nations by the strong tie of a common interest. I place no trust in the Emperor—but that is not the question with which I have now to deal. What the House is now to consider is this,—how can we lead the people of France to see that their interests are so much in favour of friendly relations with this country, that it will not be in the power of the French Government to cause a wanton rupture with our Government and people. It is not right or fair in us to blame the Emperor for not having gone farther than he has done in the present treaty; for it must be borne in mind that he has had to deal with the most obstinate and impracticable people in the world, the monopolists and protectionists. Not very long since the same class were to be found at this side of the Channel, and in this House too. I remember the time when I was strongly influenced by the apprehensions expressed by a large class of my own countrymen, the gentry and the farmers of Ireland, who cried out—"Oh, if Protection is gone, Ireland is lost for ever;" but I learned wisdom by experience, and the first vote I gave in this House was in favour of free trade. It was the last formal battle that was fought on this floor between protection and free trade, and I sustained the banner of free trade, if not by my voice, at least by my vote. What have been the results of free trade for Ireland? Formerly there were many gloomy prophets, of the Cassandra class, who predicted all manner of terrible things, especially the ruin of the agricultural interest, as well as the trading and commercial, should the principles of free trade be applied to Ireland. These gloomy predidctions have been utterly falsified by the result, because Ireland has gained enormous advantages from the policy inaugurated by Sir Robert Peel. It has been said of this Treaty, assuming it to be one in the direction of free trade, that England would have all the advantage to be derived from it, while Ireland would have none. Well, I am here, as an Irishman, to give my emphatic denial to that assertion. Ireland, I assert, has gained enormously by free trade; not, indeed, so much from any great advantage which she has derived from increased manufactures, as from the higher prices which she has obtained for the produce of her soil. Prices are now paid for some articles of Irish produce, and even in the Irish market, such as were not paid in the time of the great French war. I hold in my hand the accounts from the last Cork butter market, dated March the 5th; and what were the prices in that, the greatest market in Ireland, through which butter to the amount of a million and a-half of money passed during the last year? It was £6 10*s.* a hundred for the first quality, and £5 15*s.* for the third quality—these are war prices in time of peace. If I look to the price of wheat, what do I find? Why, notwithstanding the free importation of foreign bread stuffs, it was about 50*s.* a quarter—which is a much larger price than the Protectionists had ever hoped to obtain for it under the free-trade system. Free trade, I repeat, has done enormous service to Ireland; it has saved thousands and thousands, nay, without exaggeration, hundreds of thousands, of human lives. I well remember the state of things in 1848, when the price of Indian meal, and that not of the best description, was £21 a ton; and I remember, to my knowledge, one parish of the county of Kerry in which, in the same year, there was not an ounce of food for sale for nearly twenty-four hours, and in which the Indian meal that was afterwards brought in was sold at the rate of £34 a ton—the same article that has since been imported at £6 10*s.* and £7 a ton. I shall only state another fact to show how, in the hour of her direst distress, Ireland was saved by free trade and open ports. A certain district in the West of the county Cork exported, the year before the famine, somewhere about £70,000 worth of produce—that is, sent it to the Cork market, to be afterwards shipped to England. On the following year, instead of sending out a single shilling's worth of what it produced, it had to bring in food to the value of nearly £100,000. But for free trade, but for open ports, the people of Ireland would have been slain, not by thousands, or hundreds of thousands, but by millions. Has free trade done injury to the Irish gentry or to the Irish farmer? I assert not. While free trade has given new energies to the people of Manchester, Leeds, and Glasgow, it has benefited Ireland through her agriculture, through her commerce, through her ships employed in the coasting trade; for she it is that supplies the hungry mouths and craving stomachs of the English consumers. Ireland, therefore, gets a larger price for her produce; and the farmers of Ireland—though in a short time they will, upon a particular question, claim justice at the hands of this House, and I trust they will obtain it—were never in a more flourishing position; and the Irish landlords never had their rents better paid. Why was this?—because there is active enterprise and remunerated industry in all parts of this country, and therefore the ships which sail from Dublim, Cork, Limerick, Waterford, and Wexford, are filled with the produce of Irish fields, Irish farms, and Irish dairies. This is the principal reason why I support a free-trade Budget, and a Treaty in the same direction. It has been said that England is to have all the immediate advantage to be derived from this Treaty. Indeed, an hon. Friend of mine, the Member for King's County (Mr. Hennessy) unwittingly, and of course, unconsciously, endeavoured to deceive the House the other night, by attempting to show that Ireland would have but a very small share in the advantages of the Treaty, or in the contemplated remission or repeal of duties—proposed in the Budget of the Chancellor of the Exchequer. I hold in my hand an able article from the *Irish Quarterly Review*, in which the writer clearly proves that Ireland does not get credit for the whole of the amount she contributes to the Imperial Exchequer. In fact, it is conclusively shown that she paid, in the year 1857-58, a million more than she is supposed to have done. She gets no credit for the duty which is paid in England on articles which are consumed by her people; and this evidently gave rise to the notion that in the remission of duty on foreign importations she would derive little, if any, benefit. The hon. Member for the King's County mentioned one article amongst others — currants — and he quoted it in order to show that Ireland would derive only the four-hundredth part of the advantage which England would derive from the proposed remission of duty. The returns from the Custom-house are quite fallacious with respect to the share of duty paid by the Irish consumer; because while the total amount of duty paid on currants to the British customs was £300,992, according to the last returns, the proportion paid by Ireland, or into the Irish Customs, was but £720 ; thus respesenting the one-four-hundredth part of the consumption represented by the English duty. Now, if we take the relative populations of the two countries, and consider that the population of Ireland is at least six millions and a-half, it will be seen at once that no figures could by possibility be more fallacious, or no statement more absurd. The explanation is simply this—not that the Irish people do not use currants, in the proportion that they are used in other parts of the United Kingdom, but that the wholesale grocers of Dublin, Cork, Belfast, and other principal towns, generally dealt with merchants in London, Liverpool, or Bristol, who imported the article and paid duty for it in England. It is thus that England gets credit for more duty than she really pays, and that Ireland obtains less credit for her contributions to the common Exchequer. As an instance in point, I may state, what I believe to be the fact, that an immense quantity of refined sugar is annually imported into Cork, scarcely a shilling of the duty on which is paid into the Customs in Ireland, but has been paid in Plymouth and other English towns. The same may be said of large quantities of unrefined sugars. So it is with other articles. Referring to the item of ladies' wearing apparel, including silks, gloves, and artificial flowers, I will show how absurd is the alleged contribution of Irish duty on those articles. For instance, England is represented as having paid £20,452 duty on artificial flowers made abroad, principally in France, while Ireland is set down as only paying £2 ! And in the article of gloves, while England is represented as paying duty to the amount of £53,314, Ireland does not get credit for a single penny ; and yet it is well known that there is a considerable demand for foreign gloves in that country. But then there is the great item of silk manufacture, on which England paid a duty of £295,034, while Ireland is represented as having paid but the infinitesimal sum of £31. As an Irishman, I admit it is not a matter to boast of, but it is the fact, that Irish ladies are fonder of dress than even the ladies of England. I know not whether to attribute this taste for magnificence to their alleged Eastern origin ; but I can assert hat—to say nothing of the cities, even in poor country towns in Ireland one might often see ladies sweeping the streets with robes that would grace St. James's or Versailles. What is the explanation of the discrepancy in the two accounts—in the large sum for England, and the infinitesimal proportion for Ireland ? This —that the duty on these articles had been paid by the great houses in London, who sold them duty-paid to the houses in Ireland. It is then not just to say that in all the proposed remissions of duty on foreign articles, of whatever nature, that Ireland will not enjoy her full share of advantage. I am not afraid of any injury being done to Ireland by the free importation of foreign butter. I believe that the honesty and fair dealing of the Irish maker and the Irish market will more than countervail the cheap roguery of the foreign maker and importer. The foreign maker sends in to this market a fraudulent and inferior article, adulterated with various compounds; whereas in Cork, for instance, the greatest of the Irish markets, those who govern that market are bound by the most solemn obligations, of honour as well as of self-interest, to maintain the sacredness of their brand—so that the butter marked 1st quality, 2nd quality, and 3rd quality, will really be 1st quality, 2nd quality, and 3rd quality, as it is represented to be. [Mr. DISRAELI : That is part of the Budget; we are speaking of the Treaty.] It surely is a part of the same subject, the Treaty being a provisional portion of the Budget. There has been much and unnecessary apprehension as to one article provided for in the Treaty—coal ; but that apprehension appears to have very nearly died out, and no one will be bold enough to attempt to galvanize the skeleton into momentary life. What is the fact ? France does not want our coal for purposes of war and invasion; she requires it for manufacturing and domestic purposes. By her canals and her railways she can supply her war-steamers with an abundance of suitable coal; but if she required other coal for war purposes, what more easy for her than to purchase it, the difference of price being an item unworthy of consideration in the Imperial expenditure. I ask, is it of no advantage that England finds in France an additional and extensive consumer of her coal ? Coal is extracted from the bowels of the earth by human labour, well remunerated ; and is it of no advantage to England that she should have additional employment for her working classes, and additional demand for her ships in sending it to a foreign country? The right hon. Gentleman, the Member for the University of Dublin (Mr. Whiteside) endeavoured the other night to alarm Irish Gentlemen on the subject of Irish linens. I must honestly confess that I am personally unacquainted with the question myself; but if I am ignorant, I am at least humble, and I have, therefore, consulted some of the very highest authorities as to the operation of the Treaty on the linen trade of Ireland. Amongst other authorities on this subject, I sought information of the hon. Member for Lisburne (Mr. Richardson), who has, perhaps, the largest interest of any man in Ireland in the prosperity of the trade, being himself personally engaged in the manufacture of the article on the most extensive scale. The right hon. Gentleman sits on the Opposition side of the House, and is not a supporter of Her Majesty's Ministers, and perhaps might strain a point to go against them; and yet he, and other Gentlemen conversant with this great Irish interest, admitted that, under the Treaty, Irish linens could be sent into France so as to be able to compete fairly with the linens of Belgium, that an increased trade in linen yarns wodld be its certain result—and Irish diapers and Irish damasks would be able to beat all competitors out of the field. But perhaps the best proof of how the Treaty has been received in Ireland, and how it is likely to develope trade and manufactures in Ulster, may be given by the statement which has been made to me a few moments since, in the lobby, by the largest shipowner and one of the most enterprising men in Ireland,—namely, that it is now in contemplation to get up a company, or to establish a line of steamers, to carry on commerce direct between the North of Ireland and France. I support this Treaty because I believe its advantages to France will be great, while its advantages to England will be no less. I hope to see the day when we no longer shall have war Estimates in the time of peace. If the benefits resulting from this Treaty will be at all equal to those which are anticipated from it by its friends and promoters, no Minister will have the courage to stand at that table and ask for the enormous amount of money which has been asked for this year for naval and military expenses. Those Estimates, which press so grievously on the industry and the means of the mass of the country, must be materially reduced in consequence of friendly relations between the two countries. I say these Estimates must be reduced; for if there be brought about a good feeling between the two nations, of what other Power have we any apprehension?—what other country is there to menace the repose of this?—from what other potentate is there the slightest danger to your security or your liberty? Why is it that friendly relations are so steadily maintained between the United States of America and England? Is it because you and they are of the same blood, or of the same race, or of the same religion? No, it is because there is such extensive commerce between the two countries, and their mutual interests are so interwoven in the bonds of peace, that neither the government nor the people at either side of the ocean would venture to break them. I wish to see the same relations between this country and France; and I believe that once the Treaty is concluded, and in fair operation, the pressure of taxation will become less year by year; and that this country will yet bless the name of Richard Cobden, who has promoted this noble scheme of amity and friendship, which will, while doing vast good to France, also do vast good to England. If France does not at once break down all the barriers of protection, it is to be hoped she will do so eventually, when once she has fully tasted the advantages of free trade. France, it must be remembered, is only now taking that step which this House took a few years ago with such alarm and misgiving, and in time she will follow our example. I differ from the hon. Member for Maldon (Mr. Peacocke), who asserted that three great classes in France were anxious for war with England—the army, the clergy, and the people. Soldiers, no doubt are ever anxious for war, as a means of distinguishing themselves in their profession; but I deny that the clergy of the great Christian Church of France are anxious for war and the effusion of blood. They may resent undue interference on our part with matters that deeply affect their Church, and even religion—they may, and they do, resent taunts, and gibes, and calumnies, too frequently resorted to by the press and the platforms of this country, and even uttered in this House—they may resent the stupid and bitter malignity which is veiled under the forms of diplomacy; but they are anxious for the maintenance of peace, because they know that Christianity and civilization flourish in times of peace and not in time of war. As to the people—the masses of France—they must be benefited by whatever reduces the cost of the principal articles of daily consumption; and when they find that the Treaty with England will ensure to them cheapness, and, at the same time, more abundant employment, they will not be willing to quarrel with a people with whom it is their best interest to live in peace. As an Irishman, I heartily applaud this scheme, and I earnestly trust that it will be carried out to the advantage and satisfaction of this country, and of that great country with which we are now for the first time, for many years, endeavouring to establish, on a sure foundation, friendly and kindly relations.

MR. RIDLEY said, that as one of the representatives of a district which would be materially affected, he rose for the purpose of giving his hearty support to this Treaty, and to the financial measures of the Chancellor of the Exchequer which were connected with it. He believed that in doing so he was acting in accordance with the wishes of the vast majority of his constituents. He thought the House might look upon the speech of the hon. Member for Dungarvan (Mr. Maguire) as an indication that they should have a unanimous assent to the Address from the representatives of the United Kingdom of England and Ireland. He was one of those who did not look for reciprocity in this or any other Treaty, but he looked at it as a great step on the part of France in the right direction and in favour of free trade, which we so much wished to extend. As a treaty of reciprocity it was no doubt open to cavil, but he had received a vast number of letters from persons engaged in manufactures, who stated that though they did not see any immediate or large advantage to their own particular trades, nevertheless they gave their entire assent to this Treaty and the principles upon which it was founded. Besides the iron and coal trades there were other trades in the north which would derive advantages from this Treaty. There were large proprietors of chemical manufactures who were of opinion that this Treaty was only wanting to complete the perfect following out of their manufactures, by admitting them at a low rate of duty into the French markets. With respect to coal, he believed there was considerable misapprehension existing as to the effect of this Treaty upon that trade, As regarded the extent of the coal-fields of England, a well-informed authority had assured him that at the rate of 80,000,000 tons a year, there would be a duration of 1,975 years. This was exclusive of the coal-fields under the sea. In working coal and preparing it in a large or round state for ordinary sale, a considerable proportion of small coal is produced, for only a part of which is there at present a market. The rest is wasted, being for the most part uselessly burnt at the pit's mouth. In the case of some single large collieries this waste is going on at the rate of 500 to 600 tons per day. The surplus thus destroyed was estimated to amount to nearly 2,000,000 of tons annually in Durham and Northumberland alone, and constitutes a pure sacrifice of a valuable material. This small coal will be exported to France, and the extra demand on her part for coal from us will be met, for some time at least, by the supply of a material now unproductive to our country. It was said France wanted coal for purposes of war; but the truth was she wanted them much more for the purposes of commerce. Coal, some held, ought to be considered contraband of war, but by the same rule so ought the cloth and leather with which the soldiers were clad. He agreed with the hon. Gentleman the Member for Sunderland (Mr. Lindsay) that the shipping advantages between the two countries ought to be mutual, and that our Government ought to impress upon the Government of France the necessity of altering their navigation laws. He should hold the same language even if the Shipping interest was in the most flourishing condition; because the more extended the application of correct principles of commerce, the greater the benefit to ourselves and the world. At the same time he did not think it right to resort to the system of reciprocity clauses. He was therefore glad that the hon. Member still intended to bring forward his Motion, with regard to the differential duties as a substantive Motion. Perhaps he was too sanguine in his estimate of the political effects of the Treaty; yet he could not help expressing a firm conviction that it would tend to the permanent interests of peace. They were in the habit of thinking that if a revolution broke out in Paris, revolution must also break out in Berlin, Vienna, Naples, and Rome. Then, he asked, why should not the reverse be the case when France sets a good example? Why should not other States pursue a free trade policy, and the advantages be made general throughout Europe? Foreigners pointed to our numberless statutes and asked us why we did not adopt the Code Napoleon. He thought it would be well for us if we did, but when we consented to this Treaty we could return a triumphant answer by pointing to the shortness and simplicity of our tariff.

LORD ADOLPHUS VANE-TEMPEST said, he had anxiously waited to hear an enunciation of the policy to be pursued by those who sat on the front Opposition benches with regard to the Motion before the House, but he had waited in vain. He had felt it his duty to support the financial proposition of the Chancellor of the Exchequer, because it was a continuance in the course of wise financial policy which was inaugurated by Sir R. Peel, which had conferred many financial benefits upon the country, and to which we should be wise to adhere. He fully coincided with the hon. Member for Newcastle (Mr. Ridley) with respect to the extent of coal, and with the hon. Member for Dungarvan (Mr. Maguire) that the French Emperor had no need of coal for the purposes of war, but for the purposes of commerce. He (Lord A. V. Tempest) wished to see the commerce of France and England carried out to its widest extent, and he sincerely hoped that the commercial alliance between the two countries would promote their mutual prosperity and create feelings of sympathy and goodwill between them. Such were his wishes; but his expectations did not go so far; he was not so sanguine. He trusted that he should not expose himself to the charge of inconsistency if he attempted to give his reasons for opposing the Motion of the hon. Member for Middlesex. Great Britain might enter into commercial arrangements with France, but that did not necessitate a State treaty. He had recorded his vote in favour of the propositions of the Chancellor of the Exchequer, but he might, he trusted, with the fullest consistency, say that this was not a time to agree to the Motion of the hon. Member (Mr. Byng). He deprecated the approval, by the House of Commons, of that Motion, affirming, as it did, the existence of terms of amity and friendship between France and England, when the course, he believed, the Emperor of the French was determined on pursuing with regard to Savoy and Nice was entirely opposed to the sentiments and wishes of this country. Should this be so, he thought the British House of Commons was entitled to say even to the Emperor of the French—"Thus far shall you go, but no farther." There were only two speeches hitherto made on the subject of the annexation of Savoy which expressed the sentiments of the people of this country—the speeches of the hon. and learned Member for Sheffield and the hon. Member for Horsham. He had heard they were indiscreet; but his opinion was that they were true. If he wanted an argument against the Motion of the hon. Member (Mr. Byng) he found it in the despatches of the Secretary of State for Foreign Affairs. He particularly wished the House to give its attention to the noble Lord's Despatch of the 28th of January, in which he said:—

> "The Emperor cannot fail to have present to his mind the alarm and anxiety which prevailed in Europe during the past summer; the arming of Prussia and the German Powers; the hopes of revolution excited; the rumours of alliances, offensive and defensive, which agitated the public mind. The Emperor can well recall that period; for he stated how much of glory he was content to forego, how much of noble aspirations to disappoint, in order to give satisfaction and peace to Europe. It is to be hoped and desired that the present tendency should be to soothe the troubled waves and restore calm to the agitated atmosphere. But the question of the annexation of Savoy would be regarded not so much as composing past troubles as raising the elements for new storms. Natural frontiers—the Alps and the Rhine—the repetition of the history of long and bloody wars—the commencement of a new struggle between France and Europe—such are the ideas which would pass through men's minds at the announcement of such an acquisition. Let the Emperor recall the noble words in which he gave forth at Milan a sentiment not less just than becoming the Sovereign of so great an empire. In addressing the Italians, His Imperial Majesty said, 'In the enlightened state of public opinion the moral influence that can be exercised contributes more to grandeur at the present time than barren conquests, and that moral influence I seek with pride by contributing to render free one of the fairest portions of Europe.'"

It was a "barren conquest" that the Emperor of the French was seeking now. He cared not for protests, and meant to annex Savoy. The time had come when he might throw off Count Walewski's mask. Was that a time to express continued amity with the Emperor? You might be on visiting terms with a person, but that was no reason for being his affectionate friend. Let the people of this country be on visiting terms with the Emperor of the French, but do not let them throw themselves into his arms. He trusted that the House would pass the financial propositions of the Chancellor of the Exchequer, since they would be beneficial to the interests of the country; but, he considered these propositions as not necessitating the acceptance of the Motion before the House, which he knew would be accepted in Europe as the tacit submission of England to the French Emperor's aggressive policy. He for one, was not willing to shake hands with a man who had got a glove on, and that an iron one. He begged to propose an Amendment, embodying his views, which, however, he should be happy to withdraw if some Member of greater weight than himself would put a Resolution on the subject into the hands of the right hon. Gentleman.

MR. BOVILL seconded the Amendment.

Amendment proposed,—

"To leave out from the words 'Majesty that,' in the second line, to the end of the Question, in order to add the words 'this House approaches Her Majesty with great devotion and respect, but while fully appreciating the advantageous results to be obtained by this Country from an increased commercial intercourse with France, and while fully estimating the European benefits attending the friendly relations between Great Britain and France, this House respectfully declines expressing an opinion on the Treaty Her Majesty has concluded with the Emperor of the French, until such time as the final intentions of the Emperor of the French with reference to the project of annexing Savoy and Nice to the French empire be made known to this Country,'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SLANEY said, he hoped the noble Lord would forgive him if he did not enter into a discussion of the Amendment which he had proposed to the House, but simply say that he should vote for the Motion of the hon. Member for Middlesex. He thought the Treaty would be the means of giving great advantages to this country and the country opposite to them. It would be the means of giving extended employment to great masses, both here and in France, and would, by degrees, bind together in the bonds of amity two peoples who had been too long in the habit of considering themselves as natural enemies, so that in the course of time they might be as one nation. In the first debate which they had had on this subject, they had heard some points quoted from the works of Mr. Arthur Young. Now, to that gentleman the landholders of this country owed a deep debt of gratitude, and in regard to France, he showed that she could produce for this country wines, olives, and silk—articles which this country must require, and which the South of France would supply in large quantities if a sufficient demand sprang up to induce the people of France to cultivate their production; and such a demand would necessarily lead to a much larger employment of labour. In exchange for these things England could send the products of her looms and her manufactories. A point had been put forward to alarm our manufacturers, and it was said the French people would be able to undersell them. He (Mr. Slaney) wished to call the attention of the House to the fact that in this country we had one very great advantage. We had the advantage of possessing immense capital, extensive credit, and admirable facilities of communication. The French, on the contrary, could never expect to have anything like the capital which was necessary for the establishment of large manufactories, in consequence of the compulsory division of property which took place every generation. The operation of that law would prevent the increase of capital, and thus there would be a tendency in the people to turn their attention to the cultivation of their soil. They could supply us in abundance with the natural products of their soil—olives, silks, and wines—and we, in return, could send them the productions of our looms, our mines, and our forges. Besides, the French would send to this country articles of beauty and taste, matters in which the people of this country were deficient. In the hope that these exchanges would be for the advantage of each nation and for the good of all mankind, he should cordially vote for the Motion of the hon. Member for Middlesex.

SIR HUGH CAIRNS: Sir, I do not rise to express dissent from the Motion of the hon. Member for Middlesex. I should regret very much if that Motion were not carried. The rejection of the Motion would be the overthrow of the Treaty, and, for my part, I do not desire that the Treaty should be overthrown. But if my assent to the Motion were to be held to imply that I believe this to be a Treaty wise in its provisions, well-considered in its details, or such a treaty as the trade of the country requires, and has a right to expect, the opinion which I entertain of the Treaty would be very much misapprehended. And it is in order to prevent that misapprehension that I do not wish to give a silent vote on the present occasion. I desire to disclaim at once an opinion which I know is held by very high authorities who object to a commercial treaty merely because it is a commercial treaty. I make no such objection. I know that commercial treaties are liable to lead to inconveniences and embarrassments, and no one could give a more forcible description of their dangers in this respect than was given in the course of the last Session of Parliament by the two noble Lords who sit on the Treasury bench. But to say that a commercial treaty can never be justified would, I think, be to apply, in an extreme and violent manner, a perfectly good abstract and general rule. A commercial treaty must depend for its justification upon the circumstances of the case and upon its own provisions. I am also ready to confess that any arrangement which will have a tendency to draw closer the commercial intercourse between this country and France is eminently desirable. Everything that has been said—and much has been said to-night—of the relative capacities of France and England for the interchange of their products, and, on the other hand, of the very limited trade which has hitherto been carried on between the two countries, we all know and feel to be true. I recollect the anxiety which was felt by many of the commercial classes in 1840 and 1841, when efforts were made to obtain a reduction of the French import duties on English goods, and I remember the regret with which the failure of the efforts to obtain that reduction was accompanied. I know that in 1852 those efforts were again renewed, and that they only terminated with the removal of the Government from office by whom they were being made. I am ready, therefore, to go with the hon. Member for Middlesex (Mr. Byng) in giving credit to the present Government for their desire to increase our commercial intercourse with France, but I cannot concur with him in the admiration which he feels for the bargain they have made for us. I own I was much surprised the other night to hear the hon. Member for Liskeard (Mr. B. Osborne) say, that in this Treaty there was no bargain whatever, and that if he thought there was a bargain he would not support the Treaty. I should be sorry if the hon. Member were to withdraw his support from the Treaty, but I must ask him this question, if there is no bargain, what is the use or object of the Treaty at all? What is the meaning of the engagements on the part of Her Majesty and of the correlative engagements on the part of the Emperor of the French, if there is no bargain? What is the meaning of the instruction given to the negotiators, that provided they could obtain certain concessions they might consent to the reduction of certain duties, if there is no bargain? And, again, if there is no bargain, what is the meaning of that Article which says that the Treaty shall not be valid until the House of Commons has sanctioned what is virtually the price we are paying for the Treaty? My objection to the Treaty is, not that it is a bargain, but that it is a very bad bargain for us. I am aware there are certain branches of trade which have persuaded themselves and which endeavour to persuade others that they constitute the whole trade of the country. It does seem that, under some impression of this kind on the part of the negotiators, arrangements are made in the Treaty which are satisfactory to those particular branches of trade; but that large and important branches of the trading industry of this country are entirely overlooked, or their interests neglected in this Treaty, is capable of very easy proof. We had expected to hear to-night from the hon. Member for Sunderland (Mr. Lindsay) the grounds on which he was prepared to propose an Amendment to the Address; but as the hon. Member has deferred his Motion to a future day, I may be allowed, perhaps, to mention one fact which bears on the subject of it, and which only the other day came within my own knowledge. I was shown the quotations of shipping freights now current at the Mauritius, where both English and French ships are putting on board the produce of the island. The English ships are loaded to discharge at English ports, and the freights they are obtaining vary from 10*s.* to 20*s.* a ton. Loading side by side with these English ships are some French ships, and the latter are loading to discharge at French ports, but with liberty, if so ordered, to discharge in English ports. The French ships have consequently the advantage of a double market, and are obtaining a freight of 45*s.* a ton, or 150 per cent higher than the highest freight given for English ships. Now, observe what will occur when this Treaty comes into operation. France is going to increase largely the importation of cotton. The desire of the owner in America of a cargo of cotton probably would be that the ship in which the cotton was put should, on coming to Europe, call for orders at Cork, and then, according to the state of the market, should unload either at Liverpool or at the port of Havre. If the cotton was on board a French ship, that could be done, but not so (except at an increase of charge) if it was on board an English ship; and the consequence would be that the whole of the carrying trade, as far as cotton was concerned, would be thrown into the hands of the French shipowners. Now, I desire to state precisely the amount of blame I attribute to the Government on this point. I know what their excuse is. They say that this is not a treaty of navigation, but of commerce. Be it so ; but if it be a treaty of commerce, and not of navigation, how comes it that there is inserted in it an article which is an article of navigation, and not of commerce ? If the negotiators had a right to insert that article in a treaty of commerce, had they not also a right to ask for and urge a reduction or abolition of these differential duties ? Then comes the further question. Did they ask and press for the abolition ? They might have asked for it and been refused, and then there would be no help for it ; but, at all events, the shipping interest would have had the satisfaction of reflecting that their interests had not been overlooked. But what I complain of is that no suggestion was made to the negotiators to keep those interests in view. Of themselves, too, they appear to have made no effort to obtain an alteration of the existing system in this respect, and without remonstrance or struggle the French shipping have obtained for the next ten years an indirect and passive assent in the English Treaty to these obnoxious and exclusive privileges. I now come to the way in which a very important manufacture of the country—all important to Ireland—is dealt with in this Treaty —I refer to the linen manufacture. The Chancellor of the Exchequer, when he introduced this Treaty, described with great accuracy the importance of this manufacture, and mentioned how, when the French import duties were low, the linen manufacture rapidly increased in this country, but received an immediate check when the French duties increased. Considering the importance of the manufacture, I think we might have expected to have found some proof that its importance was appreciated and its interests attended to during the time of the negotiation of the Treaty. The negotiation with respect to the linen duties appears to me most singular. I find in the first despatch on the subject of the Treaty from our Ambassador in Paris to the Foreign Secretary, special mention made of the linen duties. Earl Cowley wrote to this effect :—A proposal has been made to establish a treaty of commerce. That proposal is favourably entertained by the French Government ; and I desire to know whether the English Government will authorize the gentleman who has made the proposal here to carry it out. What was then proposed was this. Earl Cowley said that Count Walewski explained that British manufactures generally were to be admitted into France at a *maximum* duty of 30 per cent, but that the duties on linen and articles of that kind were to be reduced from 30 to 15 per cent *ad valorem.* That was not a mere proposal of the English Government, but it was one entertained by the French Government ; yet afterwards this proposition drops out of sight, and the Treaty appears with a *maximum* duty on linen manufactures, not of 15 per cent, but of 30 per cent ; and I do not find that it ever occurred to the Government to call attention in any of their despatches to this change, and to demand an explanation. Now, I ask whether the plenipotentiaries who negotiated the Treaty were really aware what the present duties on linen manufactures going into France are, and what is the amount of duty they can bear with any hope of an extension of trade. The present duties are not *ad valorem*, but after an inquiry I find that the duties on linen and linen yarn imported into France may, on being commuted into *ad valorem* duties, be stated thus—with respect to the medium and fine kinds of linen, which constitute the principal manufacture of Ireland, the average of the duties would come to something like 30 per cent ; but, taking the fine qualities alone, which are really the only qualities exported to any considerable extent to France, the duty would be about 20 per cent. The case with respect to linen yarns is remarkable, there being at present a large export from the north of Ireland to Cambray and other places in France. I find that the duties payable upon the fine yarns are not only not 30 per cent, but 15, and 10, and 5, and even so low as 4, 3, and 2 per cent. It has been said by the hon. Member for Dungarvan (Mr. Maguire) that, even with a *maximum* duty of 30 per cent, a linen trade might be done with France which would supplant the French manufacture. In answer to that I may observe that those engaged in the linen manufacture in Ireland have considered this subject, and a meeting representing the linen manufacturers of the whole of the north of Ireland have stated their view with respect to this *maximum* duty of 30 per cent. The manufacturers in question state that they consider the duty of 30 per cent, as proposed by the French Government, or even a duty of 25 per cent, totally prohibitory as regards the great bulk of linen yarn, and linens, and that even with a duty of 10 per cent the French manufacturers, with an unlimited supply of machinery and coal, could successfully meet British competition. They state another fact worthy of observation. They say that with respect to the ordinary kinds of linen manufacture, you may take two-thirds of the price as representing the cost of the raw material, and one-third as representing the labour, charges, and capital employed in making the article. As regards the raw material, they say that France can supply herself as cheaply and as well as, or more cheaply and better, than this country; therefore the ground of competition is narrowed to the remaining one-third of the price, which represents the cost of manufacture. Consequently they contend that if a duty of 30 per cent be imposed it is virtually a duty to that amount upon one-third of the value of the article, and therefore a duty of exactly 90 per cent on the total value. A duty of 10 per cent would thus prove a protection for the French manufacture equal to 30 per cent. I ask if those who negotiated this Treaty really turned their attention to what the circumstances of the case were with regard to the linen manufactures? I ask the right hon. Gentleman the President of the Board of Trade whether the Board of Trade was consulted on this subject? The Board of Trade is the repository of a great deal of information on this head of the industry of the country, because in 1840-41 that department was engaged in the arrangements then proposed for a reduction of the French duties on the import of linen. In 1840, the French Government, and even the French manufacturers themselves, said they would be satisfied with an import duty of 10 per cent on linen, provided England would allow the free exportation of machinery into France. Now, we know that though machinery was not at that time allowed to be exported free from this country, all restrictions on its exportation have been since taken away. Moreover, the Board of Trade has since 1840 been in constant communication with the linen manufacturers, who have urged them to remonstrate with the French Government and to endeavour on account of the remission of the duties on machinery to obtain a reduction of the duty on Irish linen to the same amount as that on Belgium linen—12 per cent. Then, how is it that the Board of Trade did not, through the proper Minister of the Crown, give expression to the negotiators of the assurances of the linen trade that a *maximum* duty of 30 per cent would be nugatory and useless. I think we find in the circumstances of the negotiation an explanation of this difficulty. The first communication that was made by the Government respecting the Treaty was, I find, on the 17th of January, and the whole Treaty was concluded at Paris on the 23rd of January. So that there was really no time for the Board of Trade to interpose or be consulted by the Government on the subject. It is not surprising, therefore, that there should be a feeling on the part of the linen trade that their interests have been very much overlooked in the negotiations. They feel it to be a mockery to tell them that you have secured this great boon to the linen manufacturers, that, whereas they can now send their manufactures into France at a duty of or under 30 per cent, linens will not be charged more than 30 per cent, and this mockery is felt to be all the more cruel when they find the Foreign Secretary telling them that "the intention of the Emperor of the French is to introduce a moderate rate of protective duty, and that he is going to change the prohibitory system into one of practically open trade." Surely no one will say that a duty which I have calculated to be equivalent to 90 per cent is "a moderate protective duty," and that it gives us practically an open trade in linens. But we have been told by the right hon. Gentleman the Chancellor of the Exchequer that this Treaty merely stipulates for a *maximum* duty of 30 per cent, and that he has hopes the French Government will carry out a further reduction. I am not sure whether I understood the Chancellor of the Exchequer correctly or not, but I think he went so far as to say there were hopes that a return would be made by France to the moderate duty that existed some years ago on linens. [The CHANCELLOR of the EXCHEQUER indicated assent.] I am glad to hear that there is a prospect of this, and I need hardly say that I will rejoice at it exceedingly when it is accomplished; but I must state candidly the view which I take of the matter. If it be the case that the Government of France say they are prepared to reduce the duties on linen manufactures to the old state of things why was it not put into the Treaty? If they say they are prepared to do it now, surely they must have been equally prepared three or four weeks ago. If this was their temper and tone, surely a slight remonstrance or request on the part of our Government would have procured the reduction, and relieved us from trusting to indefinite assurances that may never be realized. But I will state why I must hesitate before I can feel at all sanguine as to the realization of this prospect. In the first place, I cannot account for the way in which the 15 per cent originally proposed was changed to 30 per cent, and that having been done, I very much doubt whether we shall have any reduction of the 30 per cent now. In the next place, I have seen in the French papers a very singular memorial from a body of French linen manufacturers to the Minister of Commerce, in which they state that this duty of 30 per cent is the very least which would be a sufficient protection, and they beg him to be firm and not go below it; and that, as they understand there is going to be a commutation of duties by a subsequent convention, they beg him to over-reach, if possible, (for it comes nearly to that) the English Government, and by means of the commutation make the duty, if possible, higher than 30 per cent. I quote from memory, but that is the substance of the proposal they make. The reply of the Minister of Commerce was in general terms, but it was anything but indicative of that which the Chancellor of the Exchequer has led us to expect. He said to them, in effect, "You may be perfectly tranquil; you may rest quiet, assured that France will always take care of her manufactures, and you may rely upon it that you shall have full and ample protection." That does not, in my opinion, look like a further reduction of the duties on linen. But the interests of the linen trade have been still further neglected. There is no doubt that France is the greatest consumer of linen of any country in the world; but the next greatest consumer is Spain. There is no part of the world in which a Spanish settlement or colony is made in which a demand does not spring up immediately for linen manufactures. In this Treaty you have favoured France with a reduction of the duty on wines, and you give the same favour to Spain. It may have been that Spain would have refused to give you any return for the advantages conferred upon her; but what I want to know is, how you explain the fact that you never made any application to the Government of Spain on the subject—that you never proposed to Spain to give you, in return for the boon you were prepared to offer her, a reduction of the duties on linen. I say this on the authority of the noble Lord the Foreign Secretary, for he told us that the Government had not thought it their duty to make any communication whatever to the Spanish Government on the subject of a relaxation of duties. We are now told that the Government is quite willing to enter into negotiations with Spain, but the time for negotiation with Spain is past, for she has now got the boon which a few weeks ago would have seemed to her the highest you could offer. I do not say that if Spain had refused, you were on that account bound to refuse negotiations with France; but, at all events, it was worth trying whether she would consent to a reduction of her duties or not. This leads me to show that you have by this Treaty placed a great difficulty in the way of future negotiation with the Spanish Government. By your arrangement with regard to the duty on wine, you have virtually established a differential duty against Spain. You have made one Resolution specially applicable to wines of a certain low strength, and the effect will be that your reduced duties will be more favourable to France than to Spain. I find that the noble Lord the Foreign Secretary, in one of his despatches, takes credit for the way in which the duties are thus arranged. In his despatch to Earl Cowley, of the 17th of January, the noble Lord says—

> "A scale thus adjusted would, it is hardly needful to observe, be eminently favourable to the introduction of wine from France, as the lower wines from that country would enter at the duty of 1*s*."

The noble Lord, therefore, does not deny that a differential duty is thus virtually imposed in favour of France; on the contrary, he rather takes credit for it. I say, then, that this creates a certain difficulty in negotiating with Spain on the subject, and it forms one of my grounds of complaint against the Government as to the manner in which this Treaty is framed. But a still more singular instance is supplied by the reduced duty on spirits. The noble Lord proposed, in the first instance, a duty of 10*s*. upon French spirits, and this was afterwards reduced to 8*s*. 2*d*. What were the grounds upon which the noble

Lord said that 10*s.* would be a proper duty? He began by stating in his instructions to the negotiators of the Treaty that the object of the Government was to make "an equitable adjustment of burdens as between commodities which more or less compete with one another in the general market;" and said that in the opinion of the Government 10*s.* per gallon was the lowest price to which "for any British purpose" they could propose to reduce the duty upon French brandy. But then he added—

> "If, nevertheless, you should find that by making a concession beyond even what I have named you can obtain from the Government of the Emperor satisfactory arrangements for an early reduction of duty upon some important commodities, you are authorized to engage to reduce the duty on brandy from 10*s.* to 8*s.* 2*d.* per gallon."

Well, this is one of the most singular transactions in negotiation that I ever heard of. We have heard of robbing one interest in order to pay another, but I never before saw so unblushing an instance of such a robbery. "I admit," says the noble Lord in effect, "that the manufacturer of British spirits as against French brandy is entitled to a duty of 10*s.* For any British purpose that is a proper duty, but if you can obtain some concession—not in favour of that, but of any other trade—you are authorized to sacrifice the British manufacturer, and reduce the duty, which ought to be 10*s.*, to 8*s.* 2*d.*" Accordingly, without any further communication on the subject, the British negotiators did reduce the duty, and the question I have now to ask is, what was the "early reduction of duty upon some important commodities" which they got in return before they were authorized to lower the rates on French brandy? I have looked through the Treaty, and there is not a single article the early reduction of the duty on which is insured, except coal. But in his letter of instructions the Foreign Secretary told our Plenipotentiaries at Paris that he did not care a straw about coal, for he says—

> "An allusion is, indeed, made by Count Walewski to British coal; but such is the market for that commodity, both in this country and abroad, that no public interest would be excited upon the question, whether the duty charged on it in France is to be high or low, or whether the remission is to be immediate or postponed."

That, therefore, was not the concession in return for which the Plenipotentiaries were authorized further to reduce the duty on French brandy. What concession, then, did the Government get? As far as I can ascertain, we have nothing to show in return. Let me remark here, that the observations made in this House respecting the article of beer require a further answer than they have yet received from the Government. When France was stipulating for the introduction of her wines, why was not some correlative advantage sought for in the admission of our national beverage into France? The Government reply, "We still hope by negotiations to induce the French Ministry to admit our beer on easier terms." Well, I must say that I never knew a case so replete with hope. This is the answer we receive on every occasion. But has any change come over the mind of the French Government since the Treaty was concluded, upon which such a hope can be founded? I want to know whether the question was asked while the Treaty was being negotiated, and whether you then met with a refusal. For want of success the Government is not to be blamed; but I do blame them if I find that they have not asked for concessions which they ought to have demanded from France. Now, look at the question of the raw material, upon which the English manufacturers in part depend for their supplies, and at the way in which this is dealt with by the Treaty. The noble Lord the Foreign Secretary, if I may humbly say so, laid down a most admirable principle at the commencement of his despatch—namely, that the task which the Government thought devolved upon them was to make "an equitable adjustment of burdens as between commodities which more or less directly compete with one another in the general market." Now, there is no burden with with which a trade or manufacture can be weighted comparable to the burden imposed by difficulties in obtaining supplies of the raw material. I will take three instances; and, first, that of silk. The hon. Member for Shrewsbury (Mr. Slaney), in describing the picturesque zones into which France is divided, spoke of that which yields the mulberry tree on the leaves of which the silkworms feed. Now, the Treaty, as we know, provides for the import of manufactured silk into England from France free of duty. The Government knew that we had an important silk manufacture in England which depends upon France for a certain amount of raw material, on which a heavy export duty is levied. Again, I ask, was any attempt made to reduce the export duty on that raw material? If there was, no trace of it appears in the papers now before the House. No instructions seem to have been given to the plenipotentiaries, and I do not find in the communications between them and the Home Government a single word which refers to this subject. Another raw material upon which I will say a few words, is cork, upon which an interesting conversation occurred in Committee. I do not mean to say that we are dependent upon France for cork; but at the time we were negotiating a Treaty, one result of which would be to admit manufactured corks free of duty, it became advisable that the Government should see from what country the raw material was to be supplied. That country, as they were aware, was Spain. Were the Spanish Government asked whether they were willing, in return for the reduction of the wine duties, to relax their export duties on cork? Lastly, there is the article of rags. I assume that at the time of negotiating the Treaty the Government had determined to take off both the import and the excise duty on paper. It is true that since the discussion of the Treaty began we have been told that the French Government has intimated its intention to permit the export of rags. I am glad to hear it; but the question is, what was the amount of consideration bestowed upon this subject in the Treaty? If France is willing now to remove the prohibition upon the export of rags, she must have been perfectly willing at the time the Treaty was negotiated; and why was not a clause inserted securing us a free export of rags as a matter of right, instead of leaving it as a matter of future hope and indulgence? The French Government deal with us very differently. They, for example, are anxious to have coal in abundance. Do they trust to assurances from the Government here that no difficulty will be thrown in the way of the export of coal? By no means. They ask for a distinct undertaking that England will not prohibit the export of coal during the whole period of the Treaty. I think it might have occurred to our plenipotentiaries, "Here is France asking us not to prohibit the export of an important product. May we not in return ask her to allow the free export of raw materials which are wanted in England?" That leads me to consider the 11th Article of the Treaty. Up to the present moment we have not had from the Government any explanation of their views respecting the effect or the object of this Article. I know that my hon. and learned Friend the Attorney General favoured us one night with a view upon the law of the question; but I do not hope to hear the Government endorse that view, because in "another place" those who represent the Government pronounced an opinion exactly opposite to his, and I conclude that my hon. and learned Friend was only treating us on that occasion with one of those interesting disquisitions in which no one is more happy than himself. Setting aside law and technicality, however, let us look at the substance of the case. I do not know whether the Government are of opinion that the 11th Article engages not to prohibit the export of coal to France alone, or generally; but it is quite immaterial for my purpose which meaning they attach to the Article, because we know that in practice you cannot prohibit the export of coal with success unless you prohibit the export of it totally. Therefore, if we forego the right of prohibiting the exportation of coal to France, we practically forego the right of prohibiting its export to any country. Explain the Article whichever way you like, it amounts to a surrender of a power now possessed by somebody to prohibit exportation of coal. I now ask, what is the power now possessed to prohibit the exportation of coal? I say the Sovereign of this country has no commercial power to prohibit exportation of coal, but the Sovereign has a power reposed in her by Parliament, as a great political trust, to prohibit the exportation of coal on the ground that it is or may become a material suited for the purposes of warfare. If that be the political power possessed by the Sovereign, I want to know what right had Plenipotentiaries negotiating a Treaty of Commerce to agree to a surrender of a political power which had no relevancy to commerce? I want further to know this—in the papers laid before the House there is not one particle of correspondence between the Plenipotentiaries and Her Majesty's Government as to this 11th Article. Whether it was inserted in Paris by the Plenipotentiaries, or whether it was communicated to them from this country, does not appear; but the conclusion must be that it was inserted in Paris. I do not find that it occurred to Her Majesty's Government to ask what was the object of that Article, whether for political or commercial purposes; or whether it was an article that was much insisted upon by the French Plenipotentiaries, but the power seems to have been passed away in silence.

The aspect of this subject has changed during the discussion. When the Treaty was first laid before us we thought that this was an Article to which much importance was attached by the French Government; but we have been since assured by Her Majesty's Government that in fact the French Government does not attach importance to it, and is quite willing to concede or to modify the Article; but that, on the other hand, Her Majesty's Government has informed the French Government that they do not desire any alteration. I do not wish to pre-occupy the ground of the right hon. Member for Stroud (Mr. Horsman), who intends to propose an addition to the Address upon this point, but I submit to the House that this has become a simple domestic question. It is a domestic question between us and Her Majesty's Government, the French Government being aside, they being willing to modify the Article, but Her Majesty's Ministers being unwilling to do so. It is, then, for Her Majesty's Government to show why England, against the wish of France, insists upon inserting in a French Treaty a clause, which surrenders a high political power entrusted, under an Act of Parliament, to the Sovereign of these realms, simply to please Her Majesty's Ministers. I hope the House will express its opinion that this Article ought not to be inserted in the Treaty; but I do protest, for the sake of precedent and order, against the notion that seems to be entertained by the Government, that a power of this kind, which is reposed in the Sovereign by Act of Parliament, can be surrendered without the consent of Parliament, which conferred it; and I likewise protest against the idea that also seems to be entertained, that, if the sanction of Parliament to such surrender be necessary, that such sanction can be obtained in any other way than by an Act of Parliament. I say Parliament cannot give its sanction except by means of an Act of Parliament; and therefore, if I am right in that, I shall desire to know whether the legal advisers of the Government, as a body of legal advisers, will commit themselves to the opinion, that the power now possessed by Her Majesty to prohibit the exportation of coal is a power that she can surrender, or be advised to surrender, without the assent of Parliament, which created the power. I have now gone through the points of the Treaty upon which I desired to comment. I venture to submit that, in those respects I have mentioned, this Treaty, when we are considering the amount of credit to be given to those who framed it, is a one-sided, imperfect, and halting Treaty. I have been much struck by an observation made by Mr. Pitt when he entered into the Treaty with France which we have heard mentioned so often. Mr. Pitt speaking in February said, with natural pride, "Here is my Treaty, which was published in September, which has been in every one's hands since then, and canvassed throughout the length and breadth of the land, and yet there has never been a single remonstrance addressed to the Government or to Parliament on the part of any trade in the kingdom against the provisions of the Treaty." Can Her Majesty's Government say the same for this Treaty? Has the shipping interest made no remonstrance? Has the linen trade, the spirit trade, the brewers, the silk trade, the cork trade, the paper trade—have they made no remonstrances? I must say, although I hear an hon. Member opposite (Mr. W. Ewart) speak of the glory that would enure to those who negotiated this Treaty, I doubt whether the same lustre will attend the negotiators of this Treaty as attended that of Mr. Pitt. But I do not think the Treaty of Mr. Pitt is exactly a parallel. A better analogy, it seems to me, can be found in those heroic legends of which the right hon. Gentleman opposite is so distinguished an illustrator. This is the Treaty of Glaucus and Diomed. It is "gold for brass—the value of a hundred oxen for the value of ten." I think it will go down to posterity described as a Treaty open to that observation much more than as a treaty to be placed side by side with that of Mr. Pitt. I may be asked, if these are the views I entertain as to the details of the Treaty, why I do not oppose the Motion of the hon. Member for Middlesex. I answer at once, I think that, halting and imperfect and one-sided as this Treaty is, much greater injury and risk would be incurred by defeating or resisting it than by giving it effect; and I for one am not prepared to take the responsibility of impeding the execution of the Treaty. But I must be permitted to express a hope that never again shall we have to consider a treaty under circumstances similar to the present. There is not merely a responsibility attaching to those who would impede or thwart the Treaty; there is also a responsibility attaching to those who enter into a treaty of this kind, requiring, as to some of its terms, the assent of the House of Commons, and who then propose the Treaty for the consideration of the House in such a way that there can be no free or unbiassed discussion of those terms. I ask, have we been or are we in a position to discuss the terms of this Treaty, to criticise them, or to remodel them fairly or freely as such terms ought to be discussed? What has been the argument of the Government? When any hon. Member made objection to any part of this Treaty, the answer was, "If you touch that clause of the Treaty, you defeat the Treaty entirely; we cannot answer for the consequences if you interfere with any provision that may seem to you to be objectionable. It may eventually result in destroying the Treaty." And not only has Her Majesty's Government held that language, but I regret to say that something even stronger has been put forth in another quarter. No sooner was the attention of the House of Commons called to the Treaty, and no sooner had some suggestions been made by various hon. Members as to the exportation of coal, than we saw published in the newspapers a letter from a gentleman of great eminence, who is supposed to have been if not a plenipotentiary to make the Treaty, at least one of the negotiators of it. In that letter, which was evidently written for publication, M. Chevallier says, speaking of the 11th Article, "its rejection would be an unfriendly act and taken as such in France, and a cry would be raised of 'Perfidious Albion!' and that would be the case even if the Article were to be struck out with the consent of the French Government." That is language not very agreeable for the House of Commons to hear at a time when it is supposed to be engaged in calm deliberation upon the Articles of the Treaty. I recollect an observation that was made about two years ago by the right hon. Gentleman the Chancellor of the Exchequer under somewhat analogous circumstances. We were then discussing a measure of law which excited very great interest in a foreign country, and the Chancellor of the Exchequer then said, "It is hard for this country to be called upon to discuss questions connected with the amendment of our own laws under menace and terror of a foreign Power." But it is not merely that we have been called upon to discuss the terms of this Treaty under the pressure I have described, but we have been called upon to discuss all the financial arrangements of the Chancellor of the Exchequer under exactly the same pressure. A Motion was made in this House by my hon. Friend the Member for Essex (Mr. Du Cane) going the whole length of the financial propositions of the Chancellor of the Exchequer. What were the arguments of the Chancellor of the Exchequer in opposition to that Motion? He said, "If you carry this Motion you do that which is incompatible with the Treaty." I admitted the force of the argument so much that I did not feel justified in giving my vote for the Motion of the hon. Member for Essex, although I approved much that was contained in it; but I felt that there was a risk in adopting the Motion which I should not like to incur. But I say that, whereas in former days the Budget was, of all measures, one which was essentially domestic in its character, and one which this House might discuss without any risk of interference from any Foreign Power, we have this year literally been discussing the Budget with this Treaty round our necks. I will say, in conclusion, that I am most anxious to augur everything that is favourable from passing this Treaty; I am willing to hope that all that its warmest admirers expect to result from it will be realized; but I do say, if those advantages do not result from it—if it should turn out that the benefits sought to be derived from it are insubstantial and illusory—that the price we are paying for drawing closer the bonds of amity between France and England should not have the effect of drawing closer those bonds—if it should prove in the result that this Treaty, concluded almost as rapidly as the treaty of Villafranca, is as speedily forgotten—if it should turn out that the financial projects of the Government, of which this Treaty has been the cover and the strength, should leave behind a regret for the revenue we have lost, and a feeling of irksomeness at the imposts we have to bear, it will be then remembered, and remembered to the prejudice of its authors, that this measure was presented to the House of Commons in a form and under circumstances which precluded to all free and unrestrained discussion.

MR. MILNER GIBSON: Sir, I am glad to hear from the hon. and learned Gentleman that, satisfied with criticising the Treaty, he intends to vote in favour of the Address which has been moved by my hon. Friend the Member for Middlesex. He says he will throw no impediment in the way of this Treaty; he is a friend to commercial treaties; he does not object to a bargain in the abstract; he only objects to a bargain which is not so good as it might have been. I agree with the hon. and learned Gentleman there are many things in reference to our commercial relations with France beyond this Treaty which it would be very desirable to obtain; but, at the same time, I think what we have obtained is good in itself, is worth receiving, and will confer great benefits on the people both of England and France. The hon. and learned Gentleman is friendly to commercial treaties as a rule. I do not quite go that length myself, but I will not reject an opportunity of encouraging our commercial intercourse with France simply because the attainment of that object is sought through the medium of a commercial treaty. The hon. and learned Gentleman is friendly to commercial treaties, but I cannot help thinking he would never be successful in negotiating such a treaty with any foreign country if he proceeded in the way he thinks Her Majesty's Government ought to have proceeded with reference to the one now under consideration. The hon. and learned Gentleman would have had us enter in negotiating the Treaty into minute adjustments of every particular duty; he thinks, for instance, we should have gone into all the different classes of yarn and linen, attaching to each the particular duty to be charged on its import into France, before any treaty was agreed to. I think if any person were to attempt to negotiate a commercial treaty on the principle of settling such minute adjustments of duty in every instance, he would probably fail altogether. If the hon. and learned Gentleman had acted as the negotiator of the Treaty now before the House, I do not think he would by this time have got through the linen duty. He says the Board of Trade made no representations on the subject of the linen manufacture; that it could not have considered the importance of that manufacture, or it would have used its influence to obtain a better arrangement in respect to that important article with the French Government. I had the honour, not long ago, of receiving a deputation from Belfast in reference to the linen trade, which was introduced by the hon. and learned Gentleman; and what did those gentlemen say? They said, if the French Government would only put them on the same footing as the Belgians they would be satisfied. I say they will be put on the same footing as the Belgians from June 1861. The treaty obligations existing between France and Belgium prevent the arrangement taking effect earlier than that time; but the first moment it can take effect the linen manufacturers of Belfast are to have an arrangement which they state will be satisfactory to them. It is not to be assumed that because the *maximum* of duty is mentioned in the Treaty, every duty now below that *maximum* is to be raised to the *maximum*. In the supplementary arrangements contemplated the duties below 30 per cent will not be raised, but those above that amount will be reduced. It is unfair to tell the linen manufacturers of Ireland that, with respect to some classes of linen now paying 2½ per cent on being imported into France, the duty may be actually raised to 30 per cent. I think I may say nothing of that kind will take place; I am sure that all the correspondence in reference to future arrangements breathes an entirely different spirit. With regard to coal, that being a legal question, I do not profess to offer any opinion upon it. I think it had better be left to be discussed by itself on the Amendment of the right hon. Gentleman the Member for Stroud (Mr. Horsman). But I have been told that anything that could be done in England, before this Treaty, according to international law, in reference to prohibiting the export of coal, may still be done; and that no other surrender has been made except the surrender of the right to prohibit the export of coal in a commercial sense. On the question of spirits the hon. and learned Gentleman quoted a passage in the correspondence between my noble Friend the Secretary of State for Foreign Affairs and Earl Cowley, in which it is stated that 10*s.* on foreign spirits would be the most desirable duty for the English revenue; but that the negotiators might agree to 8*s.* 2*d.* if some early reduction could be obtained on some article to be introduced into France. And then, asks the hon. and learned Gentleman, what early reduction did we obtain? I can tell him that one of the early reductions obtained was that on this very article of linen. The reduction of the duties on British linen going into France was brought nearer by a considerable period—namely, to June 1861, and it was one of the early reductions obtained by the concession in regard to spirits.

Sir HUGH CAIRNS said, in the first letter from Earl Cowley to the noble Lord

(Lord John Russell) the 1st of July, 1861, was stated as the date.

MR. MILNER GIBSON: I have not the despatch by me at this moment, but I think I am correct; at all events the reduction of the import duty on linens going into France would have taken effect at a more distant period but for the concessions made with regard to the duty on spirits. Again, iron and machinery were also to be admitted at an earlier period in consequence of that concession. The hon. and learned Gentleman used the expression that this agreement for a smaller import duty on French spirits was a sacrifice of English manufacturers of spirits for some political object. The hon. and learned Gentleman, I am sure, has unintentionally misrepresented the case, because it was always intended and always understood by the French Government that a sufficient difference should be maintained between the duty on foreign spirits and that on British manufactured spirits to cover the disadvantage under which the British manufacturer was placed by being under Excise survey. No intention, therefore, could exist of sacrificing his interest. No doubt, he was to lose a protective duty, but under no conceivable circumstances was he to be put on any terms of inequality with the French manufacturer. With regard to the question of wine, the hon. and learned Gentleman has given utterance to substantially the same sentiments which were expressed by the hon. Baronet the Member for Stamford (Sir S. Northcote). He seemed to think this Treaty placed a differential duty on wines of Spain, and gave those of France an advantage, and that we had placed ourselves in a very difficult position, if we were hereafter inclined to propose a commercial treaty for the admission of British manufactures into the former country. It must be remembered that this arrangement is one which does not in the least arise out of the Treaty, but is made solely in reference to our own laws relating to spirits; and, as I am informed, it will be found much easier to get into consumption a quantity of spirits through the importation of Spanish wines at the duties proposed by the Treaty, than to attempt the same operation through the importation of French wines. Therefore, in that sense, with a view to the consumption of alcohol, you are to some extent favouring Spain at the expense of France. I cannot see any ground of complaint whatever in this arrangement with regard to wines. I think the case is not a French question merely, because the greater portion of the German wines, I am informed, will have the advantage of this lower rate of duty, as containing less than 18 degrees of alcohol. The hon. and learned Gentleman has really gone into so many minute details that it is extremely difficult to follow him; but on the question of shipping I will take leave to make a few observations. Those who have sent memorials to the Board of Trade on the subject of the third Article and of the differential duty have all, without exception, suggested that, unless something could be done for the shipping interest, this Treaty ought to be rejected altogether. My hon. Friend the Member for Sunderland (Mr. Lindsay), and the hon. and learned Gentleman opposite (Sir H. Cairns) have not taken that view of the question; and the petitioners seem to be under a misapprehension on the subject of the Treaty. I have read their memorials, and I find an idea prevailing that in some way or other British shipping will be placed in a worse position than before, and that the Treaty will give some kind of sanction for a period of ten years to restrictions which might otherwise have been removed. I contend that this Treaty does nothing of the kind, but that, so far as it affects the British shipping, it will confer advantages upon it. In the trade between England and France ships of both nations are on a footing of perfect equality: by increasing that trade British ships must be benefited. What is the state of the case at present? Of the French direct trade with the United Kingdom, sixty-nine per cent is carried under the British flag; twenty-eight per cent is carried under the French flag; and three per cent under the flags of other nations. This is the trade to which the Treaty relates, and to no other, and it is this trade which may be expected so largely to increase by the mutual interchange of products and manufactures. It is clear that if British ships can enjoy sixty-nine per cent of the carrying trade there is nothing in any French regulation which prevents them from deriving full advantage from it, and any increase of that traffic arising from the Treaty must obviously confer an important advantage on British shipping. But, further, I find that the trade between England and France forms something between one-third and a half of the whole foreign trade of that country; of this the English vessels enjoy seventy per cent, or, in other words, between one-third and one-quarter of the whole foreign trade of France. To raise the general question of differential duties bearing on the indirect trade with France is to enter into something quite apart from this Treaty. The hon. and learned Gentleman, I think, has talked of imports from America into France. No doubt, it would be very desirable if British ships could carry goods from the United States to France on the same terms as American vessels; but this Treaty has nothing to do with creating facilities of that kind—it is simply to facilitate the carrying of British produce into France. The same argument applies with regard to the Mauritius; I respectfully submit that when you introduce these topics into a discussion on an Address on this particular Treaty you are really travelling from the question before the House. But, as this subject has been mentioned, let me see the extent of this great grievance. I should be glad if the navigation laws of all countries were entirely abolished. In this country we have removed all restrictions; and there are very few nations, with the exception of France, Spain, Portugal, and to some extent America, which have not reciprocated our liberality, and given us freedom of navigation. It is said that at the Mauritius we are kept out of something very well worth having by these differential duties. I presume that a certain quantity of sugars are consigned to this country, which for the most part find their way in English bottoms, which I presume cannot be regarded as disadvantageous to British shipping. But I have a return before me showing the extent of the colonial trade of France; and let us see how much we should acquire if every French ship were prevented from carrying produce from any of our Colonies to France—a consummation that the hon. and learned Gentleman, I think, will scarcely hope for. I find that in 1858 the trade between France and the British Colonies in Asia, Africa, and America, amounted to 119,216 tons of shipping in the year. The trade of Great Britain with foreign countries, under all flags, was 14,438,000 tons; and between the United Kingdom and her Colonies was 4,306,426 tons. So that all you would gain would be admission to a trade of 119,216 tons of shipping in addition to the trade of 18,000,000 into which you now enter. I venture to say if British shipowners had all this trade, of which they say they are now deprived, they would feel it to be an addition of comparatively trifling importance. I do not say it is not worth having; but I think more importance is attached to these restrictions than they deserve. The whole French trade with the British possessions in India and the Mauritius is only 81,000 tons. It really appears to me you are attaching great importance to small matters, and, by continually pleading small restrictions, are attempting to raise a prejudice against a great and comprehensive measure of commercial freedom, with which I am quite certain the country and the constituents of the hon. and learned Gentleman are satisfied. There is one remarkable fact with regard to English and French shipping which I cannot help mentioning. In the year 1858, of the French ships in the ports of France engaged in the foreign carrying trade—I do not speak of the coasting trade—British vessels in those ports formed two-thirds of that tonnage:—that is, for every nine French ships in the ports of France engaged in the foreign trade there were six British engaged in the same trade. All these ships must have obtained employment, notwithstanding the restrictions that remain. The hon. Member for Sunderland (Mr. Lindsay) was anxious to propose his Resolution as an Amendment to the Address. I was one of those who endeavoured to dissuade the hon. Gentleman from doing so. I imagine he did not attach much importance to the advice, because, being a Member of the Government, he thought I was not quite to be believed on such a subject. He rather listened to me with a degree of distrust I have not been accustomed to see. But I really advised the hon. Gentleman to take the course I should have thought best had I been in his position. When the noble Lord at the head of the Government offered him an opportunity of bringing forward his Resolution as a substantive Motion, and told him he would support it, I could not conceive the hon. Gentleman would have a moment's hesitation; and I am quite convinced he has now taken the most judicious course for the promotion of the cause he has so ably advocated. I have no doubt when he brings forward his Resolution again—I do not say in the exact words in which it now stands—that it will obtain the general support of the House. The hon. and learned Member for Belfast concluded his speech with some observations about the French export duty on rags. He said the negotiators of this Treaty had paid no attention to the question of export duties levied by foreign countries on the raw materials of manufactures. I dare say they did not; I am not aware it has been the custom to enter into such considerations when dealing with the import duties of this country. I venture to say there is scarcely a single article or manufactured article the duty on which you have reduced or repealed that does not contain some ingredient that is liable to some restriction as to its export from other countries. What would be said if any one objected to the importation of corn and grain from France because the French Government prohibits the exportation of guano? You repealed the duty on leather, though the French Government puts a duty on the exportation of raw hides. If you were to act on the principle of repealing Customs' duties only with regard to foreign export duties, you would be in a difficulty every time you dealt with a manufactured article. I do not think the argument has any force; I believe it will be found impolitic to make your import duties depend either on the existence or the removal of export duties on raw materials in other countries. No doubt it is most desirable that all these export duties should be removed by foreign countries, and I was extremely glad to hear the noble Lord announce to the House that the French Government intended to remove the prohibition now existing on the exportation of rags from France. But the negotiators of this Commercial Treaty would have been to blame if they had gone into the consideration of such export duties in reference to every article with which they were going to deal. In fact, we must look to the general principle of these measures; the negotiators were about to deal with a great measure of principle, much of the details of which has yet to be completed. Had they allowed themselves to travel into considerations beyond the broad principles of the Treaty, they would have failed altogether, and the House would not have had the Treaty before it for discussion. I hope the House will give its unanimous vote in support of the Address the hon. Member for Middlesex has submitted to us. I cannot conceive that the noble Lord who has moved the Resolution relating to Savoy will obtain any support. I cannot believe that he will go to a division. Why we should refuse to increase our commercial intercourse with France because some territorial question is under discussion I cannot understand. There is nothing in the words of the Address to which any hon. Member can have any serious objection. I can scarcely conceive even the hon. Member for West Norfolk (Mr. Bentinck) objecting to it. Even if the Treaty be as bad as he says it is, at any rate our intention is good. The very existence of the Treaty is a proof of a desire on the part of the Crown to promote the welfare and happiness of the people. No one will deny that such a treaty must promote a beneficial intercourse between Great Britain and France, and tend to the extension of our trade and manufactures. We all hope and trust that such will be its result. We do not ask you to say it is mathematically demonstrated; we ask the House simply to congratulate the Crown on thus proving its desire to promote the well-being and happiness of the people of this country, and to express a hope that the measures proposed will increase our commercial intercourse with France, to the advantage of both nations.

SIR STAFFORD NORTHCOTE said, he sincerely agreed with the right hon. Gentleman in hoping that the discussion of the Treaty would not be mixed up with any other topic. The noble Lord the Member for Hastings (Lord H. Vane) had raised the question of the annexation of Savoy to France; but in considering the Treaty they should confine themselves to its relations to the financial and commercial system of the country, and not go into any other subject. He had scrupulously abstained, during the discussion of the Treaty, from throwing any impediment in the way of the changes proposed, but he did not consider himself precluded from freely criticizing the Treaty as presented to the House, and for which the Government asked not only their assent but their applause. The speech of the right hon. Gentleman the President of the Board of Trade had much disappointed him, as he had expected to hear a more satisfactory answer to some of the points that had been started. The objections the hon. and learned Member for Belfast had made to the Treaty had not been answered at all. He (Sir S. Northcote) would consider for a moment the reasons why a Commercial Treaty with France had been resolved on at all. It had been described as an instrument framed to induce the people of England and France to consent to alterations in their financial systems which, without the Treaty, they would not be willing to adopt. It might be said that if we had not entered into the present Treaty, the Emperor of the French would not have been enabled by any other means to persuade the French Protectionists to accede to the change in the commercial policy of France which he desired to introduce ; but he should, upon the other hand, contend that it would appear as if the English Government had had recourse to a Treaty in order to induce the House of Commons to accept financial arrangements which under other circumstances it would have rejected. Now, looking upon the advantages which the Treaty was likely to confer upon the English people, he was perfectly willing to admit that the throwing open of the trade with France was a step in advance, and made a breach in the prohibitory system which had in that country hitherto prevailed. He could not, however, help thinking that that step might have been taken, and that breach effected, without the necessity of having recourse to the present Treaty for the purpose. He was of that opinion, because he was, as every hon. Member must be, well aware that the Emperor of the French was a consistent advocate of free trade, and that he had endeavoured to obtain the adoption of its principles on more than one occasion. The last move, however, which he had made in that direction had so alarmed the French manufacturers, that they had extorted from him a pledge to proceed no further in the course upon which he had entered until the year 1861. Now, that being so, it was evident that when the year 1861 should have arrived, the Emperor of the French would have been prepared, consistently with what he deemed to be the good of his people, to extend to us concessions, perhaps, still greater than we had succeeded in obtaining from him by means of the bargain which we had just concluded. The argument, therefore, that the Treaty was of great importance because it effected a breach in the prohibitory system of France, did not, in his opinion, possess so much weight as some hon. Gentlemen seemed disposed to attach to it. It was, however, said to be likely to be productive of great advantage to this country in other respects ; but from the justice of that view he must beg leave to dissent. By the third Article, for instance, we stipulated that the rates of duty which were mentioned in the preceding articles were to be independent of the differential duty in favour of French shipping, and it was argued that we need give ourselves no concern about that stipulation, inasmuch as the Treaty applied to direct and not to indirect trade, and as in the direct trade British vessels stood on equal terms with French vessels. But, if that were so, why, he should like to know, had the third Article been introduced into the Treaty at all ? It had not, most assuredly, been inserted in accordance with our request, but at the suggestion of the French Emperor, who, he took it for granted, must have some object in view in procuring our assent to such a stipulation. In endeavouring to discover what that object could be, he (Sir Stafford Northcote) found that we had entered into a treaty of navigation with France in 1826, which was terminable at a year's notice. Now, if that treaty were put an end to, what would be the result ? Why, that the differential duties in favour of French shipping would be revived in the direct trade, and the Emperor of the French would have it in his power to point to the Treaty of 1860 as declaring that the duties therein named were independent of those differential duties altogether. He wished to call the attention of the House to Article 11, which provided for the exportation of coal to France free of duty, and which the right hon. Gentleman the President of the Board of Trade contended had been introduced into the Treaty in a commercial sense. Now, it was perfectly clear that that Article had not been framed at the instance of the English Plenipotentiary, but must have emanated from the Emperor of the French himself. With what object, then, it was but reasonable to ask, could its introduction into the Treaty have been sought ? The question was one upon which he thought some light was thrown by what had taken place when he had filled the office of Secretary to the Treasury last year. A proclamation had at the time been issued with respect to the export of goods which were contraband of war, declaring that all those by whom such goods were exported would not only expose their property to be captured by foreign vessels, but would render themselves liable to penalty under the operation of the municipal law and what was called the South American Act. That proclamation had caused great alarm in certain quarters, and several persons had communicated with the Treasury for the purpose of ascertaining whether coal came within the terms of the prohibition, alleging that they had entered into contracts with the French Government for the supply of large quantities of that article for the use of the French navy. If the export of coal had then been prohibited it was quite clear that the interests of France in prosecuting the war in which she was engaged would have been materially interfered with, and yet we had by the present Treaty consented to surrender a right which we might have found it advantageous to exercise last year, and to the exercise of which we might at some future period find it beneficial to have recourse. It was argued, however, that a prohibition on the export of coal from England to France would not prevent the French from getting a supply from Belgium and other countries in the event of a war. But supposing that the war was one in which Belgium was also interested, and that it was desirable to cripple France, what would be the consequence? Why that they would be unable to do so in consequence of the Treaty? The view which he took upon the subject was one which he could not help thinking was not merely hypothetical, and one which received something like confirmation from the celebrated conversation which had been reported in *The Times* newspaper as having taken place in December last between two distinguished persons—an Englishman and a Frenchman, whom general report pointed out to be the Emperor of the French and Mr. Cobden. In the course of that conversation the Englishman was represented as having asked whether no information could be given him with respect to the large stock of coal then being laid in by France. The answer to that question was as follows:—

> "I will continue with the same frankness. Some months back your Tory Ministry was so much opposed to the war in Italy that everything announced its wish to place itself on the side of Austria. It was even on the point of causing coal to be considered as contraband of war. Now, our navy used only English coal. The Minister had then to occupy himself with that semi-hostile attitude of your Ministry, and to look about for the means of supplying, in case of need, the French fleet with French coal. It was his duty not to leave our supplies at the mercy of your Government."

Now, coupling what had taken place when he was in office with what were admitted to be the necessities of the French navy with respect to the supply of coal, he thought it was perfectly clear that the intention of introducing into the Treaty the 11th Article was to preclude us from taking those steps to prevent the exportation of coal which we might have taken last year. If that were not the meaning of the article in question, what end was it intended to answer? In a commercial point of view it was of no earthly value, as the Emperor of the French was perfectly aware; so that we had been—he would not say entrapped into its insertion in the Treaty—but induced by France to accept it for her own particular objects. The Treaty had many good points in it, but it crippled and fettered us for a period of ten years, and left us powerless to alter or modify our course, whatever circumstances might occur to induce us to do so. During the last ten years a great change had taken place in the principles which regulated our commercial policy; he hoped the same principles would continue to prevail; but could they assure themselves of that, and how could they justify themselves for now tying up their successors in a new Parliament, which was to be elected on a totally new principle by stipulations of this sort? The Chancellor of the Exchequer told him the other night that he was proposing to tie up the hands of a reformed Parliament. Nothing could be more absurd than to attempt to fetter Parliament by any legislation of that House because one Parliament could always reverse the proceedings of its predecessor; but there was one way in which the hands of Parliament really might be tied,—and that was by a Treaty which binds the honour of the Crown, is accepted by Parliament, and cannot be got rid of. When a Treaty was so loosely drawn as this — when its details had received such cursory attention as from the speech of the President of the Board of Trade this Commercial Treaty obviously had received — when they were really putting themselves very inconveniently in a position from which they could not withdraw—when they were unable duly to consider it —when they could not discuss the details of the Budget, hampered as they were by the provisions of this Treaty, he could not help raising his voice against the adoption of the course which had been prescribed for them. He really blushed for the Chancellor of the Exchequer the other night when he was obliged to propose a differential duty in favour of French corks in order to get out of the difficulty which seemed to arise out of the French Treaty. He was prepared to take off the duty altogether from corks; that was a question of free trade; but then came in the Treaty question, and lest the Treaty should be jeopardized his right hon. Friend the Chancellor of the Exchequer actually proposed a differental duty in favour of French corks, contrary to every principle of his whole commercial policy;—there could not be a more convincing proof of the extremely undignified position in which they were placing themselves. There was an expression in the Address they were called upon to vote which was rather a singular one. It professed, in the first place, to assure Her Majesty that the House had considered the Treaty of Commerce concluded between Her Majesty and the Emperor of the French, and then the Address went on to assure Her Majesty that "we shall proceed to take such steps as may be necessary for giving effect to a system which, we trust, will promote a beneficial intercourse between Great Britain and France." And now, what was the meaning of that word "system?" He supposed it was an error for the word "treaty." [The Chancellor of the Exchequer: It is the word used by Mr. Pitt.] He did not know what Mr. Pitt's Treaty or Mr. Pitt's system might have been, but, as the word was designedly introduced, they were obviously giving their assent to much more than a treaty; they were called on to give their assent to a system. What system? The system of mixing up their financial arrangements with treaties with foreign countries—a system which was to bind them to cut off, by an arrangement with a foreign country, large sources of revenue, and put them in a position in which they would be obliged to go on in a course from which it would be utterly impossible to withdraw, and which would cost them a great deal more than they had yet any idea of. What would be the effect of reducing those duties on luxuries? Would there not be a great pressure placed on them to take off those on tea, sugar, and other articles of prime necessity? He believed the argument would be found irresistible. They had relieved the rich from the heavy taxation on wine, silks, and other articles of luxury, and at the same time they were retaining the duties on the necessaries of life. One duty after another would fall, and the more they narrowed the number of articles on which they imposed duties the greater would be the pressure to take them off, and the greater the difficulty of maintaining the duties on those articles. The *Liverpool Financial Reformer* was in a state of perfect ecstacy with this Budget, considering it as a step, though a feeble one, towards the perfect freedom of trade, which, it stated, could not exist so long as there remained any duties of Customs or Excise on exports or imports. This was the great lever with which the *Liverpool Financial Reformer* was to work for the accomplishment of all it desired. He did not see how, logically, they could stop short in the course they were now invited to enter upon—of striking off all, or almost all, the remaining duties of Customs and Excise. [The Chancellor of the Exchequer: Hear, hear!] His right hon. Friend cheered, but what was to come in their place? Were they to have direct taxation; and if so, was the Chancellor of the Exchequer prepared with an unexceptionable scheme of direct taxation? His course would then be intelligible. But what he did was this; having impressed on them that our system of direct taxation was not satisfactory, and having also in former years expressed his strong sense of the difficulty or impossibility of altering it, he now asked them to postpone the whole question of its settlement till another year, and in the meantime to pursue a course which must lead to the destruction of all indirect taxes. Seeing then that the House was now called on to take a gigantic step in this direction, under circumstances which would commit the country to a course from which it would be impossible to recede, he felt himself unable to join in the very cordial approval they were invited to give to this Treaty.

Mr. HORSMAN said, he rose to move the adjournment of the Debate.

Viscount PALMERSTON said, he hoped there would be no objection to disposing of the Amendment of the noble Lord; then, the right hon. Member for Stroud might proceed with his Amendment tomorrow.

Mr. WALPOLE said, he wished to call the attention of the Government to this fact, that, supposing the question put and the Amendment of the noble Lord negatived, the words proposed to be left out would stand part of the question. Might not the words of the Address be improved in one respect? His hon. Friend who last spoke (Sir S. Northcote) called the attention of the House to the word "system," which the Address pledged the House to promote. Now, that was a very ambiguous term. Some people might suppose it meant the system of free trade; others the reciprocity system. He thought what was meant was the system mentioned in the Treaty—namely, the doing away with prohibitive duties on the part of France and the reduction or abolition of revenue duties on the part of England. What he suggested was that, instead of the word "system," they should use the word "treaty," which would have the effect of pledging the House to take such steps as they should think best fitted to give effect to the Treaty, so as to promote commercial intercourse between the two countries.

VISCOUNT PALMERSTON said, he thought "system" was the more appropriate word, but there would be no objection to insert the word "treaty." To make the alteration, however, it would be necessary for the noble Lord to withdraw his Amendment.

MR. E. P. BOUVERIE said, these difficulties often occurred in Committee, and there they were got over by putting only the first few words of the clause. If the first half-dozen words of the Address were put, and the question then resolved in the affirmative, any alteration might be made afterwards.

LORD ADOLPHUS VANE-TEMPEST said, he would withdraw his Amendment.

Amendment by leave, *withdrawn:* Original Question again proposed.

MR. HORSMAN moved the adjournment of the Debate.

Debate *adjourned* till *To-morrow.*

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 9, 1860.

MINUTES.] PUBLIC BILLS.—1ª Spirits (Ireland) Act Amendment.
3ª Consolidated Fund (£407,649).

EAST INDIAN INDENTURED LABOURERS.

ADDRESS FOR CORRESPONDENCE.

THE EARL OF ELLENBOROUGH said, that as Her Majesty's Government had consented last night to lay on the table of the other House copies of all Correspondence with the French Government relating to the importation into the French colonies of labourers from British India, he presumed there would be no difficulty in laying the same papers before their Lordships, and he would, therefore, move for them at once. He concluded that, as the Government had thus shown their inclination to allow Parliament to form a judgment on the provisions of the Treaty before it was concluded, they would not have the least objection to postponing the conclusion of the Treaty at least for some little time after the papers had been laid on the table. The noble Earl then moved an address for

> "Copies or Extracts of the Correspondence between Her Majesty's Government and the Government of France with respect to legalising the Exportation of Natives of British India as Indentured Labourers to French Colonies."

LORD WODEHOUSE said, there would of course, be no objection to produce the Correspondence; but he must remind the noble Earl that it had never been the custom of the Crown in negotiating treaties to consult Parliament as to whether a Treaty should be concluded or not. He could not, therefore, give any pledge like that which the noble Earl seemed desirous of obtaining.

THE EARL OF ELLENBOROUGH said, he could not understand for what other purpose the papers had been granted before the conclusion of the negotiations. Of course, after the Treaty was made, the papers were generally laid on the table to enable Parliament to judge whether the Government had acted well or ill; but it could not be of much use to produce them before the Treaty was made if their opinion was not to be expressed until it was too late to be of use.

Motion *agreed to.*

PROVISIONAL GOVERNMENT OF TUSCANY.

ADDRESS FOR INSTRUCTIONS TO BRITISH CHARGE D'AFFAIRES AT FLORENCE.

THE MARQUESS OF NORMANBY, in rising to call attention to the conduct of the Provisional Government of Tuscany, and to move for papers connected with the subject, said he had two motives for reverting to a subject which, perhaps, he ought to apologize to their Lordships for having brought so frequently before them. The first was, that if the Piedmontese officials continued to act with the same precipitation which they seemed now inclined to display, if he were to delay even for a few days, the event, to which he wished to call attention, would become *un fait accompli;* and the second was that, until he read the Correspondence which the Government had recently presented to Parliament, he had no idea how soon they had thrown off the mask of neutrality, and how soon they had assumed the character of partizans. He was far from wishing, by the form which he had given to his Motion, to have it supposed that he was inclined either to encourage or to extend that system of interference in the internal affairs of foreign nations for which the career of the noble Viscount at the head of the Government had been so long remarkable, whether as departmental chief or as the superintending mind. In this case, however, he held that Her Majesty's Government must be responsible for the position which they had taken, and that the anomalous Governments of Central Italy could only be treated as their creations. We all knew the great satisfaction with which the whole civilized world hailed the somewhat sudden conclusion of the late disastrous war. There was hardly a man who did not feel that a great weight was removed from his mind, as no one knew how far that war might extend. But it now appeared that to the general satisfaction there was an exception; for within a week after the noble Lord at the head of the Foreign Office announced to the House of Commons the conclusion of peace they found him in communication with the *Chargé d'Affaires* at Florence, recommending those in power to act in opposition to the provisions of the treaty by which the belligerent Powers had bound themselves. The first overt act was on the 19th of July; but after the experience of last night he did not know whether before peace was concluded Lord John Russell had not in private letters to Mr. Corbett inculcated the means to thwart the provisions of the treaty. From the experience they had had, particularly in reference to Savoy, he was rather afraid that the noble Lord had adopted a course which, when chief of his present leader, he was the first to deprecate. He could not pretend to decide that it was the first communication, but on the 19th of July Lord John Russell wrote to Mr. Corbett, that it was much to be desired that a Legislative Assembly should be convoked in Tuscany in order to decide upon its future. That, he contended, was decidedly a measure in direct opposition to the conditions of the treaty of peace, and entailed upon Her Majesty's Government the responsibility of what had since occurred. It was in his opinion, the first step which led the mind of the Emperor of the French to the annexation of Savoy. The hurry was so great that the directions given by the noble Lord were acted upon immediately afterwards by the Provisional Government of Florence during the Presidency of Signor Boncompagni. Signor Boncompagni was Commissary General to the King of Sardinia, and therefore had no more right to issue orders for an election in Tuscany than to issue Speaker's writs for the election of Members of the House of Commons. From the very first, therefore, the noble Lord, by his precipitate conduct, had placed the stamp of illegality upon all the proceedings. On the 18th July the noble Lord must have had some suspicion of the kind of influence that was going on there, for upon that day he desired Mr. Corbett to warn the Provisional Government against making themselves a party to anything unjust, to any violent and arbitrary proceedings inconsistent with the freedom of election. Mr. Corbett's answer was not very consolatory. On the 6th August he said that threats had been used not only against the Grand Ducal party, but also against the Republicans themselves. This was the answer of Marchese Ridolfi, who mentioned the name of a leading Republican the Government had imprisoned. This indiscriminate oppression of all who are not of the Piedmontese party, it was thought must be satisfactory to the English Government. It was unnecessary to weary their Lordships with the details of the electoral law of 1848. But, however much the Tuscans might have regretted the suppression of constitutional government, he had never heard a single Tuscan deny that the electoral law of 1848 was in its very nature most partial. It was established during an incipient revolution; and it was intended to give nearly all power to the towns, to public *employés*, to professors of the University, and to the small shopkeepers. On this point he must say that if there were any country in which the rural population ought to have great weight Tuscany was that country; for in Tuscany the rural population was the most enlightened and the most independent part of the community: yet those were the people whom a stranger, Signor Boncompagni, excluded from a voice in the elections. It was unnecessary to refer to the intimidation, because the system founded on the electoral law of 1848 was now interrupted; but there was an important fact which showed the inaccuracy of the information which was communicated to Her Majesty's Government by their agent. On the 10th of August Mr. Corbett wrote:—

"A very large majority of those entitled to vote have taken part in the elections, probably as many as three-fourths."

But Signor Galleotti, the Secretary to the National Assembly at Florence, showed in a pamphlet, written in defence of the system, that only about half the constituency voted. The number of voters on the list is 63,000, those who voted over 35,000—by what process of arithmetic Mr. Corbett makes this amount to three-fourths, it is difficult to say, but his estimate is given to Parliament in these papers. The original constitution of the electoral body, who were to have the privilege of voting on the question which was to decide the future of the country, was intended to apply to 1·25th of the population; but the fact was that only one in fifty registered their votes. Could any one say that that was a satisfactory mode of taking a vote upon which depended the constitution of the State and the future of the people? On October the 24th, Mr. Corbett expressed himself very curiously as to the feelings of the country.

> "The greater part," he wrote, "of the nobility and upper classes, and all the intelligence of the country, are opposed to the restoration of the Grand Ducal Government."

Now, from his own recollection, he could mention the names of numbers of the first families in Florence whose opinions were the very reverse of those stated by Mr. Corbett. As to the intelligence of the country, how could Mr. Corbett constitute himself a judge of that? He had, he understood, few acquaintances beyond his own limited private circle; and, at any rate, he had not that knowledge and experience of the country which would justify a man in making such a very wholesale assertion. In declaring that all the intelligence of the country was opposed to the Government, Mr. Corbett must have formed a very mean estimate of the Foreign Minister, with whom he was daily transacting business, and who had stated to Mr. Scarlett that he himself and a great majority of the Tuscans desired nothing so much as the return of the Grand Duke. On a former occasion he had drawn the attention of Her Majesty's Government to the circumstance of Mr. Corbett having appeared at one of the receptions of Signor Boncompagni, and had then been assured by a member of the Government, on the authority of a private letter, that Mr. Corbett had attended no official reception, but had only accepted a personal invitation to a private ball given by his intimate friend, Signor Boncompagni. He found, however, that in an official account of the reception which had appeared in the official gazette *Il Monitore Toscano*, it was stated to have been of an official character, and Mr. Corbett's presence at it was duly recorded, as that of Her Britannic Majesty's Charge d'Affaires. It was, in point of fact, precisely of the same character as the State Reception on New Year's Day always was—and as he himself had attended last year at the Palazzo Pitti. Upon seeing that announcement Mr. Corbett ought at once to have sent an intimation to the official gazette stating that he had attended the reception only in his private capacity. He ought not to have the credit in Florence of supporting the revolutionary Government officially and give it at home the character of a private civility. Letters were not only stopped and examined by the Tuscan Government, but suppressed altogether. With the exception of an anonymous letter received that morning, it was three months since he had received a single letter by the ordinary post from Tuscany, although previously he used to receive frequent communications. He had been informed that imprisonments and domiciliary visits had greatly increased since the English propositions had arrived at Florence. No less than 113 persons, nobles, priests, and others, had been thrown into solitary confinement in Florence alone without any specific charge having been made against them. An English lady, of a family well known to their Lordships, and married to an Italian gentleman of great respectability, had written to him to state that her now blind and infirm husband had been torn from her and imprisoned without any charge having been preferred against him. This lady, once Miss Thornton, was the daughter and sister of two distinguished diplomatists, her brother being now, he believed, Minister to the Argentine Confederation. He would do her the justice to allow her to state her case in her own words:—

> "Florence, Feb. 15, 1860.
>
> "I cannot refrain from writing a few lines to tell you that my poor husband has himself fallen a victim to the spirit of persecution at present so rife in Tuscany. He has been in prison since the 6th ult. Almost all the Guardie Nobile had been imprisoned before himself, and I really believe that it was because he had interested himself very much (as it was his duty to do) for them, and perhaps expressed himself too freely on the injustice of their imprisonment, and still more for their being kept in prison without the slightest appearance of a trial, or even being told why they

were arrested. I have heard of no trial, in fact I know that no trial has taken place, for now more than five weeks that some of them have been in prison. You may imagine that in Tassinari's interest I have examined into their case by every means in my power, and I know that the public tribunals will have nothing to do with them, there being no cause to proceed, consequently there will be a trial by *viâ economica*, which is just as much as to say that they will be condemned as others have been before them without cause. Your Lordship is well aware of the state of poor Tassinari's sight, and consequently how infinitely more painful, as well as injurious to him, is solitary confinement, where books and writing, allowed to others, to him are useless. Tassinari does not seek to avoid a trial; on the contrary, he demands it, and what he asks is but an act of humanity which ought not to be denied him. It is a sad state of things, and I cannot but be surprised that in England people should talk of the possibility of another election with so many in prison, so many exiled, and so many, many more in voluntary exile! The following observation made by an Ultra Liberal the day Tassinari was arrested you will allow to be characteristic. 'Could I but know two hours before that I was to be arrested on an accusation of stealing the Campanile del Duomo, I would leave the country instantly in the present state of things,' &c. M. A. TASSINARI."

And this was the working of the model Government of Tuscany, which had been praised by Lord John Russell as the perfection of moderation and wisdom! If anything appeared in the English papers displeasing to the Government, its publication was suppressed. If the doctrine of the rights of man was to be raised in Tuscany, ought they to proceed by making a privileged class? How was it possible in such a case to ascertain what was the real voice of the people? What the people of Tuscany wanted was, to have a fair opportunity of expressing their real sentiments; and he asked whether it was consistent with the free exercise of the suffrage that the Tuscan army should not be in their own country to vote? and that the whole should be conducted by *employés* who had taken the oath of allegiance to one of the candidates. He thought that commissioners ought to be appointed by the great Powers to see that the election took place in all fairness; and he had no doubt that if the question was fairly put before the people of Tuscany their free and unbiassed opinion would be against annexation to Sardinia. In conclusion, the noble Marquess having stated that as these new elections had been caused by the direct interference of the noble Lord at the head of the Foreign Office, he concluded that he must have accompanied his recommendation by some instructions to the *Chargé d'Affaires* as to the necessity of allowing perfect freedom of opinion, as the experience of last year had sufficiently shown that unless enforced from without the present Tuscan Government had no great respect for the free exercise of the elective franchise. He concluded by moving—

"That an humble Address be presented to Her Majesty for, Copy of any Instructions addressed by the Secretary of State to Her Majesty's Chargé d'Affaires, at Florence, directing him to impress upon the Provisional Government the Duty of abstaining from any arbitrary Acts calculated to destroy all Freedom of Action in connection with those fresh Elections which Her Majesty's Government had thought proper to recommend."

LORD WODEHOUSE said, with regard to the papers moved for by the noble Marquess, the answer he had to give would, he hoped, be satisfactory. It was simply that the papers did not exist, and therefore could not be laid on the table. Before venturing to answer some of the remarks made by the noble Marquess the House would, perhaps, allow him to say that it was rather hard that the Government should be compelled to go into minute details regarding the conduct of the Government of another country, with which he was perfectly ready to admit they had considerable sympathy, but in the affairs of which the policy of non-interference (which notwithstanding what had fallen from the noble Marquess, they had consistently pursued) did not permit them in any way to interpose. One thing was remarkable throughout the speech of the noble Marquess. He uniformly assumed that every person unfavourable to his views was inaccurate and partial; and that every one who agreed in opinion with him was thoroughly trustworthy and impartial. The noble Marquess remarked on the absence of instructions with reference to the oppressive measures said to have been exercised by the Tuscan Government before the elections, and charged Mr. Corbett with having acted with excessive partiality. He (Lord Wodehouse) thought that any one who read the published correspondence could not but be of opinion that Mr. Corbett had shown great impartiality, because the despatches contained proof that he had repeatedly pointed out the errors into which the Tuscan Government had fallen. When his noble Friend Lord John Russell wrote to Mr. Corbett to say certain measures were unjust and illiberal, Mr. Corbett lost no time in executing his instructions:—

"On receipt of your Lordship's despatch of the 28th ult." (Mr. Corbett wrote on the 6th of

August last) 'I took an opportunity to express privately to Marchese Ridolfi your Lordship's opinion, that to repress a free declaration of opinion as to the future Government of this country was unjust and illiberal. His Excellency said, that it had been found necessary to warn certain persons that any attempt to disturb the public peace would be punished; but that these threats had been made use of not only to persons belonging to the Grand Ducal Party, but also to persons of Republican opinions, who had shown a disposition to create disturbance, and that one of the latter, named Sterbini, had been imprisoned. I urged upon his Excellency the necessity of allowing the freeest expression of opinion compatible with the maintenance of public order, if the Government desired to render the opinion to be expressed by the new Assembly respected abroad."

The noble Marquess had found great fault with the Government for not having expressed a more decided opinion; but he (Lord Wodehouse) thought Mr. Corbett's expression of opinion decided and distinct enough. The Tuscan Assembly was convoked; and the noble Marquess proceeded to say that Mr. Corbett had given a most inaccurate account of the way in which the votes were taken, and the numbers of those votes. On that part of the case he (Lord Wodehouse) was unable to say more than that he believed Mr. Corbett to be an accurate and trustworthy person. He was certain that Mr. Corbett transmitted to the Government the best information he could procure; it happened, besides, to coincide with all the rest of the information that had been received from other quarters. Of the constitution of the Tuscan Assembly, on which the noble Marquess had remarked, their Lordships could form a judgment for themselves. Their Lordships attended to the course of public affairs, and they must have seen that some of the most distinguished persons—men who had taken a prominent part in the affairs of Tuscany had been elected to seats in the Assembly. Mr. Corbett distinctly stated that the Assembly was composed of persons of rank, station, fortune, and intelligence in the country. He (Lord Wodehouse) could not help saying that the noble Marquess, in speaking of Mr. Corbett as he had done, had been wanting in generosity. The noble Marquess knew Mr. Corbett, for Mr. Corbett had served under the noble Marquess for some time. He (Lord Wodehouse) did not know him at all; but he must say that, as far as he had been able to judge from what he had heard of Mr. Corbett, he thought he had, under very difficult and peculiar circumstances, discharged his duty efficiently. The noble Marquess had attempted to fix on Her Majesty's Government the responsibility of the fresh elections which were about to take place. But he thought the noble Marquess had altogether misunderstood the true position which Her Majesty's Government had assumed in this matter. Her Majesty's Government, throughout the correspondence had distinctly laid down that they would not interfere in the internal concerns of Italy, and that they would endeavour to induce the other Powers to take the same course. He maintained that those who had read the Correspondence would see that the Government had consistently abstained from such interference. It was said Her Majesty's Government were in favour of the policy of annexation. Why were they in favour of it? Simply because annexation had been the expressed wish of the Italian people. His noble Friend Lord John Russell, in a conversation which was recorded in the blue-book, had even expressed an opinion that it might be desirable that the Grand Duke should be recalled under proper guarantees; Her Majesty's Government had never desired to see the Grand Ducal authority overthrown, connected as it was with many historical associations; but being overthrown, they had to consider how a secure Government could be established in its place, and Her Majesty's Government were so far from having being unwilling to countenance any policy but that of annexation, that amongst other combinations his noble Friend suggested that there might be a Kingdom of Central Italy; but he always laid down the principle that the feelings and wishes of the Italian people should be respected; and as the French Government proclaimed in Italy that they would not interfere by force of arms with the wishes of the Italian people, those wishes having been clearly ascertained; it was very natural that Her Majesty's Government should recommend elections as the best means of ascertaining what those wishes were. As regarded the new elections, the recommendation for a new election arose out of the general proposal of Her Majesty's Government with a view to the settlement of Italian affairs. Adverting to the application of the principle of universal suffrage, the noble Marquess said—addressing himself to Members of Her Majesty's Government—where was their respect for the rights of man?

THE MARQUESS OF NORMANBY explained that what he had said was, that if

Her Majesty's Government recommended that the destiny of Italy was to be decided by an appeal to popular vote, then every person ought to have an equal right to decide the question; but that there were obvious objections to universal suffrage, and therefore he could not acquiesce in the future fate of a country being decided by a popular vote which, applied to such a question, would evidently be most unjust if not universal.

LORD WODEHOUSE said, he did not precisely see the difference if there were objections to universal suffrage, they certainly were not diminished by the fact that the votes were to be taken for the purpose of determining the destinies of a whole people. But however that might be, it was clearly our duty not to interfere. The noble Marquess had alluded to the non-transmission of his letters from Florence, and had made a complaint, founded on a letter from Madame Tassinari, which he had read to the House. He did not desire to regard too strictly the letter of a lady who necessarily wrote under some excitement caused by the imprisonment of her husband, and could scarcely be expected to be accurate in matters of political import; but he was surprised that charges against the Government should be based upon such a foundation. But before entering upon the matter of that complaint he would advert to the request of the noble Marquess that Mr. Corbett should be instructed by telegraph to take charge of a letter from Monsieur Tassinari to the noble Marquess. His noble Friend (Lord John Russell directed him (Lord Wodehouse) to inform the noble Marquess that he could not undertake to desire Mr. Corbett to take charge of his (the Marquess of Normanby's) correspondence, but a telegram was sent requesting the Tuscan Government to forward all letters addressed to the noble Marquess unopened. That was done, and the noble Marquess, it appeared, had received the anonymous letter which he had referred to. The grounds upon which the Secretary of State declined to accede to the noble Marquess's request were obvious. The privilege of rendering inviolate official correspondence for foreign countries depended upon that privilege never being abused. He did not wish to say anything harsh of the lady in question; but it must be borne in mind that she was connected with the party opposed to, and accused of plotting against, the existing Government of Tuscany. A parallel case to the application of the noble Marquess would have been, if the late Lord Dudley Stuart had applied that our Minister at St. Petersburg might be allowed to transmit to him letters from disaffected Poles, or from English ladies who were married to disaffected Poles, in order that he might make statements affecting the Russian Government. He was only surprised that the noble Marquess, with his experience, should have made such a request. The Government thought it was not incumbent on them to institute an inquiry into the complaints of a subject of Tuscany, but he had made some inquiries concerning this matter, and he would now state the result to the House. In the first place it was singular that, on the evening of the very day the lady wrote to the noble Marquess complaining that Mr. Corbett had paid no attention to her appeal, on the evening of that very day her husband was removed from prison, and placed in confinement in his own house, being ill and afflicted with blindness, at Mr. Corbett's request; and Mr. Corbett said the lady had never had the grace to thank him for his interference. That showed the *animus* which dictated these complaints. The gentleman in question was arrested on the 6th of February upon a charge of being concerned in a plot which the Tuscan authorities supposed to have some connection with the recent affair of the shells which had been thrown into the house of one of the Ministers. He was arrested in company with eleven other persons; and, so far from not being made acquainted with the charge against him, he was examined the next day, and was afterwards tried under a law established in the reign of the late Grand Duke. He would like to ask whether the noble Marquess during his stay in Florence had felt it his duty to make any remonstrance to the Grand Duke upon the cruelty of that law. The gentleman himself, however, did not seem to be discontented with his treatment; for after his removal to his own house, he wrote a letter to the chief of the police, thanking the government for the attention that had been shown to him, and the humane way in which he had been treated. The noble Marquess indulged in a spirit of exaggeration, and had spoken of hundreds of thousands of persons being thrown into prison by the present government of Tuscany. Mr. Corbett had furnished an account of the number of persons who had been arrested; and it appeared that in October last there was a reactionary plot, on account of which Signor Andreozzi, and three or four others, were tried and sentenced to six months' imprisonment, with the option of commuting that penalty by an exile for twelve months. The next plot was one of the Mazzini faction; for it was the fate of the Tuscan government to have to deal with two extreme and opposite parties. Upon that occasion fourteen persons were arrested at Leghorn, and after trial were condemned to six months' imprisonment, while seventeen others were placed in surveillance. In February, twelve of the re-actionary party, of whom Tassinari was one, were arrested. Considering the difficult position of the Tuscan Government struggling for existence almost in a time of revolution, he thought there was no example in history where a government placed in such difficulties, with the monarchical party on one side, and the extreme republican or anarchical party on the other, had shown greater firmness, moderation, and desire to avoid cruelty. So far from oppression, the Provisional Government, so far from meriting these continued harassing attacks, deserved general sympathy for its mild and impartial treatment of its opponents. The noble Marquess had referred to the supposed absence of Tuscan troops from that country; but the fact was that out of 21,000 men under arms, 10,000 were at present in Tuscany, and the remainder were placed in positions where their services were most required. This did not show that the Tuscan Government did not place confidence in the fidelity of the troops. The Tuscan Government had recently determined to raise 6,000 more men, and to mobilize 6,000 National Guards. So far from there being numerous bodies of foreign troops in Tuscany, Mr. Corbett very recently reported that the first battalion of the troops of the League had arrived in Florence, where it had been received with universal sympathy. Then as to the press regulations, it appeared to him that the Provisional Government deserved credit for having removed all the restrictions that formerly existed. That, at the moment the elections were about to take place, showed a right-minded respect for public opinion. The noble Marquess spoke of the influence exercised by Sardinia in Tuscany; but the recall of Signor Boncompagni at the moment when the elections were about to be held, showed a proper desire to avoid improper influence. The noble Marquess had upon a former occasion referred to Milan, and he (Lord Wodehouse) had received a letter from the municipality of Milan, declaring that some statements which he had made had caused great indignation; and it was remarkable that the statements of the noble Marquess always did excite the indignation of some one; so that it was natural to infer that they were not quite so accurate as he imagined them to be. This document was addressed to Sir James Hudson, and was to the following effect:—

"The municipal authorities (*giunta municipale*) of the city of Milan, recently empowered by the free vote of their fellow citizens, beg to present, through the kind medium of your Excellency, a rectification of the strange and quite unfounded assertions respecting this city which an hon. Member of the British Parliament, undoubtedly misled by false information, happened to allege at the sitting of the House of Lords of the 7th instant."

The writers then quoted from the Parliamentary report of *The Times* of February 8th the remarks of the noble Marquess relative to the "alarming state" of Milan, and proceeded:—

"Such an unqualifiable misrepresentation of facts cannot be answered but by the most complete and the most formal denial. Far from being in the least alarming, as the noble Lord is pleased to represent it, never was the state of this city a more calm, thriving, and cheerful one than at present. Nay, the present state of this city forms, in the eyes of any impartial observer, the most striking contrast to the gloomy, distressed, and deeply agitated appearance it bore under the Austrian rule. Since this city was happily relieved from that detested domination in so difficult a period as must necessarily arise from a great political crisis, no increase at all has to be stated in the average number of crimes and common offences, the good spirit and vigilance of the people themselves, as well as the moral strength of a national Government, working as a substitute for the arbitrary measures in which the Austrian Government so profusely indulged, and from which a constitutional one makes it a duty to abstain; so that also as regards personal security the state of this country and city has nothing to envy in that of any civilized people in Europe. Let it be enough to state that during the last solemn entry of His Majesty the King on the 15th instant, while all the streets and public places swarmed with a joyful and bustling crowd, only a single complaint was brought into the police-offices in the whole of the day, and that, too, for an almost insignificant offence—a fact which no overflowing metropolis in Europe is perhaps in case to boast of for many years. As for the intercourse between civil inhabitants and military, not only is this a cordial and friendly one, but any testimony of the deepest and warmest sympathies that can be felt by an impressible people is bestowed upon soldiers and officers, whether Lombard or Piedmontese, or belonging to any other Italian provinces, as on the living symbol and palladium of the so long-sought-after national independence. Never can the comparison between the treatment of a national and that of an Austrian officer in Milan present itself to a healthy mind but as that between friend and foe."

They then concluded by declaring that they attached too high a price to the esteem and friendship of the English nation not to take any step in their power in order to contradict false statements, which might eventually mislead public opinion in England respecting the real position of things in Lombardy. This was one specimen of the contradictions given to the statements of the noble Marquess. Another was supplied from Leghorn, and was contained in a letter addressed by the English merchants of that city to a well-known banker there. These gentlemen, referring to a letter read by the noble Marquess in this House on the 14th of February, and said to have been written by a Leghorn merchant "of the first consideration," declared their firm conviction that that letter was written neither by an English merchant of the first nor of any other consideration whatever, and they totally denied the allegations which it contained respecting the state of the country. Such were a few of the contradictions which poured in on every side to the statements of the noble Marquess; and most of their Lordships would have seen a certain correspondence between Dolfi, the baker of Florence, and the noble Lord, in which the latter, to use a familiar phrase, got as good as he gave. No such Correspondence existed as the noble Marquess had moved for, and the reason why no such advice had been given to the Tuscan Government was that there appeared to be no ground whatever for volunteering it. There was no reason to believe that the Tuscan Government had adopted measures calculated to prevent a free expression of opinion in that country. He thought that Her Majesty's Government were justified in expressing their opinion that a sufficient answer had been given to the statements of the noble Marquess. The statements to which the House had listened emanated from persons who took no broad views of the politics of Europe, who drew general conclusions from small and insufficient premisses, and who failed to see that the policy recommended by Her Majesty's Government sprung from the belief that you could only insure the peace and tranquillity of Italy by conferring on her a Government based upon the wishes of the people, and consolidated by the free expression of public opinion.

The Marquess of NORMANBY, in explanation, said he had never desired that the Government should give him the right to send his letters through Mr. Corbett. He had refrained for some time from bringing under their Lordships' notice the cruel case which had been submitted to him, and all he had done was to request the noble Lord to allow the one letter which he expected, and which would have enabled him to lay the whole case fully before the House, to be transmitted through Mr. Corbett. He still thought it was neither courteous nor calculated to insure a fair and full consideration of the subject that that request should be refused. With respect to Milan, he would only say that the answer of the municipality, which had been read by the noble Lord, referred to the existing position of things in that city, whereas his statement referred to the state of Milan in the early part of January. Every word of that information was derived from *The Times* of January 7, in a letter written by the very same correspondent who afterwards cited the strange remonstrance sent to Sir James Hudson. With respect to the letter from five or six persons calling themselves Leghorn merchants, which the noble Lord had thought it his duty to communicate to the House, and giving their opinion as to his correspondent, of whose identity they could know nothing, he would be satisfied to leave the matter to be judged by any one more accurately acquainted with the Mercantile Society of Leghorn than the noble Lord the Under Secretary of State, and he could give confidentially to that noble Lord the name of his correspondent, which would at once show him to be a person of undoubted respectability.

The Marquess of CLANRICARDE thought that the statements of the noble Marquess had received a complete refutation. As the noble Marquess had not had letters from Italy for some time, he had perhaps not received one that an officer of high standing had written to him, strongly contradicting the serious attack which the noble Marquess had made upon him in his pamphlet. He submitted that if the noble Marquess had received that letter he was bound to give it the same publicity as he had given to the charge. He thought that the noble Marquess, as a friend of the re-actionary party, was excessively ungrateful to the Government of Florence; because if they had not taken the vigorous steps to maintain order which he now complained of, those persons for whose safety he was so anxious would be placed in a very insecure position.

The noble Marquess must know that there were many desperate republican agents in the country, and that it required the utmost efforts of the respective Governments to secure practical liberty to the people by preserving tranquillity and good order. The noble Marquess had next complained of the murder of Count Anviti; but he did not see that the murder of Count Anviti had showed the Government of Parma the necessity of taking the stronger measures that he now criticised in order to prevent the repetition of such outrages? He thought that mankind owed a debt of gratitude to those men who had come forward in Italy in support of the liberties of their country. Their names would be immortalized in their own country, and they would be recorded in the history of Europe. He did not know what the noble Marquess wanted the House to do in reference to the vote which was to be taken in Tuscany next Sunday. His belief was that that election would be conducted with great order, and that it would truly indicate the wishes and feelings of the people. It was wonderful how few persons of any ability there were who belonged to the reactionary party. There was not among them a single doctor, not a single man of science, not a lawyer, not a soldier of eminence, except one. Every one whose name was known out of the country was on the side of liberty and progress. Since the noble Marquess gave notice of this Motion he had the opportunity of conversing with a gentleman who had recently returned from Florence, and he assured him that the existing Government of the country was the incarnation of the popular will; that exceptions there were, and would be in all countries, but that the Government rested upon the affections of the people. The present Government had no foreign soldiers to enforce its will, and he had no doubt that the result of the elections would be to show that the people not only placed confidence in the Government, but that it entirely adopted its policy.

Lord DENMAN expressed a hope that the election would be allowed to proceed as freely as possible, and that the people would not be interfered with, one way or the other. Unless every part were freely represented the vote that might be arrived at would not command respect. The great object to be attained was the restoration of peace; and unless we showed perfect impartiality, our remonstrances would not be half so powerful. We did not take part in the war in Italy because we thought there was much precipitation in the conduct of the belligerent Powers, and that Sardinia herself was not altogether free from blame. He trusted that no effort would be spared to confirm and secure the peace which had been signed at Villafranca.

The Earl of MALMESBURY: I am not surprised, knowing the strong interest felt by the noble Marquess in this subject, that he should have again brought it before your Lordships. I am the less surprized at this circumstance, because it is evident that the topic which formed the main object of my noble Friend's speech was the imprisonment of certain persons by the Tuscan authorities. The noble Marquess was somewhat moved by the fact of an English lady of good family, akin to persons much respected in this country, being to a certain extent a victim of the acts of the revolutionary party. I rise, however, for the purpose of expressing the strong objection which I hold to any acts of interference upon our part with the proceedings that are now going on in Italy. My Lords, every day that passes, and every account we receive, confirm me in the conviction that our own safety hereafter and the interests of the Italian people themselves consist in our complete abnegation of interference, either in the political discussions of the Italians, or the internal administration of their affairs. I think any interference which the Government may be tempted to exercise is most to be deprecated at a time when Tuscany is about to give a positive and decided opinion upon the form of Government which they deem best for themselves. I understand that in about three days hence Tuscany will declare, by universal suffrage, whether she will annex herself to Sardinia or not. It is, therefore, I think, a mere loss of time to discuss this question in this or the other House of Parliament, when the will of the Tuscan people will be declared immediately in the face of Europe. But I entreat Her Majesty's Government to look a little before them, and to reflect upon the danger they may draw upon themselves and this country by an interference in any shape with the movements of the Italian people. It is impossible for me—indeed, I feel it would be most difficult for me even if I were in office—to fathom the real intentions of the French Government in regard to the Italian States. But there is certainly this accusation constantly made against her Majesty's Government, both in the public prints and elsewhere, that they are responsible by their acts of interference in the affairs of Italy for the difficulties we have now to encounter in respect to the annexation of Savoy. I give no opinion whether the accusation be true or not; but it is said by Frenchmen in high positions that our Government have given a pretext and a justification to the French Emperor for his act of annexation, inasmuch as they have resisted those principles of peace which he had laid down in the Treaty of Villafranca, and thwarted his views which were founded upon that convention. If that is the case, it will not be the only difficulty we shall have to encounter, because it would naturally tempt a continuance of your interference with the affairs of Italy, and you will be bound in honour hereafter to support the Italians in their onward movement; and it is impossible to say into what difficulties we may be dragged to redeem the honour and credit of England. I only wished to give expression to those few observations, deprecating, as I do—and I cannot express my objections too often—any interference on our part in the affairs of Italy. I think it is desirable to cease any further discussion on the matter in this House until the Italians in Tuscany and Romagna have publicly and indisputably declared their own wishes as to their future government. Whatever those wishes may be, it is for us to respect them; and I think any officious interference on our part would only bring upon us future difficulties, without benefiting in any way the interests of the Italian peoples.

THE DUKE OF ARGYLL concurred with the noble Earl as to the inexpediency of any further discussion of this question until the decision of the Tuscans and Romagnese should have been pronounced; but he regretted that the noble Earl, in recommending the cessation of discussion, should have brought an unjust accusation against Her Majesty's Government when he said that they were responsible by their interference for the present position of affairs in Italy. Neither in regard to Tuscany nor any other part of Italy had the Government taken any course but that of supporting the Italian people in the right of expressing their opinion upon their own form of government. If the Italian people had been willing to accept the settlement sketched out at Villafranca, Her Majesty's Government would have made no opposition; and the utmost they had done was to endeavour to have the basis of the Treaty of Villafranca made the subject of consultation with the Italian people, who were more interested in it. In no other sense could the Government be said to have interfered in the affairs of Italy. While agreeing with the noble Earl that we were rightly neutral in the war, he could not agree with him that, because we were neutral in the war, we should therefore be indifferent in the settlement of Italy. He thought the noble Earl, when in office did perfectly right in endeavouring to keep this country free from the responsibility of the Italian war, because it was undertaken under circumstances which made it extremely doubtful how far the war would result in the welfare of the people of Italy; but that noble Earl, to do him justice, did not act upon a principle of perfect indifference with regard to Italian affairs, because he was perpetually interfering to prevent the war or to localize the war, and was sending telegrams almost every day to one Court or another in reference to the affairs of Italy. He did not complain of the noble Earl for taking that course; but it was in every sense an interference in the affairs of Italy, expressing the opinions of the English Government thereupon. Now, what he said was that Her Majesty's present Government—no doubt to a certain extent, with different views, and with different sympathies, had taken precisely the same course. Her Majesty's Government were simply anxious to see that settlement which would most conduce to the interests of the Italian people, and best secure the peace of Europe. They were perfectly satisfied that there could be no secure settlement unless it rested on the wishes of the Italian people, and in that opinion he had no doubt the noble Earl would agree. But if the noble Earl was disposed to raise a discussion upon the course which had been taken, Her Majesty's Government would be quite prepared to meet him. Before sitting down he would say he thought the noble Marquess had made a strange omission. He would ask the noble Marquess whether he had read the context of the despatch of July 19? The despatch of the 19th July was an answer to a despatch from Mr. Corbett, of the 12th July, in which that gentleman reported that attempts were being made to gather the opinions of the people through the municipal bodies, and there was considerable danger of intimidation being used on those occasions. The answer of Lord John Russell was simply to suggest that the opinion of the people should be freely taken in a national assembly. The despatch, therefore, taken with its context did not support the accusation of the noble Marquess.

THE MARUQESS OF NORMANBY explained, that what he had said was that whereas one of the conditions of the treaty of Villafranca was that the Grand Duke should be restored, Lord John Russell, in his despatch of the 19th of July, had advised that which was in exact opposition to the treaty of Villafranca. All he said was that Lord John Russell by that act was answerable for having produced a fresh demand for the annexation of Savoy. He did not require the English Government to interfere in favour of the Grand Dukes, but common respect for the treaty should have induced Lord John Russell to abstain from urging an election under Signor Boncompagni, the nominee of the King of Sardinia. He did not think that the Under Secretary of State had answered any one of the imputations which he had brought against the conduct of the Tuscan Government with respect to the arbitrary nature of their proceedings.

THE EARL OF MALMESBURY: I am sorry to trouble your Lordships again. The noble Duke, however, obliges me to do so, in consequence of his observations that there was a similar policy pursued by the late and the present Government in regard to the affairs of Italy. Nothing could be more different than the circumstances under which the late and the present Government acted, and it is utterly impossible that their course of action could be the same. While in office my efforts for five or six months were directed in a way not to interfere personally in the affairs of Italy, but if possible to prevent the sanguinary war which was then threatened in Italy. I never gave any advice upon the affairs of Italy, except that in favour of a Congress of the European Powers, in which every one of the Italian States should be fairly and personally represented, which I believed to be the best mode of settling the difficulties that then existed. I felt a sincere interest in the people of Italy and their sufferings, but I never interfered in the way the present Government have done. Unfortunately I was unable to prevent the war. That war was followed by a sudden peace—a peace most fortunate for mankind generally, but I believe one that turned out less fortunate for certain parties in Italy than they expected. At the moment of such a peace being accomplished it was not, in my opinion, proper for a great Government like ours to intrude their opinions, and to run the risk, by thwarting that settlement, of reviving all the dangers that existed before the war took place. That is the difference in the situation of the two Governments. I again repeat that I never interfered in the affairs of Italy, except so far as to express my earnest wish in favour of a European Congress of the great Powers to arrange satisfactorily the complicated difficulties which had arisen; and to draw a comparison, such as has been made, is not a fair way of putting the case.

THE DUKE OF ARGYLL explained that all he meant to say was, that the noble Earl when in office did not hold, and certainly did not act, upon the doctrine that England was absolutely isolated from Continental politics, and ought to allow affairs to be settled by the other nations, without offering any suggestions whatever; but, that on the contrary, the noble Earl offered many suggestions, in some of which he thought he was right, and in some mistaken. Her Majesty's Government had pursued the same course, holding that England had a right, not perhaps to interfere, but to make known her opinions as to what was the best mode of settling the affairs of Italy.

Motion, by leave of the House, *withdrawn.*

House adjourned at Half-past Seven
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 9, 1860.

MINUTES.] PUBLIC BILLS.—Consolidated Fund (£4,500,000): Court of Chancery.
3° Oxford University.

DOVER ELECTION.

House informed, that the Committee had determined,—

"That Admiral Sir Henry John Leeke and William Nicol, esquire, are duly elected Barons to serve in this present Parliament for the Town and Port of Dovor.

"And the said Determination was ordered to be entered in the Journals of this House."

SINGAPORE.—QUESTION.

MR. GREGSON said, he would beg to ask the Secretary of State for India, if Her Majesty's Government have arranged with the Viceroy of India to transfer the control of the Government of Singapore and the Straits from Bengal to the Colonial Office; and, if so, when it is proposed to complete the transfer?

SIR CHARLES WOOD said, in answer to the question of his hon. Friend, he had to state that he himself had always been of opinion that it would be desirable to transfer the Government of Singapore and the Straits to the Colonial Office. The noble Lord who had preceded him in the office wrote a despatch to the Governor General of India, asking for his views on the question, and whether he saw any objection to such a course. In December last, he (Sir C. Wood) had received an answer to that despatch, in which the Governor General expressed the opinion that it would be desirable to make the transfer. On that he communicated with the noble Duke at the head of the Colonial Office, proposing to transfer the colony; but no answer had as yet been received from the Colonial Office. It was, therefore, impossible to say when the transfer would take place.

MANOR COURTS (IRELAND).

QUESTOIN.

MR. HENNESSY said, he would beg to ask the Chief Secretary for Ireland, when the scale of compensation to be given to the Seneschals and Registrars of Seneschals, consequent on the abolition of the Manor Courts in Ireland, will be announced?

MR. CARDWELL said, that a Treasury Minute had been prepared, fixing the compensation to be given to the Seneschals and Registrars, consequent on the abolition of the Manor Courts of Ireland.

BRITISH TROOPS IN INDIA.—QUESTION.

GENERAL PEEL said, he rose to ask the Secretary of State for India, Whether there is any truth in the statement that has appeared in the papers, copied from the *Oude Gazette*, "That tidings have been received at head-quarters of a feeling of discontent still lingering in the minds of the remnants of the late Company's European Troops, especially the Artillery; it has transpired that several of them, in different parts, have been in correspondence, urging each other to agitate for the bounty; to put down this spirit of insubordination the Government has resolved upon some most stringent measures, which the ringleaders will be shortly made to feel."

SIR CHARLES WOOD said, he had seen the statement to which his right hon. and gallant Friend had referred in the morning papers, but the Government had received no confirmation of the intelligence.

NATIONAL EDUCATION (IRELAND).

QUESTION.

MR. SCULLY said, he wished to ask the Chief Secretary for Ireland, Whether he is prepared to introduce any reforms or improvements in the present system of National Education in Ireland, and to state their general nature to the House?

MR. CARDWELL replied, that he was in constant communication with various parties on the subject of Education in Ireland; but the House was aware that Her Majesty's Government fully adhered to the principles of the system of National Education in Ireland. With regard to minor changes, none would be made without full opportunity being afforded for their discussion, and the most convenient time for commencing them would be when the Educational Estimates were brought forward.

CUSTOMS ACTS—EXPLANATION.

THE CHANCELLOR OF THE EXCHEQUER said, Sir, in moving that the House at its rising do adjourn to Monday, I will take the opportunity of answering a question which a noble Lord opposite (Lord W. Graham) has given notice of his intention to ask me, and also to make a short explanation of some Resolutions I am about to lay on the table of the House. The question of the noble Lord is, whether I consider the profits of tenant-farmers to have been largely increased during the last four years, because the Returns to the income tax under Schedule B have increased during that period. It is a mere matter of opinion, on which no argument can be founded. I have arrived at that conclusion, from figures which are open to the inspection of any Member of the House. I am perfectly aware that the immediate test of the payments under Schedule B is the actual rent; but the farmer has the opportunity of proving before the Income-tax Commissioners that his profits are not equal to the charge on him calculated on the rent, and may obtain a relief from a portion of the charge. But on looking at Schedule B, I find that the farmers have not found it to their interest generally to decline the fixed standard of rent, and go on the standard of profit; and from that I assume that the farmers' profits have been fully equal to his assessment calculated on the rental. I think the whole country believes that the farmers' profits during recent years have been considerably greater than they were during a long previous period; and it is evident from the large capital he has found it his interest to lay out in agricultural improvements; for if he were not making a profit he would not be desirous of making such expenditure. The Resolutions to which I have alluded are of importance to the whole commercial community. They are the 11th, 12th, and 13th, in the Committee on Customs Acts, and 1st and 2nd in the Resolutions of the Committee of Ways and Means. The first of these, the 11th, refers to the registration dues to be charged, with some modifications and adjustments, on exports and imports. I will lay the Resolutions on the table forthwith, in the form in which the Government intends to submit them to the sanction of the House, and describe very shortly what will be their effect. The goods are to be considered in the classification under which they fall in the course of business, and according to the methods in which they are respectively handled for the purposes of the public accounts. The goods imported into this country are divided into two classes—those liable to the payment of duty and those that are free. They are both very large; but the second class will henceforth, I hope, be the larger of the two. So far as goods liable to duty on importation into this country are concerned, inasmuch as the collection of the duty itself requires the operation of registration, we do not propose to levy on those goods any additional charge whatever. With respect, however, to goods which come into this country free of duty, and in respect to which the Customs' establishment is necessarily put to a great amount of labour, we propose to charge 1*d.* on each unit of entry, but with such modifications as will have for their general object to prevent that charge from exceeding in any case the ordinary *ad valorem* rate of one-quarter per cent. With regard to the goods exported from this country, and of which there are four important classes, we intend to submit to the House the following arrangements for its approval:—The first of the classes to which I allude is that which is embraced under the head of trans-shipments. A very large trade is carried on in this country in the case of goods which are never landed, but of which account is taken by the Customs' Department, and with respect to which a considerable amount of labour is incurred. It would, however, in my opinion, be extremely inexpedient to charge on those goods such an amount as would impede the course of trade, or which would be regarded as in any way burdensome. In the case, therefore, of goods which are simply trans-shipped, we propose that they should be charged at the rate of 1*s.* on the value for each £100 worth. In reference to foreign goods exported from this country out of warehouse—that is to say, which would have been liable to duty if delivered for consumption here, and in respect of which the Customs, if they had been delivered for consumption, would have been reimbursed for their labour by receiving the required duty—it is our intention to levy on the whole of that class of goods a charge of 1*d.*, fixed on the weight in the case of solids, and on the measure in the case of liquids, according to the tariff, which will be very simple, inasmuch as the whole of the goods warehoused in this country will be reduced to nine or ten articles. Solid goods, then, will in general be charged on every 100lb. weight at the rate of 1*d.*, but in one or two cases at the rate of 1*d.* on every 50lb. In the case of liquids the charge will be at the rate of 1*d.* on every five gallons. There is another class of goods, which being foreign in their origin, but coming into this country without any payment of duty, are exported after having undergone here some particular sort of operation. Those free imports which have not gone into warehouses, but have been landed, and subsequently sent abroad, we consider to belong to the same class as British goods when exported. It is necessary to take with respect to them an accurate account. Now, in the case of that particular description of exports, it is evident that the simplest as well as the most accurate mode of proceeding is to charge a small fee according to their value, and which shall have no reference to the number of packages or the description of articles exported. The reason why I look upon value as the best standard to take in this instance is that the value of the goods is invariably set forth in the document, which it is necessary should be presented before any goods can be exported, and that the imposition of a small charge will give the means of effecting improvements which, as I shall on some future occasion be able to show the House, are much needed in order to procure an accurate statistical account of the exports of the country. There will, therefore, according to my proposed arrangement, be three modes of charge—one of 1*d.* on free imports; another of 1*d.* on foreign goods out of warehouse; a third, a charge of one-eighth per cent *ad valorem* on British goods when exported, and on foreign goods imported free of duty, and re-exported never having paid any. [Sir S. NORTHCOTE: What will be the rate fixed upon those goods on which drawbacks have been paid?] They do not require any separate arrangement. Goods trans-shipped will be charged at the rate of 1*s.* on the value, and corn and timber, which are liable to a low duty on importation, but which, nevertheless, do not go into warehouse at all, we propose shall be subjected neither to registration dues on importation, nor to any charge when re-exported; we consider that the low duty they have paid should be taken to cover the charges of registration. It will be found by the Resolutions which I shall lay on the table for the purpose of carrying into effect the proposals of the Government with regard to registration dues that such an adjustment has been made as to secure the sum of nearly £300,000, upon which my calculations were based. The next Resolution, No. 12, relates to the removal of goods in warehouse. I must own that objection might very fairly be taken to that Resolution in the form in which it was originally presented to the House, both on the ground that the charge which it fixed was too high, and that it would operate with undue weight in those instances in which successive removals of goods might take place. The total amount which we hope to receive from the charge on removal is not large, and were it only a mere question of finance which was involved in the matter, we might have abandoned the £50,000 or £60,000 a year which we hope to derive from this charge. There is, however, another consideration connected with this impost, to which some degree of importance is to be attached. It is only by means of a charge on removal that we can establish a self-acting registration where bonding privileges exist, for in inland towns and in ports of secondary importance, the expense attendant upon keeping up a separate establishment would by no means be reimbursed to the State by any revenue derived from the bonded merchandise. We therefore propose to continue the charge on removal, making a reduction in the amount, so that in future it shall be a uniform charge of 1*d.* on each £1 of duty to which the articles subject to it may be liable. I may add that in the case of tobacco, the duty on which is enormous, we propose that the charge shall be a halfpenny. It is also our intention that the charge for removal shall be levied along with the charge for duty. By this arrangement it will only be levied once, inasmuch as it will only be paid on the final removal from the warehouse. The charge will be levied on the purchaser of the goods when he pays the duty: and in this way it will be levied over the whole of the community, and will not fall exclusively upon the dealer in bonded goods. There is also another change which I propose to make, which, I trust, will add something to the revenue of the country, but which I adopt not so much on that account as because I deem it absolutely necessary to remedy a glaring anomaly in the case of removals which at present exists, but which would be ten times more glaring in consequence of the alteration in the duties of wine, tending to produce a considerable increase in import of that article, which the House has deemed it right to sanction. In accordance with the present law, while every man who deals in wine pays a duty and is liable to be called upon to take out a ten-guinea licence, it is open to any person who may think fit to do so to deal in wine which has not paid duty, bonded in warehouse, without taking out any licence whatsoever. It would, therefore, in my opinion, be most unjust to the general dealer in wine to permit this exemption any longer to exist, especially under the altered circumstances of the wine trade which we expect will take place. We therefore propose that all persons dealing in bonded wine or spirits in a less quantity than ninety gallons shall be liable to be called upon to take out a ten-guinea licence. Many persons are desirous that on all classes dealing in bonded goods a certain charge should be laid, but I am of opinion that such a course could not be taken without subjecting the public to much vexation, and that its operation would be attended with a great deal of difficulty. With respect to the third Resolution—namely, that which relates to operations in warehouses—I have to state to the House that the principle on which the Resolution proceeds is to reduce the rate of charge, which is undoubtedly higher than is necessary, and to define more equitably and more particularly the particular cases to which that rate of charge should be applicable. These three Resolutions will have to be considered in the Committee on the Customs Acts, and, taken together with the hop duties, I believe they are the only three which remain to be thus considered. There is one proposal which I wish to make for the purpose of removing anomalies, and it is but a duty of 1*s.* per ton on foreign shipbuilding wood. I make that proposal with the view of equalizing the position of the builders of foreign ships which come into this country for registration, and the builders of ships here who are called upon to pay a low duty on the material of which the ships are made. These, then, are the Resolutions which are to be proposed in Committee on the Customs' duties. There are, however, two others with respect to which much discussion is likely to take place—I allude to those relating to dock-warrants and to contract notes. These I cannot lay upon the table in an amended form to-night, but I can state to the Committee the substantial end to which they will be directed. They bear upon four classes of subjects, which are entirely distinct from one another. The first is notes issued by dealers in stocks, shares, and securities, and the proposal to impose a 1*d.* stamp on these notes has been, I think, in principle generally approved. I shall propose a Resolution for the purpose of giving effect to that principle; but I shall also propose, in order to prevent its bearing hardly and inconveniently on some classes of transactions, particularly those connected with certain charities, that there shall be an exemption of all transactions where the value of the stock, share, or security to which they refer, shall not exceed £20. That disposes of the question of contract notes furnished by brokers, dealers, or middle men. The second class are dock warrants, which are intended to serve as distinct and independent evidence of the existence of certain goods; and that evidence is supplied, not by the owner or vendor of the goods, but by an independent person—namely, the owner of the warehouse or wharf in which the goods are deposited, whether he be an individual or a company. When the document that thus traces the existence of the goods has acquired such independent evidence, it becomes a security capable of being deposited, and being the basis of an advance of money. In that character I propose that all dock warrants, so defined, whether issued by companies or individuals, shall, as negotiable instruments, be charged with a stamp of 3*d.* The remaining question relates to two other subjects—namely, delivery orders and contract notes, or notes of purchase and sale of produce. On examining this question, I am bound to admit that if we do lay 1*d.* of charge on delivery orders and contract notes, the effect in general would be to lay a double tax on some transactions; and likewise, I must admit, so far as contract notes are concerned, it would be extremely difficult to find an adequate legal definition which would make them liable to charge, and which, at the same time, would not include a great many documents it is not intended to include, and which it would be hardly fair to include—such as, for example, all tenders to execute orders or undertake contracts on certain terms—sale notes that are furnished in the corn-trade, and which are absolutely subject to refusal, and may become altogether void. These are documents which it would be very unadvisable to include; and, under these circumstances, reserving the Resolutions, so far as regards stock, shares, and securities, I propose entirely to abandon them, and to apply the 1*d.* charge to other contract notes. On the other hand, I propose to place 1*d.* charge on all delivery orders, with the exception of such orders as relate to goods under the value of 40*s.* That will be the effect of the Resolutions as they will be submitted to the House for their definitive judgment. I do not now enter into the consideration of the particular clauses; but I thought it was desirable that I should at the earliest moment make known the intentions of the Government on these subjects, which, to a considerable degree, hang together. And now, thanking the House for permitting me to make this explanation, I beg leave to lay on the table the four Resolutions to which I have referred, and which will be considered in Committee on the Customs Acts.

Motion made, that the House, at rising, do adjourn till *Monday* next.

TENANT FARMERS.—INCOME TAX UNDER SCHEDULE B.

OBSERVATIONS.

LORD **WILLIAM GRAHAM** begged to say a very few words with reference to the statement which the right hon. Gentleman had made in reference to a question of which he (Lord W. Graham) had given notice. His question referred to the profits of tenant farmers and their assessment to the income tax. What were the facts of the case? The payment of a farmer's income tax was calculated upon his rental; thus, if his rent was £300, he paid on £150. But in 1857 the *minimum* income upon which the income tax was leviable was reduced to £100, which brought under the operation of the law a large number of holders who were before exempt; and as the annual value of every acre of land occupied by any person, no matter for what purpose, was added under Schedule B to his income derived from other sources, it was obvious that a large addition must be made by this alteration. Then there was a general desire to increase the size of farms by placing two or three small holdings together, which brought them immediately within the operation of the income tax, though separately they paid no tax. Nor should it be forgotten that large sums were annually expended on drainage, farm buildings, and other permanent improvements which were generally paid for by adding 5 or 6 per cent to the rental. When all these causes were combined, it was evident that the increase under Schedule B must be owing very largely, if not altogether, to these causes. In some places in Scotland, perhaps, some small increase of rental might have taken place; but he was not aware that such had been the case in England, certainly not in that part he had the honour to represent; and knowing that the statement of the Chancellor of the Exchequer had given rise to great surprise and dissatisfaction among the tenant farmers, he had taken the opportunity of adverting to a statement which was calculated, he believed, to mislead public opinion.

HARBOURS OF REFUGE.

QUESTION.

Mr. W. S. LINDSAY said, he rose to ask the President of the Board of Trade when Her Majesty's Government intend to introduce measures to carry into effect the recommendation of the Harbours of Refuge Commission. It would be remembered that a Committee of that House was appointed some years back to inquire into the subject of harbours of refuge, and they arrived at the conclusion that on national as well as commercial grounds such harbours ought to be constructed at as early a period as possible; and they finished by saying that with regard to the welfare of the nation, and the dangerous and unprotected state of our coast, there was no object to which the public money could be more usefully and more properly applied. After that a Royal Commission, of which he was a member, was appointed to make a similar investigation; and the members, after devoting five months to the inquiry, reported unanimously in favour of the establishment of harbours of refuge. On a former evening he understood the Chancellor of the Exchequer to state that the President of the Board of Trade had under consideration the best mode of carrying out the recommendations of the Commission; and he (Mr. Lindsay) wished to know when the right hon. Gentleman intended to introduce a measure on the subject.

Sir FREDERICK SMITH said, he was on the Committee in 1858, and subsequently was a member of the Royal Commission on the subject. The estimated amount proposed by the Commission as necessary for the construction of harbours of refuge, and the consequent safety of life and property, was £2,000,000, which it was proposed to spread over ten years, at the rate of £200,000 a year. He had the honour of attending a deputation to the Prime Minister a short time ago. The matter was then laid very fully before his Lordship, who conceded the necessity of taking some steps in the matter. When it was borne in mind that we lost 850 mariners annually, as well as property of the value of £1,500,000, chiefly owing to the want of harbours of refuge along our coasts, it could not be denied that the question was one deserving the attention of Her Majesty's Government. If a war should break out with the northern Powers we had no available harbour of refuge along the whole of our eastern seaboard. Sailing vessels were now decreasing, steamers increasing, and this caused a greater necessity for having our ships, which were the nursery of seamen, adequately protected by harbours. Therefore he hoped that Government would state the steps they intended to take; and he might observe that the first year they probably would not require to carry out the recommendation of the Royal Commission a greater sum than £100,000.

Sir JAMES ELPHINSTONE said, this subject had undergone more inquiry during the last two years than any other which came before the House. Two years ago a Committee was appointed on the harbours of refuge; they examined every harbour, and they agreed to a report which was afterwards adopted almost entirely by the Royal Commission. When the enormous loss of life and property was considered, and the trifling sum of money which would be required to secure the shipping from such loss, it was a matter of very great importance that the works recommended by both the Committee and the Commission should be at once proceeded with. There were four or five principal points—the turning points of the coast—which were particularly in want of protection, and Filey Bay was one of them. In the Committee on Merchant shipping the other day, *Lloyd's List* for February 29 and March 1 were produced, and the statements it contained would astonish and grieve the House. It proved that very many of the losses at sea on those two days would have been prevented had proper harbours of refuge been in existence along the coast. There were often 400 or 500 sail dodging about Flamborough Head, and in the event of a north-east wind springing up they could clear the Yorkshire coast. It was of great importance then that a beginning should be made in this great work. It was a matter of national importance:—it was also a matter of national defence. It was a fact that there was not a place on the whole east coast of Great Britain between the Mora Frith or the Frith of Forth and Yarmouth Roads, in which a fleet could be maintained. He therefore impressed most strongly on the head of the Government that he should not be deterred by the sum the works would cost. Depend upon it few questions came before the House that more urgently demanded the attention of the Government than that of preventing the annual loss of life equal to the crew of a first-rate man-of-war and of money to the amount of a million and a half on the lowest estimate.

MR. MILNER GIBSON replied, that in consequence of the inquiries that had taken place before the Committee of the House of Commons, and the Commission to which the hon. Member had adverted, the Government felt it to be their duty to give this subject a very careful consideration. Undoubtedly great expectations had been excited by these several inquiries. The Government had formed opinions as to the proposals that ought to be submitted to Parliament consequent upon them. Their views would be stated when the course of public business would permit it; but at present he must claim the indulgence of his hon. Friend if he declined to go into the details of any plan that might have been under the consideration of Government. All he could now say was that when the course of public business would admit the views of Government would be stated; and he assured the hon. Gentleman that the importance of the subject was duly appreciated by them.

THE NEW HOUSES OF PARLIAMENT.

QUESTION.

MR. WISE said, he rose to ask the First Commissioner of Works, Whether any Report has recently been made on the condition of the Stone-work of the Houses of Parliament, and what has been done with the £7,280 voted last Session for the purpose of indurating the external Stone-work of the said Houses of Parliament. In 1836 a Committee of twenty-four Members considered a great number of plans, which were submitted by architects, for the New Houses of Parliament, and the one of Mr. (now Sir Charles Barry) was selected, at an estimate of £774,560, excluding a larger sum for the courts of law. But up to the present moment no less a sum than £2,198,000 had been actually expended upon it, exclusive of the charge for frescoes, statuary, and temporary offices. Before the undertaking was commenced a Commission, including Sir Henry de la Beche, Dr. Smith, Sir Charles Barry, and Mr. C. H. Smith, was appointed to consider what was the best stone to adopt. The Commission, having visited a great number of quarries and inspected many public edifices, and tested a great variety of stone, recommended the use of the Bolsover stone—a magnesian limestone—and it was then hoped that a structure would be raised which would not only last for an age, but would serve as a noble monument of the architecture of our times to a remote posterity. The Commission reported that the Bolsover stone combined the requisites of durability, economy of conversion, beauty of colour, and other qualities. But the contract entered into for the supply of the material was cancelled, and a new quarry opened belonging to the late Duke of Leeds, the stone obtained from which was, in the estimation of experienced builders, of an inferior description. In 1854, understanding there was some ground for anxiety as to the durability of the fabric thus erected, he, himself, put a question in that House to the late Sir William Molesworth, then first Commissioner of Works, who replied that he had good authority for stating that the stone which had been used was, on the whole, very good, and contained no greater proportion of faulty material than was usually found in so large a quantity. Since that assurance was given they had, unfortunately, had too convincing proof to the contrary; for last year the House was asked for a Vote of £7,500 for the purpose of "indurating" it. Who was responsible for what had occurred? At a meeting of scientific men held in the month of February last at the house of the Society of Arts, Mr. C. Smith, one of the Commissioners previously appointed, as above stated, to ascertain and determine what was the best stone to employ in the erection of the Houses of Parliament, made a declaration with regard to the selection of magnesian limestone for that purpose. Mr. Smith stated his belief that if the same Commission had had to conduct their investigation over again they would have come to the same decision; but that, no person having been appointed to exercise a supervision over the stone as it was delivered from the quarry, it was not surprising if the quarrymen had been under a temptation to supply a quantity of bad stone along with the good; and that he only wondered that, in the absence of inspection, things were not much worse than they were. Here, then, was a plain charge that proper supervision had not been exercised over the delivery of the stone, and the question was who was responsible for so serious a neglect. The consequence of this was, that they now found inferior material had been used, and large sums in addition to the enormous outlay already incurred would be required to preserve these buildings from a decay which ought to have been foreseen and guarded against. Sir Christopher Wren did not so manage matters when he built St. Paul's Cathedral and the many churches which he erected. At the bottom of that state of affairs lay, he believed, the modern system of contracts, which gave great profit to the few and inflicted great injury on the many. The same remarks applied to Buckingham Palace, where the structure was in a most disgraceful condition. The adoption of an excessive ornamentation not originally contemplated for the Houses of Parliament had a tendency to subject the buildings to the atmospheric influences of that metropolis, where 3,000,000 tons of coal were annually consumed, producing sulphuric acid, carbonic acid, ammonia, and many other gases, which were particularly injurious to stone-work of a porous nature, to say nothing of the ordinary action of the elements. He hoped that it would be found that he was an alarmist, but from what he had seen he was afraid that the Chief Commissioner of Works would not be able to give so satisfactory an answer to his question as the House would be glad to hear. For some time he had noticed a rapid, constant, and increasing disruption of the surface of the stone, especially on the terrace front. The decomposition was not confined to the plain face of the stone, but extended to the sills, bases, capitals, plinths, and the stone-work above and below all these. Several of the entablatures, lions, shields, and the carving generally were beginning to be affected; and he was afraid that some of the old Druids might fancy they were much older than they really were, and that King John or some other old monarch might fall from his niche, and that the only ruler in British history who had not found a place in the building might suppose that room was being made for him among the Sovereigns. He should be glad to know from the Chief Commissioner of Works what remedy he proposed to adopt for this state of things. He had seen a great deal of scraping going on, and had observed men applying several different compositions and washes, or, as he might call them, architectural cosmetics, to different parts of the building, to which they would give very much the appearance of a Joseph's coat. Some of these washes might be effectual; but, unless they entirely destroyed the porosity of the stone, it would, in his opinion, be quite impossible to prevent its decomposition. We had not yet done with building; we were to have a new Foreign Office and other public buildings, and he hoped that Her Majesty's Government would consider this great stone question, and would not leave a stone unturned until they had arrived at a satisfactory conclusion in regard to it.

HYDE PARK.—QUESTION.

MR. MILDMAY said, before the hon. Gentleman rose, perhaps he had better put the Question of which he had given notice, Whether it is his intention to entrust the replanting of the shrubs in Hyde Park to the same official to whom the planting was entrusted on the previous occasion?

MR. W. EWART said, he would also take that opportunity of putting his Question, Whether access can be given for the Public to the space now railed off in the centre of Hyde Park, near the Deputy Ranger's Lodge, formerly open to the Public. The complaint to which it referred arose in this way: formerly the cattle were allowed to range over the Park, but as this was found to be inconvenient, it was stopped; but as some compensation to the Deputy Ranger a space was railed off for the use of the cattle, and from which the public were excluded. But he did not see why those of the public who wished it should not have access to that part of the Park as well as the cattle.

SIR JOHN SHELLEY said, he should like to have the mystery connected with the removal of the shrubs from Hyde Park cleared up; because the condition of Hyde Park was of interest to all classes in the metropolis. The noble Lord at the head of the Government stated on a former occasion that the shrubs were removed because they were not properly planted. It was obvious that this declaration cast some censure upon those to whom was entrusted the money voted by this House for the purpose; and as the noble Lord (Lord Llanover) who was then Chief Commissioner of Works was not there to defend himself he thought it his duty not to allow this declaration to be made without asking for some further explanation. He knew where the noble Lord got his information, because a letter had appeared in the public papers from Mr. Mann, the Superintendent of the Park, who stated that deciduous and evergreen shrubs throve ill when mixed with flowers, and therefore they were removed. For himself he could say that he had watched those plants with great interest, and, making allowance for the dry weather of last summer, he never saw plants that throve better. But if they did not it was the fault of those who had the charge of them last summer, and never watered them all through the drought. He believed the real reason of their removal was that certain individuals living in the neighbourhood objected to them. He wished to asked whether that was not the case? and also whether those plants had been taken up with such care that they could be planted again—for he was told that though of great value the operation had been performed with great carelessness. He wished also to ask whether it was the intention of the Government to proceed at once with the works in the Green Park.

MR. COWPER said, that with respect to the Question of the hon. Member for Stafford, every means, popularly believed in, had been taken to procure the best stone for the erection of the Houses of Parliament, A Royal Commission, a contract with the lowest bidder, and an architect, under the sole control of the House, but without attaining the object; for that which had been recommended as the best stone that England could produce had been found not to combine those exact proportions of carbonate of lime and carbonate of magnesia which were expected to make it indestructible. On the contrary, the action of the weather upon it had been such that on the river front, not merely on the carved portions, but on many of the plain surfaces where the water dripped, the decay was adadvancing most rapidly. The only thing which could now be done was to find some composition which would render the stone impervious to moisture, and would have the same effect upon it as paint had upon wood and iron. There were several compositions which professed to attain that object, and two of them—one patented by Mr. Ransome, and the other invented by Mr. Szerelmey—were now being tried. As far as ordinary investigation could go they seemed to promise very fairly; but he had thought it desirable to ask Mr. Faraday and Sir Roderick Murchison to examine and report upon these experiments, and he trusted that their labours would be more successful than were those of the Commission which sat sixteen years ago, to which the hon. Gentleman had referred. He did not think it right to expend any of the money which had last year been voted by Parliament, until it had been shown that this operation was completely successful in excluding moisture and preventing the decay of the stone. In answer to the numerous Questions which had been put to him by several hon. Friends, with reference to the removal of shrubs and plants in Hyde Park, he had better state simply what he believed had occurred with respect to that matter. It appeared that when his predecessor in office (Mr. FitzRoy), whose loss was so deeply lamented by every hon. Member in that House, considered the subject, he thought that it would be better to increase the space devoted to flowers, and to curtail that occupied by shrubs. He seemed upon several occasions to have expressed the opinion that such a mixture of trees, shrubs, and flowers was not altogether desirable; and, although he did not wish to make that portion of the Park bare, he desired to substitute a new and better arrangement of shrubs and flowers for that which then existed. Early in October Mr. FitzRoy gave orders that the trees and shrubs should be removed; but, in deference to the suggestions of others, the operation was postponed till the end of November. There was no reason to suppose that the trees and shrubs were planted in an improper manner. They were planted under the superintendence of Lord Llanover, whose practical skill and zeal in all matters relating to the Parks were a guarantee that the work was well and carefully done. He was not aware that any serious damage had been done to the trees and shrubs which were removed; on the contrary, he was informed that when they were again placed in the ground they would sprout and grow as vigorously as before. In accordance with the general desire, all the ground to which reference had been made would be planted with flowers, as far as the means at the disposal of the Government would allow ; and where the space was too large for flowers there would be shrubs, either deciduous or evergreens. Everything would be done to render the spot a pleasant and agreeable walk to the inhabitants of the metropolis, and he thought the work could not be entrusted to a more competent person than the Superintendent of the Park. In reply to the question of the hon. Member for Dumfries (Mr. Ewart), he would state that when, for the convenience of the public, the cows were prohibited from ranging freely over the whole of the park a fence was put up in the neighbourhood of the Deputy Ranger's house, in order that the cows might be circumscribed in their walks. The only mistake which occurred was that, for the purpose of shutting in the cows, a fence was put up which also shut out the public. As soon as he heard of that he desired that openings should be made in the iron railings of a size too small to let the cows out, but at the same time large enough to admit a man, a child, and, if possible, a lady. If those openings were either too wide or too narrow, he should be glad to alter them to suit the convenience of the public.

DELHI PRIZE MONEY.—QUESTION.

MR. WAY said, he rose to put the Question, of which he had given notice to the Secretary of State for India, Whether the Batta granted to the Troops who were present at the siege and capture of Delhi is to be deducted from the Prize Money ? Great alarm had been excited in consequence of a statement made by a high authority on the subject of India in "another place," to the "effect that the army which captured Delhi was to have deducted from the proceeds of prize property, to which they were entitled, the batta which they had already received for the same service. Now, he did not mean to detain the House with the incidents of the memorable siege of that city, which was the stronghold of the revolt, and which, from its extent, its wealth, and its great resources was looked on as one of the strongest fortresses in Hindostan; but the House would remember the vast importance which was attached to the reduction of that focus of the mutiny, not in England only, but throughout Europe, and over the whole of Asia. It was then considered that the very existence of our Indian empire hung suspended on the fortune of the army before Delhi. For four months that gallant army was exposed to all the vicissitudes of an Indian season—to fevers and dysenteries and diseases of all kinds ; it fought thirty-six battles, in every one of which it was victorious, though in every one it fought against apparently overwhelming odds. He believed that in after times the reduction of Delhi would be placed among the most brilliant achievements of the age. On the 14th September a general order was issued by General Sir Archdale Wilson promising the troops that all the property captured in Delhi should be equitably divided among them. That order was to be found in the order-book of the 9th Lancers, now stationed at Exeter, and he had been informed by a distinguished officer of the 60th Rifles who had seen it that it was to the effect he had stated. He insisted the more on this point because he wished to keep the question of the prize money distinct from batta, and the question of batta distinct from prize money. On the 21st of September the city was in our power, and the troops were only restrained from looting it by this general order issued by Sir Archdale Wilson. When the news of the capture reached Calcutta, Lord Canning ordered the troops six months' batta, being, he believed the utmost extent to which the Governor General had power to go. It was well known, however, that this caused the greatest discontent; many of the men threw the money away, and the walls of Delhi were everywhere chalked with the words, "Delhi captured and India saved for 36 rupees." Afterwards, twelve months' batta was ordered the troops; and it was plain from a document he held in his hand, and which was signed by that distinguished officer General Toombs, who signed it as Paymaster of the Forces in India, that this was a donation and not a payment on account of the prize money. After this he could see no reason why the batta should be deducted from the prize money, unless they were to be told that the achievements of the army had become less important by the lapse of time. Now, however, he was sorry to hear that some doubt had been thrown upon the matter by a statement recently made in the House of Lords, by a high authority on Indian affairs. The House and the country were lately delighted to hear that honour was to be done to the gallant men who had perished in the prosecution of the Arctic discoveries, and he hoped they would not be less just to the widows and orphans of those who had fallen in the capture of that city which was the focus of the mutiny. He believed he was expressing the sentiments of the whole army when he said that if they deducted a single pice or a single anna from the prize money to which the India army was entitled it would excite the greatest discontent and dissatisfaction.

SIR CHARLES WOOD said, he had in reply to the Question of the hon. Member to state, that there was not the slightest intention on the part of the Government to deduct the batta from the prize money.

THE CONFESSIONAL.

QUESTION.

MR. BOWYER said, he wished to ask a Question of the Secretary of State for the Home Department regarding the committal of a Roman Catholic Priest at the Durham Assizes, for refusing to disclose statements made to him in confession. A prisoner had been tried at the Durham Assizes for stealing a watch, which had been given up to the police by a Roman Catholic priest; the clergyman was made a witness, and when he was asked from whom he had received the watch he declined to answer the question on the ground that all the knowledge which he possessed upon the subject had been acquired by him under the secrecy of the confessional. The Judge, however, decided that he was bound to answer the question, and committed him for contempt of court on his expressing his determination not to divulge the secret. Now it was evident that if the priest had answered the question he would have divulged the most material part of the confession, for when a person confessed a theft he was bound to make restitution of the thing stolen; and the watch was, no doubt, given to the priest in confession. The Judge told the priest that he was not asked to divulge anything communicated to him in confession, but he was only asked who gave him the watch. This appeared to be a distinction without a difference. He wished to say nothing but what was respectful to Mr. Justice Hill, but he thought the matter was a mistake and an oppressive one. He thought he was warranted in saying that by the old common law of England anything told under the seal of confession constituted a privilege. An attorney was not required to divulge anything told him by his client, and the seal of confession was certainly not of less high a nature. What he wished to ask was, Whether the rev. Gentleman who had been committed to prison had been set at liberty, and, if not, he should like to know whether the Government would take steps that he might be immediately liberated?

SIR GEORGE LEWIS said, his knowledge of that case was derived solely from the statement of the hon. and learned Gentleman and from the report of the trial which had been published in the newspapers. The prisoner was indicted for stealing a watch; a Roman Catholic priest was called as a witness and sworn; but when asked from whom he had received the watch he had delivered up to the police, he refused to answer the question, and thereupon the Judge committed him. With respect to the law of the case, his opinion entirely differed from that of the hon. and learned Gentleman. The law of England did not, he believed, give a clergyman the right to refuse to answer a question in reference to a communication which had been made to him in confession. A communication which passed between a counsel or attorney and his client, especially on business to which a suit related, was privileged; but no such privilege existed with respect to a clergyman of any denomination, or a physician. As far as he was acquainted with the facts of that case, the question had been pressed by counsel, and the Judge was compelled to commit the clergyman when he persisted in his refusal to answer it. He apprehended that it would have been competent to the counsel to consent to waive the question; and that was, he believed, the course which was usually pursued in cases of that description in Ireland, where such instances naturally arose more frequently than in this country. But as the facts had actually taken place, the Judge, as far as he could see, had no discretion in the matter. He had reason to believe that the clergyman remained in custody only a few minutes, or, at all events, that he was discharged before the close of the day. He had, it was true, received no official intelligence to that effect, but he entertained little or no doubt that that was the fact.

Mr. INGHAM rose to bear testimony to the worthy character of the clergyman, and said that he had refused to answer the question simply on account of an insuperable conscientious objection. From what he had heard he had not the least doubt that the rev. gentleman was now released.

Sir FITZROY KELLY observed, that it had been established by a decision of the Exchequer Chamber that communications made in confession were not privileged. He was glad to learn, however, that in this particular case the rev. gentleman had been released.

THE TIMBER DUTIES.

QUESTION.

Mr. HALIBURTON stated that in the early part of the evening he had presented a petition from a number of merchants connected with North America, praying that an alteration might be made in the differential duties on shipping. They were extremely anxious to be informed at what time this subject would be taken up, and he should therefore be glad to know from the right hon. Gentleman the Chancellor of the Exchequer when he proposed to proceed to the consideration of this subject. Those gentlemen felt that they had been taken very much by surprise, as they had no means of communicating with their fellow traders on the other side of the Atlantic, with regard to a matter in which they were so materially interested. British colonial merchants had no representative in that House, there was no person charged with the interests of a particular colony, or of the colonies generally; and he therefore wished to ask—though in doing so he was not acting at their request—whether there would be any objection to allow British North Americans to be heard at the bar of the House on a question which was of such great importance, and which they alleged would extinguish the trade of these colonies. He would not detain the House, which he knew was anxious to proceed to the consideration of other subjects, by alluding to the details of the petition; but when the trade of an entire province like that of New Brunswick would be prostrated by the alteration contemplated by the Government, when Canada would be deprived of the means of purchasing and paying for British manufactures by the export of her timber, it was, perhaps, a question of quite as much importance as the shrubs in the Park and the gravel walks for cows. He had a very great repugnance to put this question at all. The petitioners felt, as everybody else must have done, the very contemptuous nature of the answer given the other evening by the right hon. Gentleman on this subject, and it was certainly not of a description to encourage a renewal of the inquiry. He did not stand up to defend British North America—he was not her representative, but merely that of an humble borough in England; but when a question put on behalf of 3,000,000 of unrepresented people, as to whether their exports might be admitted into a neighbouring kingdom under the late treaty, was answered by the taunt that they were already too free, or they would be better off—that the Emperor of the French had his colonies under control, and if the British Government had the bridle and bit on her colonies, they might have been served as well as the French—he did not think it was an answer such as they had a right to expect. They were told in the same breath that they had taxed British Manufactures. He did not defend this course—nor, perhaps, would they thank him for doing so, for they owed no allegiance to that House, although they did to Her Majesty; they were an independent, intelligent, loyal people; they had rights of their own and knew how to maintain them; and they would not thank him if he were to apologize for the fiscal arrangements which they had made. They had taxed British manufactures—they had taxed the manufactures and imports from every country in the world, and placed them on the same footing. They had not adopted the free-trade principles of the Government of this country, nor were they to be taunted for it; they had as much right to their opinion as the Chancellor of the Exchequer had to the one-sided free-trade which he had introduced into this country. The sneer, therefore, with which that answer had been given had sunk deeply into the minds of those gentlemen now temporarily domiciled at Liverpool for their own business purposes; and he should be ashamed of them, and ashamed to acknowledge himself a colonist, if they would put up with the superciliousness of the Chancellor of the Exchequer, with the neglect of Parliament, or with injustice from any Power on the face of the earth. It was at least to be expected that when men put a civil question, that question should be civilly answered.

The CHANCELLOR of the EXCHEQUER: The hon. Gentleman has closed with a most moderate proposition, that those who put civil questions should receive civil answers; but I am bound to say, if the answer now to be made to him were to depend on the application of his own principle, there might be some doubt as to how far it would be incumbent on me to adopt the rule to which he has referred. The hon. Gentleman spoke of my superciliousness, my taunts, my sneers, my contemptuous answer, and I really was at a loss to imagine what answer of mine the hon. Gentleman referred to; but as the hon. Gentleman went on to give what I will not call a description, but what I will frankly term, in his presence, a gross caricature of an answer which had proceeded from me, I was enabled at once to identify it, and to perceive the total error under which the hon. Gentleman labours with regard to its character. I do not know whether the hon. Gentleman heard that answer; I am not sure whether he was in the House at the time.

Mr. HALIBURTON: I heard it accurately; it was in answer to a Question that I put myself.

The CHANCELLOR of the EXCHEQUER: All I can say is, if the answer was given in Committee, and if the hon. Gentleman thought I had been guilty of a very gross error in making a contemptuous reply to a question involving the interests of great or of small numbers of British subjects—it does not signify which—the hon. Gentleman would have done much better to reprehend me there and then—to give me, if I had done wrong, an opportunity of confessing my error, and of vindicating myself in the eyes of those in whom he takes such interest, rather than to return home, "nurse his wrath to keep it warm," and then come down to the House, and, under the plea of putting a question, which he says he is very unwilling to put, to take the opportunity of making charges against me which I hope are not justified by the manner in which I generally endeavour to discharge my duties in this House, and which, I must say, if they were justified, would undoubtedly convict me of the grossest culpability, and make me deserving of far severer punishment than I have just now received from the hon. Gentleman. I have only to apologize to the House for having noticed this matter. The hon. Gentleman's question, if I understand it, is, whether an opportunity will be given for a discussion on the timber duties, and likewise whether Her Majesty's Government will be disposed to delay the decision on that subject until the colonists of British North America can be heard at the bar of the House. [Mr. HALIBURTON: No, no!] With respect to the first branch of the question, there has been every desire to give opportunities for discussion, and my hon. Friend the Secretary to the Treasury, in compliance with the appeal made to him, postponed the discussion on the timber duties, in order that any Gentleman who might be so disposed might, if he pleased, enter into that discussion; on the day to which it was adjourned he attended in his place, and I was ready to come down to the House if any question had arisen; but there was no person who was disposed to raise a debate; and that is the Report which the hon. Gentleman will have to make to the British colonists of the vigilance with which he has attended to their interests. If any disposition is now felt to debate that question, Her Majesty's Government will take care to make arrangements for the purpose, and that in some stage of the measure opportunities shall be given to Members for expressing their views. With regard to the proposal of hearing parties at the bar, I believe it is entirely without precedent in the history of modern legislation; no such demands have been made by others much more directly interested, and having more pretensions to a distinct *locus standi* than the colonists of British North America can on this question be strictly said to possess. And therefore I do not think it would be wise to create a precedent which, I believe, would be productive of great delays, and attended with inextricable confusion. I am far from complaining of the hon. Gentleman for giving the frankest utterance to what he regards as the ruinous consequences of the reduction of the timber duties; that is a conscientious feeling on his part, and he is perfectly right to claim whatever opportunities he thinks fit for giving expression to those opinions. For my own part, they, perhaps, make less impression on me; for it is not now for the first time that I hear them. In 1842, and at subsequent periods, I have so often received the most solemn warnings that in consequence of the reduction of the differential duties on foreign timber total and absolute ruin was about to fall on the colonies of British North America, which are now more flourishing than ever, that it is natural I should have become utterly impervious, and that these threats should not find entrance into my mind, notwithstanding that they appear to have got their seat in that of the hon. Gentleman.

MR. HALIBURTON explained that he had not asked the right hon. Gentleman to delay the discussion on the subject of the timber duties until the colonists of British North America could be heard at the bar. He only asked whether those who were now in this country and were interested in the matter would be afforded that opportunity. Perhaps this very misapprehension had given rise to the slur which was conveyed on the first occasion.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, that in putting the Question which appeared on the paper in his name, he wished to explain the reasons that had induced him to withdraw his Amendment on the previous evening.

MR. SPEAKER: The noble Lord is out of order in referring to a debate which is past and which has been concluded.

LORD ADOLPHUS VANE-TEMPEST: The Question he wished to ask related to the annexation of Savoy by the French Emperor. He had felt throughout that the House had been placed in a strange position with regard to the Treaty of Commerce. He was in a very difficult position, but being desirous only to discharge a conscientious duty, he trusted he should receive the kind indulgence of the House. He certainly would not detain the House more than ten minutes. They were asked to decide upon a question of a treaty of friendship with France, when, in consequence of the French Emperor's policy, they did not know whether they might not in a short time be on a footing of estrangement and suspicion with that country. They were asked to conclude a treaty of peace on commercial matters in a spirit of amity and friendship to Frenchmen. ["Order!"]

MR. SPEAKER said, that the question of the Treaty with France was set down for discussion that evening, and it was contrary to order to discuss, by anticipation, a Motion which stood on the Orders of the Day.

LORD ADOLPHUS VANE-TEMPEST thought that on the question of Adjournment till Monday, it was competent for him to put a Question, and to make any observations he chose, so long as he confined himself to the subject of that Question. He desired to know whether he would be out of order in making some more remarks, which were pertinent to the Question.

MR. SPEAKER said, the noble Lord was entitled to ask any Question, and he would now, no doubt, confine himself within due limits in proposing his Question.

LORD ADOLPHUS VANE-TEMPEST, who was continually interrupted by cries of "Order," said, the hon. Member for Bridgwater had, with convenient amiability, postponed his Motion with regard to this important subject at the suggestion of the noble Lord the Secretary for Foreign Affairs, until the 19th of the present month, and as if that was not sufficient, that ingenious architect the hon. Member for Pontefract (Mr. M. Milnes) had already formed a *pont d'or* for the Government. They were going, by affirming this Treaty, to declare to Europe that their hands were tied up with regard to this question. ["Order!"] He would not now detain the House upon the subject of the Treaty; but on another occasion he would do so at greater length, though owing to the admirable strategy of the noble Lord the Foreign Secretary, he would have to wait until the 19th March. He would now ask the noble Lord whether Her Majesty's Government had taken any steps, and if so, whether they had any objection to state the nature of them, to obtain the concurrence of Austria, Prussia, and Russia in opposing the rumoured annexation of Savoy to France? He wished to ask also whether they had been made acquainted with the final intentions of Sardinia with reference to this subject; and whether the expressed opinions of Switzerland remained unchanged? The opinions of Switzerland were very strong on the subject. He asked her Majesty's Government whether they had any objection to give the House the information they possessed on these subjects?

Mr. KINGLAKE said, that if he could maintain a little more gravity than the House seemed to be possessed of at that moment, he would endeavour to express the indignation with which he had heard the charge made against him by the noble Lord. A charge more ungrounded had never been brought against any Member in that House. He thought he had given on a former occasion a proof that he was not disposed quickly or very easily to give way to any pressure put upon him by the Government for the purpose of inducing him to postpone his Motion. Once, when he was asked by a Minister of the Crown on his responsibility to postpone it, he consented; but on the second occasion when he was asked both by the noble Lord the Foreign Secretary and the hon. Member for Pontefract (Mr. M. Milnes) to postpone it, he declined to do so, and having shown that he was capable of resisting pressure which it was painful to resist, especially when it came from his own side of the House, he asked the House whether it was right that such charges should be brought against him by the noble Lord. If the noble Lord had been in the House on the first occasion, he would have heard the noble Lord the Foreign Secretary declare, that if the question was then brought forward it would prove inconvenient and perhaps dangerous to the public service. After hearing that announcement, could the noble Lord persevere in asserting that he (Mr. Kinglake) had, with a convenient yielding, assented to the suggestion of the Government? He appealed to the House whether it was fitting that a charge of this description should be made on grounds so totally insufficient.

TENANT FARMERS.—AGRICULTURAL PROSPERITY.—OBSERVATIONS.

Mr. PACKE could not allow the debate to close—he meant the debate on the Motion for Adjournment—for it had quite assumed the character of a debate—without adverting to the speech of the Chancellor of the Exchequer, who opened the discussion by anticipating a question which was to be put to him with regard to the agricluture of this kingdom. The right hon. Gentleman had said that farmers had benefited by free trade, and had challenged any man to rise and contradict that statement. Now, he (Mr. Packe) knew that in 1849, 1850, and 1851 the farmers were, in consequence of free trade measures, principally as regarded corn, in a very distressed state; and with regard to graziers, there was scarcely one who had taken his oxen to market who had not suffered a severe loss by their contracting virulent diseases, introduced by the importation of foreign cattle. The consequence of free trade had been that the small farmers had been swept away, while those with large capital had been able to go on. He thought it his duty to state, on the part of the farmers of this country, who were the most patient people on the face of the earth, that though they had kept their heads above water, they had not been able to make the profits of former years. The Budget must prove most injurious to the farmers, for the importation of wine must lessen the consumption of malt.

Sir JOHN PAKINGTON said, as there had been discussions on so many different subjects, he was glad to see his right hon. Friend the Member for Kilmarnock (Mr. Bouverie) in his place, and he hoped he had taken a note of that evening's proceedings. He would certainly encourage his right hon. Friend to make another attempt to stop this practice, which was evidently growing beyond all reasonable bounds, of creating a miscellaneous debate on the Motion for Adjournment until Monday.

Lord ADOLPHUS VANE-TEMPEST, in explanation, said, he had by no means intended to cast an imputation on the conduct of so distinguished a Member of the House as the hon. Member for Bridgwater. By his observations he had simply meant to express his regret that the hon. Gentleman had displayed a spirit of "convenient amiability" in postponing his Motion at the suggestion of the noble Lord the Secretary for Foreign Affairs.

Mr. ROEBUCK: If there has been more than the usual divergence upon the part of hon. Members to-night into a variety of topics, that circumstance, I think, is due to the right hon. Gentleman the Chancellor of the Exchequer, who has led the way in the dance by making a speech upon his Budget in moving the adjournment of the House until Monday.

TENANT FARMERS.—INCOME TAX, SCHEDULE B.—QUESTION.

Mr. **HENLEY** expressed a wish to ascertain from the Chancellor of the Exchequer or some other member of the Government, Whether he would be prepared to lay on the table of the House the papers upon which his calculation with respect to the increase of 19 per cent in the incomes classified under Schedule B was based. It would be, he thought, but doing an act of common justice to place those papers in the hands of hon. Members before they were called upon to come to a decision upon the continuance of the income tax.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—EXPLANATION.

Lord **JOHN RUSSELL**: The noble Lord the Member for Durham (Lord A. Vane-Tempest) has put to me some questions on a subject of great public interest, and I feel bound to give him such information as I am able in reply to those questions. He asks me if I have taken any steps—and if so, what the nature of those steps is—to obtain the concurrence of Austria, Prussia, and Russia in protesting against the rumoured annexation of Savoy to France. Now, the course which we have adopted in respect to this question is this—We have communicated the correspondence which has taken place between Her Majesty's Government and that of France on the subject to the Courts of Berlin, Vienna, and St. Petersburg. I may add that we contented ourselves with simply directing our Ministers to communicate that correspondence, and desiring that a copy of it should be handed to the Governments of each of those countries respectively, without asking them to take any steps or to make any suggestion in the matter, but leaving them to adopt such a course as they might deem expedient on a question which is of importance to the interests of Europe. With respect to the probable result of this proceeding I am quite unable to supply the noble Lord with any information beyond this, that the Ministers for Foreign Affairs both at Vienna and Berlin say that they agree generally with the views of Her Majesty's Government on this subject. Neither at Berlin nor Vienna, however, is it absolutely stated what steps their respective Governments propose to take in a matter which certainly requires careful consideration. From St. Petersburg I have received no information with regard to it, probably because the despatch which we sent there was not forwarded so soon as those which were sent to Vienna and Berlin. I may at the same time observe that when any information in answer to the despatch which we forwarded to St. Petersburg reaches us we shall be prepared to lay it on the table the moment it is in a state to be thus communicated to the House. We shall, I may add, have some correspondence from Berlin and Vienna to lay on the table on Monday. The noble Lord has asked me further, whether we are acquainted with the final intentions of Sardina in reference to the annexation of Savoy to France. Now, in answer to that question I may state that I had placed in my hands by a private friend of Count Cavour a document which was said to be a copy of the Sardinian reply to the proposal of France; but I have been since informed that this document is not quite correct, and therefore I cannot, until I receive further information on the subject from Her Majesty's Minister in Turin, lay on the table any papers in reference to this particular point. I may, however, observe that the substance of the reply of Count Cavour is to the effect that, if the Parliament of Sardinia should deem it expedient to have recourse to a vote of the people of Savoy with respect to the question of its annexation to France, the Sardinian Government would take care that that vote should be taken with every form of liberty, so that the people of Savoy might exercise perfect freedom of choice in deciding whether they would continue under the Sardinian Government or prefer a separation from that country. The answer of Count Cavour then proceeds to state that, should the people of Savoy be in favour of separation, the Government of Sardinia trusts the question will be duly weighed by the other Powers of Europe, and that care will be taken not only of the interests of Switzerland, but due regard will be paid to the security of the frontiers of the kingdom of Sardinia itself. So far as Switzerland is concerned, I believe the views of the Government of that country upon this subject remain quite unchanged, the papers which I shall lay on the table on Monday will show the precise opinion they entertain. All the information we are possessed of will be contained in those papers.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

COMMERCIAL TREATY WITH FRANCE—ADDRESS MOVED.

ADJOURNED DEBATE—SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [8th March].

"That an humble Address be presented to Her Majesty, to assure Her Majesty that, having considered the Treaty of Commerce concluded between Her Majesty and the Emperor of the French, this House begs leave to approach Her Majesty with their sincere and grateful acknowledgments for this new proof of Her Majesty's desire to promote the welfare and happiness of Her subjects:

"To assure Her Majesty that we shall proceed to take such steps as may be necessary for giving effect to a system which we trust will promote a beneficial intercourse between Great Britain and France, tend to the extension of Trade and Manufacture, and give additional security for the continuance of the blessings of Peace."

Question again proposed.

Debate *resumed.*

MR. HORSMAN: Sir, as this debate affords the first opportunity which has been presented to the House of considering the Commercial Treaty with France as a whole, I will follow the example which has been set by the Mover and Seconder of the Address, and before I direct the attention of the House to the Amendment which I am about to propose, discuss the general policy and general character of the Treaty itself. The readiness with which the House has voted the financial Resolutions which are necessary in order to give the Treaty effect shows how desirable, in the opinion of hon. Members, is the extension of our commercial relations with France, and how advantageous the political and moral results which, in their estimation, will be consequent on increased intercourse between two great nations. We have, in assenting to this Treaty, made large fiscal sacrifices, to be compensated for by the imposition of new burdens; and while we have thus borne our testimony to the value which we set on the friendship of France, we have done our utmost to aid Her Majesty's Ministers in their laudable endeavour to perpetuate and strengthen that friendship. We have made concessions to France upon our side which might be made independent of Treaty, and she has also on her part made concessions to this country for the purpose of carrying which into effect no Treaty was necessary; and we now stand in the position of being invited to express our approbation of the peculiar mode of giving effect to their policy which the Government has adopted. And since all these concessions might have been made altogether independent of any treaty, I will first inquire why a treaty has been resorted to for that purpose. Now, I must contend that to enter into a treaty of reciprocity is a retrograde step for England to take. It is a step which is inconvenient, and which may lead to embarrassment. I make this statement because I am of opinion that if there be one right which more than another it becomes the Parliament of England to guard most vigilantly, it is that which gives us a complete control over our domestic, and especially over our fiscal arrangements, so that we might be able to increase, to diminish, or to modify our national expenditure or our fiscal regulations in accordance with what may happen to be the true interests and the real exigencies of our own people. Now, by entering into a treaty of reciprocity, this is a right we abandon; and, having concluded this Treaty with France, we shall have no power next year to rectify any omissions or oversights which may be found in it. We give up our legislative freedom; we barter it away to another Power; so that the control over the taxation of England will no longer rest exclusively with her own Parliament, but will be, as it were, a portion of the business of the French Government. We have, in short, by this Treaty, bound ourselves indissolubly to France, and henceforward it is only by her good favour that our fetters can be relaxed. We have, in acceding to it, violated one of the first principles of our commercial code—the repudiation of the doctrine of reciprocity. This, I contend, is a great sacrifice to a nation that has been so proud of its independence—it is a sacrifice so great as to be hardly capable of exaggeration—a sacrifice which could only be justified by some great impending evil to be avoided, or some good to arise so large and so legitimate, that no price which we could pay would be too high. It is necessary, therefore, to turn to Her Majesty's Ministers, and ask what are their motives for entering into this Treaty, and what is its compensation. For some time—for a long time—this has been asked in vain. When the existence of this Treaty was first announced, we were told by the noble Lord the First Minister of the Crown that this particular form of arrangement was necessitated by the peculiar constitution of France, and must have been resorted to in order to provide that security for the fulfilment of the stipulations into which she was prepared to enter which the interests of England required. But security for the equivalents we were receiving implies that England sought the Treaty, and required to have equivalents secured to her. But the Chancellor of the Exchequer told us we were entitled to no equivalent, and that we are doing by Treaty what it is our interest to do without Treaty. The Chancellor of the Exchequer most significantly avoided all explanation of the reason for a Treaty; and I must say I appreciate his motives in doing so. But at a later period the noble Lord the Secretary for Foreign Affairs was compelled to give some explanation, and then he told us—what I do not wonder the Government for some time was reluctant to avow—the real reason was, that in France the prohibitionists were too strong for the Emperor; they had the command of the Legislative Chamber. [Lord John Russell: I did not say so.] I cannot presume to quote the exact words of the noble Lord, but I understood him to say we are obliged to resort to a treaty to effect a change which probably the Legislative Chamber would not sanction.

Lord JOHN RUSSELL: I said nothing of the Legislative Chamber at all.

Mr. HORSMAN: I thought I heard the noble Lord say that a treaty had been resorted to, because by the ordinary constitutional mode of submitting a project of law to the Legislature, it was likely not to be sanctioned. That was the statement we heard; and it only confirmed statements which had reached us from every side before. It comes to this—that the Emperor of the French is a Free-trader; the French nation are Protectionists, and, therefore, if left to settle the question between themselves, it must be settled adversely to the Emperor, because the project, if submitted to the Legislative Chambers, would certainly be rejected. Every man in the House knows that to be the case. In this difficulty the Emperor of the French addresses himself to the English Cabinet. "Deal with me," he says, "by a treaty of reciprocity. To be sure, it is against your law, but it won't be the first time you have endeavoured to oblige me by changing your law." "Give me," he says, "a treaty of reciprocity; by this means I can laugh at my Chambers, and can force free trade down the throats of my reluctant subjects." The Cabinet of England appeals to us, the constitutional representatives of this moral country, and they think that we, the House of Commons, do good service to the principles we represent by making ourselves, I will not say the accomplices, but the instruments, through whom the ruler of France may evade the constitutional control of his own Legislature; and that we would deem it just and generous and politic to lend ourselves to a device by which he may mock his subjects. And with this motive, patent to all the world, we are to proceed to loosen one of the fundamental principles of our commercial code, and compromise and confuse the policy of England to meet the necessities of France. Now, these are the motives of the Treaty; and what is to be the compensation? By this act, say the admirers of the Treaty, you secure the friendship of the French nation; by helping their Emperor to jockey them you secure their eternal gratitude; you will get such a hold of their affections that old jealousies and animosities will become as dead as reciprocity was six months ago; and, as to the war party in France, you will never hear of it again, as M. Chevalier said the other day; and those who were wont to exclaim against perfidious Albion would hasten to the Hotel Meurice to enrol themselves as members of the Peace Society. Such are the great results we have been promised. Peace, friendship, gratitude, are great results, but they are not all. There is something more behind. This, it is said, is a transaction which will turn out most profitable for England. We shall make great profit by it. Our coalowners, our ironmasters will get new markets; our manufacturers will have a new nation of customers; French wines and silks shall be cheapened and made accessible to all the middle class; there shall be, as was expressed by an hon. Baronet behind me, a millennium of prosperity; and, if any weak brother in Lancashire or elsewhere has a conscience to prick him for having behaved rather shabbily to his poor French neighbours, let him count his gains, go home thankful, and be satisfied. Sir, this is a very glowing prospectus of the new course on which we are invited to embark. But my objection is, that like many a promising prospectus, it is based on false calculations, and even as a commercial speculation it may not pay. The equivalents we are promised are of two kinds, material and moral. The material equivalents are in the direction of free trade. Sir, I studied the principles of free trade—I adopted them long before they were embraced by any occupant of the Treasury Bench except the right hon. Member for Wolverhampton (Mr. C. P. Villiers). I am not to be told now, by Gentlemen who throw up their hats at the eleventh hour that I do not comprehend its principles or appreciate its spirit. The principles of free trade, carried fairly out as I understand them, have for their object and result to unite nations together by common interests, to make them mutually dependent and assistant, to erase geographical distinctions, and unite France and England together as closely, as indissolubly, as Lancashire and Yorkshire are united together, so that whatever benefits the one must react on the other, and whatever conduces to the material wealth and prosperity of the one must add to the wealth and prosperity of the other; and, therefore, on the narrowest grounds of selfish policy, every consistent Free-trader would desire to promote the material prosperity of France as a great advantage to England. My opinion is also, that the moral benefits conferred on nations by free trade are even greater than the material. It was well said by the hon. Member for Leeds (Mr. Baines) last night, that the commercial intercourse of nations is the great security for peace, and peace is the great moral agent for civilizing and elevating mankind. Therefore, free trade is, in my mind, associated not merely with wealth and commerce, but with the peace and morality of nations. But it is quite consistent with those opinions that, when there is an entirely exceptional state of things in France —when the military element predominates over the commercial—when you have a policy of aggression and aggrandizement openly avowed and unscrupulously carried out—when you have armaments by sea and land such as the world has never seen before, and a military organization unknown since the days of the Roman Empire—it is, I say, quite consistent with the appreciation of free-trade principles, that I should hold that this is not precisely the moment when we should part with our legislative independence, especially to that Power whose menacing attitude to ourselves imposes on us in time of peace war taxes and burdens and a grievous expenditure in order to protect us from the attacks which we apprehend from herself. My difference with those who see so much in favour of this Treaty as to the application of free trade is in reality not so much a matter of principle as a matter of definition. When they speak of France they mean the French Emperor; when I speak of France I speak of the French nation. And there is a distinction to be drawn which this Treaty ignores between the free intercourse of nations, patent to all the world, and the intrigues of Governments, that are a secret to everybody but themselves. It is because the Treaty ignores that distinction that I say it is founded on false principles—it violates the first principles of commercial freedom and international right—and on that ground I believe it may yet bear bitter and pernicious fruits. The material equivalents we are promised are two—first, the admission of our coal and iron at a low duty, and then the admission of our manufactures at a protective duty beginning at 30 per cent, by and by to be reduced to 25 per cent. As to coal and iron, I will leave them till I come to the Amendment I mean to move to the 11th Article. But as to the low duty of 30 per cent on our English manufactures, I believe it is the opinion of those most capable of forming an opinion on this subject, that a protecting duty of 30 per cent will, after all, turn out to be prohibitory. That is the opinion which, I understand, has been pronounced by the Leeds Chamber of Commerce, in a well-considered resolution; and I was somewhat surprised to find that the hon. Member for Leeds, who spoke last night with so much ability and effect, appeared not to have remembered this fact; but they say that is their opinion, and it is confirmed by other authority. I saw it stated in the *Journal des Débats*, which is a great free-trade authority, and an organ of the Emperor, that 30 per cent was intended by the Emperor to be a prohibitory duty, and that he had outwitted the English negotiators. This has received some confirmation from what the Chancellor of the Exchequer said about French gloves, which were practically excluded by a duty of 15 per cent. As far, then, as material equivalents go, we do not gain much from this Treaty. We allow French manufactures to come in duty free, while our manufactures on entering France are to pay 30 per cent. We derive no revenue whatever from the manufactures of France, while, if the apprehensions entertained across the Channel are realized, France will obtain an immense revenue from our manufactures. Again, the Treaty is not to come into operation on the side of France for eighteen months; on our side it takes effect immediately. In fact, we make a present to the Emperor of no less than two millions, while we have a deficit in our own exchequer that has to be made up from an increased income tax. The reciprocity of all this is somewhat of an Irish character. But then there are the moral equivalents. Through this Treaty you are to secure peace and friendship with France. If these results were indeed to follow, they would be cheaply purchased even at ten times the price now asked from us. But by what subtle process of metaphysical inquiry are we brought to the conclusion that the best way to win the friendship of the French people is to begin by irritating and wounding their feelings? The French are generally esteemed a quick and susceptible race, likely to be jealous of anything that savours of an impertinent meddling on our part between themselves and their Emperor, and peculiarly alive to the ridicule which stings a sensitive man when told that he has been "done." I do not see how, by hurting the *amour propre* of the French nation, you are to provoke them to love us. Still less can I divine how the prospects of peace are to be improved by our making enemies of the commercial class in France—the only class there hitherto averse to war. The fallacy that lurks beneath these alluring promises lies in confounding the French Emperor with the French people. It is of the very essence of this Treaty that the two are quite distinct. Their views are antagonistic; they take opposite sides. What gratifies the Emperor in this matter offends France. What serves the Emperor, in the estimation of the people ruins France. ["Oh, oh!"] I appeal to those who have taken the trouble to read the French journals, the organs of French opinion. We are asked to side with the Emperor against the people; and on what plea? Because this change is so unpalatable, so odious to the French nation that he cannot carry it by his own influence and power. To be sure his Legislative Chamber is a mere mockery, his nominees compose it, and he can dissolve it at his pleasure. Yet, weak and dependent as it is, it has spirit enough on this occasion to reject a project against which France is so united. England must therefore help him—help him to elude his Chamber by depriving the nation of the last remnant of a voice in the management of its own affairs. And we, who have been proclaiming the right of the Italians to choose their own form of Government, are to refuse the French nation the right to choose its own form of taxation; we are to enter into this plot against the French people—to conspire against them with their ruler. We deliver them, surprised, helpless, but irritated and incensed, into his hands. Because you must not imagine that all this, which is so openly done, is lost upon the French nation. This Treaty is not a diplomatic secret, buried in the mysterious recesses of the Foreign Office; no — it is only to take effect if the Parliament of England, in the face of all the world, adopts the new morality of the *Code Napoleon.* Observe, how ignoble and doubly odious is our part in this transaction. The Emperor had an alternative under the constitution, if he could find an opportunity to use it; but when that constitution was framed he had no such opportunity. So stepping out of our way and changing our law, we give him that opportunity and tempt him to employ it. Any hon. Gentleman who reads the French newspapers will learn for himself what they say of our proceedings. They are saying at this moment, that the Emperor has bribed England to help him to trip up France—that the complicity of a nation of shopkeepers has been purchased through the lust of lucre for sordid purposes, and that our services have been sold to aid him in circumventing his people. The Protectionists of France—if I may say it without offence to the hon. Gentlemen opposite—are a very benighted race; but they are entitled to fair play from us at least. Why not leave them to fight out their quarrel with their own Emperor? Surely he has odds enough in his favour if he wishes to convert them. The Protectionists of France know their own interests, they say, as well as we do, and know how to distinguish the morality we praise and the mammon we worship—between the friendship and the treachery we practise. But the Treaty is in the interests of peace! What says the *Moniteur Industriel,* which was quoted the other night by the hon. Member for Birmingham? It says, "This Treaty will not come into operation on the part of France for eighteen months. By that time our armaments will be complete, our fleet equipped, and we will blow this treaty to atoms with cannon balls." If the Emperor has not power to carry out this change in 1860, what security have we that he will be able to give effect to it in 1861? If, unfortunately, the French nation are then disposed to pick a quarrel with us, may they not say we have given them a provocation founded on a fraud? If we cannot justify this Treaty to the French nation on moral grounds, no commercial advantages to arise from it can compensate for its evils. But why our hot haste to grasp these alleged commercial advantages? Cannot we be satisfied with the immense material prosperity we are now enjoying from the adoption of free trade, that we must play tricks and tamper with the source of that prosperity? We have not the excuse of commercial pressure or financial embarrassment for this exceptional legislation. All interests are thriving, money-making is going on to an extent unparalleled in the history of the country, and our people are now blessed not only with wealth and comfort, but also contentment. Why endanger all this by a mad chase after more riches and more contentment? No argument could be more untenable than that, having heretofore consistently adhered to a sound political economy, we should now recede from it to help France to advance. The advice which Sir Robert Peel bequeathed to his successors in this matter was, that they should take no heed of foreigners except to set them an example which we might be sure they would sooner or later follow. And just at the very moment when our example is telling on the most powerful and important country in the world we are abandoning our principles in the face of all nations. Even as a commercial speculation I believe that this Treaty will not pay; its profits will not compensate for its risks. We have not found it very profitable attempting to make Free-traders of the Chinese; I hope we are not going to burn our fingers with the French. In his Speech the other day the Emperor of the French said this Treaty only anticipated what he himself would have been compelled in a short time to do without its instrumentality. I believe that the French people would take free trade more readily from their own Emperor, and that they would take it as a poisoned gift from us. I believe that we are prejudicing the question of free trade by associating it in the minds of the French people with the notion of a gift from us:—at any rate, I have no faith in the permanence of any system, commercial or political, which is carried in opposition to the opinion of the people of France by a *coup d'état*. There is another and a more important ground on which I strongly protest against this Treaty. It has been submitted to us as a political transaction. In that light, also, the commercial changes and financial considerations which it involves have been passed by the Committees of this House; and in that light the House must regard it. Now, our relations with Italy, France, and the other great Powers of Europe are at this moment of a very critical and delicate character. They cast an immense responsibility upon every Member of this House, and impose upon us a duty from the discharge of which we ought not to shrink. Within the last week the Emperor of France has delivered a Speech which has agitated every bourse in Europe. Within the last few days the Minister of that Emperor has published two despatches, one of them addressed to the French Ambassador in London, which have changed the whole aspect of European politics; and while England is still perturbed by this new revelation of the Imperial policy, we are invited before the whole world to enter into this new bond of union and brotherly compact. Now, Sir, I ask, what does a new political alliance with France indicate—to what is it to lead? Let me remind the House of the circumstances under which this Treaty was negotiated, of the circumstances under which it was submitted for our approval. In the letter of instructions addressed by the noble Lord the Secretary of State for Foreign Affairs to the British Plenipotentiaries I find this, which is now more than ever a very important passage. He says:—

> "Over and above these considerations (the commercial ones), they attach a high social and political value to the conclusion of a Commercial Treaty with France. Its general tendency would be to lay broad and deep foundations in common interest and in friendly intercourse for the confirmation of the amicable relations which so happily exist between the two countries; and while thus making a provision for the future, which would gradually become more and more solid and efficacious, its significance at the present moment, when the condition of some parts of the Continent is critical, would be at once understood, and would powerfully reassure the public mind in the various countries of Europe."

Now, I ask, what is the construction that any Member of this House would put upon that paragraph? The construction I put upon it is this, that by the Treaty the great Powers of Europe were to be informed that England and France had come to an understanding as to their common policy in regard to the affairs of Europe; and that especially upon the foremost question which was then agitating men's minds, and engrossing the attention of the Cabinets of Europe, the settlement of Italy there was between them that intimate alliance and close accord which would tend to reassure the public mind as to the prospects of peace. I will venture to say that not only is that the construction which would be put upon this paragraph by every Member of this House, but I will appeal to the candour of the noble Lord himself, whether in his own mind that was not the interpretation which he intended to be put upon it. That was the spirit in which the negotiators were instructed to act at the commencement of these negotiations. What was the spirit in which the Treaty was submitted to this House? Were we not advised to adopt it as giving to Europe a public indication of the confidence existing between the Cabinets of England and France, their community of sentiment, and their cordial co-operation and accord upon questions of European policy? Were we not further reminded by the Chancellor of the Exchequer, the most eloquent and earnest of the advocates of the Treaty, that an alliance between England and France must be in favour of the freedom and civilization of mankind, and therefore that it could not be too close; and, above all, was not the recommendation to adopt that Treaty preceded by the most solemn assurance that France had no designs on Savoy? By these reiterated assurances, by these solemn declarations, the House was invited to the adoption of the Treaty —which was, we were also told, to be a most significant political demonstration, which could not be mistaken by Europe. A few weeks have passed, and where do we stand now? Will her Majesty's Ministers now venture to recommend the Treaty on the same grounds? Has not the Speech of the Emperor of France blown all these hopes and expectations to the wind? Have not the despatches of the Minister of the Emperor shown that all these promises were based upon a fiction? I would ask has the House of Commons been treated quite frankly—has the public of England been used quite fairly upon this subject? We have had the Savoy papers presented to us. I have read those papers, as every other Member of this House has done, and I have come to the conclusion that some of them form a most favourable contrast to the attitude and demeanour which have on some occasions been adopted by the Government of England towards that of France. I must say that to me it is most refreshing to see the tone and language recently adopted by the noble Lord, the present Secretary of State for Foreign Affairs. It is refreshing to me to see that there is in him the spirit of a statesman and the sound and true heart of an English Minister; and, so far as I can gather his spirit from the perusal of his late despatches, I, for one, should be well content that the honour of England should be left in his hands. But, Sir, I cannot help feeling that the noble Lord is not the whole Cabinet of England; and we have been assured upon high authority that on this, as upon other occasions, there may be differences of opinion. The noble Lord cannot be said to be the master of the Cabinet; on the contrary, we are told that the Cabinet has another master, who is not at present in his place. [The right hon. Gentleman was supposed to hint at Mr. BRIGHT.] We have to day seen it stated in one of the most influential journals of public opinion in France that in England there has been the age of Elizabeth, that there has been the age of Pitt, and that this is the age of my hon. Friend the Member for Birmingham. Now, I, for one, never grudge my hon. Friend any of the honours which are paid to him. If he were here, I should like to say to him that he has won them bravely. He has won them by his courage; he has won them by his earnestness even more than by his ability. He has won them by the determination and fearlessness with which he has advocated his opinions and his policy. I am one of those who think that earnestness and sincerity are the first qualities of statesmanship. And, therefore, whether or not I agree with my hon. Friend in his opinions, at least I offer him so far the tribute of my respect; but I must be permitted to say that I have for some time past viewed with some anxiety and apprehension, especially with regard to our foreign policy, the predominance of the commercial influence in this House. I prize the commercial greatness of England, and I prize it not merely as a source of wealth and comfort to ourselves, but also as a great instrument of civilization and religion, carrying the influence of England to bless the remotest corners of the globe. But I feel that among nations as among individuals there is a more exalted code than that of self-interest; and the very greatness of

England, her place among the nations, her lofty attitude, and her moral grandeur, impose upon her at times duties and obligations proportioned to the space she fills and the power she wields. And with nations as with individuals, there are occasions on which a principle is to be vindicated, an example to be set, a duty to be discharged to others, overriding for the moment what may be most convenient or agreeable to ourselves; and, when such occasions do arise, obedience to the calls of high policy and justice is not less in keeping with the precepts of Christianity when it compels us to prove the sincerity of the principles which we profess by the sacrifices by which we are ready to support them. Now, Sir, events of such a character are gathering in Europe that we cannot tell how soon we may need some English statesman ready to evoke that English spirit which, though dormant, is not extinct, and which in these days, as much as in any others of our history, would spurn the humiliating reproach that Englishmen are, after all, nothing but money-making machines, and that England has no higher mission than trade. Having stated my opinion of the tone and language of the noble Lord's despatches, and having offered to him, as I do, my sincere and grateful tribute for their spirit, I must revert to what has been with me and with some others an old subject of complaint in this House—namely, the scantiness of their character, and the reluctance with which, scanty as they are, they have been laid upon our table. It is rather a strange fact that the diplomatic correspondence of the despotic Governments of France and Austria is published to all the world, while the secrecy of constitutional England keeps back from her own Parliament knowledge which is important to the discussion of her own political affairs. I have always objected to this system of secrecy, because I hold that a system of secrecy necessarily becomes a system of deception; and I am sorry to say that I cannot make the present instance an exception to that rule. I must call the attention of the House to what it is impossible for me to notice but with pain and regret—it may be susceptible of explanation—I hope it is—there has been an unusual application of the scissors to the Correspondence which has been laid upon the table, and therefore we may assume that much has been kept back which, if it were published, might throw a new light upon what has been revealed. Some allowance may also be made for the effect of those differences which my hon. Friend the Member for Birmingham has told us exist within the Cabinet upon the subject of our foreign policy, and which may, in some parts, have clothed the language of the noble Lord in an ambiguity not his own. But still this fact remains, that at the very time the Ministers of England were recommending the Treaty to our adoption, with encomiums on the Emperor and expressions of confidence in his pacific policy, they were instructing their Ambassador in Paris to remonstrate with him on that policy, which they said was creating distrust and alarm in Europe. At the very moment they were inviting us to pay this ostentatious tribute of our homage and esteem to the Emperor of the French, they were possessed of information to show that he was meditating the greatest outrage against the public law and morality of Europe that has stained its history since the days of the First Napoleon. Therefore, I repeat the question—has the House been quite frankly treated by the Government? Here is a political treaty of alliance with France. What does an alliance with France mean? Does it not mean an alliance prospectively against some other Power? And is there any other Power at this moment with whose principles of international policy we have not more sympathy and a closer approximation than we have with France? Is it possible for any two countries to differ more widely than we do from France as to the policy to be pursued in Italy? Our principle is that the Italians should govern themselves. The policy of France is that Italy should be governed by France. Our policy is that Savoy should pertain to the paternal Government of Piedmont. The French policy is that Savoy should pertain to France. Our policy is respect for treaties, reverence for international rights, as the best security for the peace of the world. The policy of France is the extinction of treaties, aggression, aggrandizement, and war. Yet, while the sentiments, the principles, and the policy of the two countries are the antipodes of one another, we are invited to form this new political alliance, which we are told is to have an unmistakeable signifiance in the eyes of Europe. It will have an unmistakeable significance as a fraudulent pretence of an identity of interest and policy which the Emperor himself has publicly and not very courteously or graciously repudiated. To the Treaty, as a whole, therefore, I object, both as to its policy and its principles. As a treaty of reciprocity it gives everything and receives nothing. While the old-fashioned principle of taxing the foreigner for the benefit of the Englishman may have been a selfish one, I must own, for one, that I prefer it to the philosophy of the new school, that would tax the Englishman to benefit the foreigner. As a political transaction, giving the Emperor an escape from his own Legislature, I think it is to be condemned on constitutional and moral grounds. As a security for peace it defeats its own object by sowing the seeds of enmity and exasperation that are akin to war. As a proof of confidence in the Emperor it is belied by our increasing estimates and armaments; and as identifying us with the foreign policy of France it is particularly objectionable, since it connects us with a policy we cannot fathom, with an Ally we cannot trust, and makes us responsible for consequences which all Europe is certain to deplore. But, if anything could show what I think is the mistaken spirit in which this Treaty has been negotiated, it would be the manner in which concession to France and sacrifice of the interests of England is exhibited by the 11th Article. I leave the constitutional question upon the ground on which it was placed by the hon. and learned Member for Belfast (Sir Hugh Cairns) last night, but I reiterate the opinion which I expressed some weeks ago, that, when the Queen was advised to assume legislative functions, controlling future Parliaments as to the taxation of the country, Her Majesty was advised, in connection with this Article, to exercise a power in excess of Her prerogative. Further consideration and inquiry have confirmed me in that opinion, and I still believe that no high legal or constitutional authority will attempt to controvert it. But, as I have said in my Amendment, that Article is unnecessary. All the other Articles of the Treaty effect some changes. This Article effects no change whatever. No export duty is now levied on coal; no export duty is contemplated on coal; on the contrary, the export duty which was at one time imposed upon coal was repealed in 1845 on the express ground that it was at variance with the principles of our financial system. France has at this moment all that she requires in a commercial point of view. She has access to our pits, the full use of our minerals, as we have ourselves, and all that is required is to leave matters as they are. In every sense—whether considered in an economical, a commercial, a financial, or a political point of view—this Article of the Treaty is objectionable and injurious to the country. Consider it in an economical point of view. When I first took the liberty of calling the attention of the House to this Article I stated that in 1842 Dr. Buckland had very strongly represented to Sir Robert Peel his apprehension of the exhaustion of our coal-fields. I also stated that Sir Robert Peel placed an export duty on coal, although I would not take upon myself to say, speaking from recollection, that he did so in consequence of the representations made to him by Dr. Buckland. I spoke at that time from a very imperfect recollection of what had occurred eighteen years ago; but since then I have referred to the transactions of 1842, and I find that I very much understated the case; that Sir Robert Peel quoted Dr. Buckland and Mr. Warburton in this House, attaching weight to their opinions as to the exhaustibility of coal, and that he connected his export duty with those opinions. I made a further statement. I said it was now proved by accurate surveys that the coal-fields in the north of England, on which at one time we thought we must depend for a supply, would be worked out in 300 years. I said there were larger and newer coal-fields in Wales, of which there had been no accurate survey, and I suggested that a Royal Commission should be appointed to inquire and report as to the probable duration of the coal. Since I made that statement I have received communications from many gentlemen, with most of whom I was entirely unacquainted, from geologists, from engineers, from men practically engaged in the working of coal, all showing the great uncertainty that exists upon this subject, and all expressing apprehension and alarm upon it. I would not venture to quote any of those communications which are written in favour of my views; but I may refer to one from a very eminent authority, seeing that he is himself a Professor of Geology and Mineralogy, who writes a letter which hon. Gentlemen have had an opportunity of reading in *The Times*, and which is penned for the purpose of refuting my statements. The House will see that Professor Ansted, though he comes to different conclusions, actually confirms both my facts and arguments. He gives a detailed and, I have no doubt, very accurate account of all the coal-fields—their locality, character, and extent—in England, Scotland, and Wales, and he sums up his conclusions in a short sentence. He says that we have a total of 4,000,000 acres, or, in round numbers, 6,000 square miles, of coal in the British islands. Then, calculating the annual consumption of coal in England at present as not less than 80,000,000 tons, he estimates that the whole will be exhausted in about 350 years. Such is the opinion of a Professor of Geology and Mineralogy, who writes for the express purpose of showing that my apprehensions are unfounded, because he goes on to say that, as coal becomes scarce, exhaustion will be prevented by a rise of price, which will lead the nation to husband the article—a statement which I hope the House will observe. Let me give an illustration of the extent to which the consumption of coal is going on. It has been already stated to the Chancellor of the Exchequer, and it proceeds from perhaps the very highest scientific authority in England. He says, that if you were to build a column — not a pyramid—with a base as large as the square of Lincoln's-inn Fields, and with a summit as high as Snowdon, it would pretty accurately represent what is the annual consumption of coal in England at this moment. Varying the figure, he says that if you were to cover the whole of Hyde Park and Kensington Gardens with coal to the height of the highest houses in the neighbourhood, you would not have a larger mass than is annually consumed in this country alone. This gentleman also says, "I cannot tell you how soon the exhaustion of coal will take place; but of this I have no doubt, that within twenty-five years there will be a rise of price that at this moment would be incredible." All the highest authorities admit that, with the present consumption going on, before long there will be a very great increase of price. Now, what does that mean? Does it not mean an increased cost of production, an increase in the cost of manufactures, a severer competition in foreign markets, a loss of the power of underselling our rivals in those markets, and a sacrifice of the present margin of profit? What is the source of the English manufacturer's prosperity and success? The abundance of labour? It is cheaper in France. The ingenuity of our countrymen? The people of France are at least as ingenious. Our climate? The climate of France is superior to ours. It is that in England exclusively there is a cheap and abundant supply of the first element of manufacturing prosperity, and that by its means producing cheaply, she can outstrip the rivalry of foreign nations, and carry away the profits and trade of the world. This, too, must be remembered—we are only now working the coal that is more accessible, that which is near the surface, and can be got at the least cost. Increased demand, however, means deeper mines, more extensive machinery, worse ventilation, multiplied accidents, increased waste and loss of life, and greater enhancement of price; and, as to enhancement of price, is there a manufactory in Lancashire, an establishment in Yorkshire, or a furnace in Birmingham, in which enhanced price of coal does not mean increased cost of production followed by diminished profit? It is said with truth that France is not conferring any favour upon us by taking our coal. In a commercial point of view, it will be no advantage to England. It will be a great advantage, no doubt, to our coal proprietors, but their interests are rather on the side of France taking our coal in order to raise the price of coal in England. But an increase in the price of coal is equivalent to a new tax upon the people, and an enhanced price of coal is really an addition to our income tax. There can be no doubt that coal is an exhaustible commodity. Every ton exported is so far a diminution of the capital on which England relies, is a diminution of the manufacturing and productive power of England, and so far accelerates the term of her prosperity and greatness. And yet, knowing this, you are giving foreign nations a vested right in English coal. You are making them co-partners and co-proprietors in the first element of your commercial success; and you are doing this when it is known that coal is a first element of national life and that its exhaustion will be the end of national prosperity. You are doing this in the improvident, greedy, and speculative race for wealth which marks our time. You are wasting that inheritance of which Providence has made us the trustees; you are squandering—wickedly squandering, I must say—that on which the wealth, the success, and, indeed, the continued existence of the greatness of our country depend. It must also be remembered that coal and iron are the raw materials of war. An army and navy cannot move without coal; it is as essential as gunpowder to a nation; and is it not right to reserve the legal and acknowledged power of stopping the supplies of that which is the first element of war when you may believe that other nations are organizing a combination to attack us? Coal, also, is not only a great instrument of war, but an instrument of peace, because can there be a greater element of strength to us in our negotiations with foreign Powers than that they cannot move without coal, that we can stop their supplies, and that we are the only nation in Europe having that abundant supply of coal which is in a condition to carry on a long and protracted war? Financially, there is not much to be said about it. No one would advise an export duty on coal. It is vicious in principle, and pernicious in operation. Sir Robert Peel, however, did feel that coal being an exhaustible commodity, might be an exception to the general principle, and he laid an export duty on coal, partly because it is an exhaustible commodity, and partly because it is the element of strength in enabling foreign nations to compete with us in the markets of the world. No one advises an export duty to be laid on coal now; but I say we ought not to part with the power of laying on such a duty. Our financial position is not very satisfactory, nor are our prospects very assuring. The export duty imposed by Sir Robert Peel in 1842 was admitted to be a failure, and people say that an export duty of that kind will always be unproductive. But they forget that in 1842 this duty was imposed in the face of hostile tariffs. Coal was not then admitted into France and the Continent. There was a protective, almost a prohibitive, duty against it. But now foreign countries are going to admit it freely and abundantly; and if you were going to impose an export duty on coal it would amount to this, that while a duty on coal would yield a very large revenue, in the one instance, an export duty would go into your own exchequer, in the other case an import duty will go into the exchequer of France. It is unwise and unnecessary that for all time coming you should deprive England of the power of making a financial arrangement with other countries. There is one thing I must say, which it is rather mortifying to observe, and that is the sagacity on this subject exhibited by the Emperor of the French in contrast with the weakness of our own Government. The Emperor of the French knew that coal is a mighty engine for war—he knew that for commercial purposes it is a mightier engine for peace. He knew that it is the source of England's greatness, that it is the power by which she commands wealth and ascendancy in Europe. Wisely and sagaciously, therefore, he obtained a right of ownership in England's coal. Wisely and sagaciously he has deprived England of the sole ownership and control over her own mineral resources. We feel that we have much to dread from the probability that English coal will be used against us in war. We have much more to dread it as an element of competition in peace. Reversing the policy of Sir Robert Peel—the jealous patriotism that guided him—our Government have cheapened coal to Rouen and Havre, and make it dearer to Birmingham and Manchester. Can any advantages arising from the increased trade of coal compensate for the heavier load and increased cost of manufacture, if we increase the competition in foreign markets against ourselves? Nature has prevented the French Emperor from so acting in return. The Emperor does not bestow on us a share in the sun of southern France, nor can he give us or share with us the brilliant hues of French silks or the delicate flavour of French wines. The command of these he must keep. He is secured in these respects from the possibility of reciprocity. But the whole shores of the Channel, from Dunkirk to Cherbourg, and the whole country, from the banks of the Seine to the great Manchester of France, he has made a part, and a favoured part, of England in respect to coal; and henceforth you have a race eminent for industry, for energy, for taste in the fine arts, who have acquired a vested and permanent right in the mineral resources of England. I say the whole history of civilized legislation furnishes no parallel for such improvidence. This is the more inexplicable, because it is now proved on every ground to be unnecessary; it was not called for by the interest of England, nor demanded by the Government of France, for the Ambassador of France the moment this question was stirred, knowing how objectionable the principle was, how obnoxious and unpopular it must be in England, and how injurious to this country, came forward voluntarily and suggested to the Government a modification of that Article. Our Government would listen to no modification. It is true they in effect say the time may come when the interest of England may require that the export of coal should be taxed or prohibited; but against the interest of England, if the revenue should require that tax, we will now protect France. The time may come when Governments succeeding us may feel it a matter of policy or of patriotism to impose that duty; it may be inconvenient to France—injurious to France; you (the French) may have apprehensions about it; but we will now give you a guarantee for the future time. Our own tenure of office may be a matter of years or months; that is uncertain; but at least as long as it lasts we will take the opportunity of giving you a charter of right that cannot be questioned by any English Minister in future; and if we have at this moment by the possession of coal a superiority over France, we will waive that superiority and descend in that respect to your level, and let you have a fair start with us either as competitors in peace or rivals in war. Now, Sir, I wish it to be clearly understood what is the point to which my Amendment is directed. Do not let it be said that I wish to place an export duty on coals against France; or that I would deprive the French Government of any right or privilege it at present possesses. I take my stand on the existing law. I say that the law, as it now stands, gives to France all that the French Government can ask, and as much as an English legislature should concede. It is for you to show why you change that law, and why you give more even than France itself demands; it is for you to show that this you give is called for by the promotion of English interests, because it is English interests alone that are the care and concern of a British Ministry and a British Parliament. Now, I make the statement that this article has only been inserted in the Treaty from a consideration of the interest of France. I challenge the Government to disprove that statement. I say, by this article, you injure England to benefit France; I say, that in legislating between England and France, you have put the interest of France first, and the interest of your own nation last. I make this statement publicly, in the face of the House and of the country. I make this charge against the Government—I say, in this transaction you have acted, not as Ministers of England, but as Ministers of France. I say that you have sacrificed the interests of the nation that has trusted you, and have failed in your duty to the noble-hearted Sovereign whom you have sworn to serve, and to the magnificent empire it is your duty to save.

Mr. PACKE seconded the Amendment.

Amendment proposed,—

"At the end of the Question to add the words 'But humbly to represent to Her Majesty that, in the opinion of this House, Article XI. imposes on the Crown and Legislature of the Country unnecessary and impolitic restrictions to which this House cannot assent; and to pray Her Majesty to effect the omission of that Article from the Treaty."

Question proposed, "That those words be there added."

Mr. VIVIAN said, that as he represented a district which might be considered the most important of all the coal-fields of England, and as he had studied the question for twenty years, he felt that he was in a position to give the House some information on this important question of coals. He had heard from the right hon. Gentleman who had so ably addressed the House, quotations from very high geological authorities; but he thought the right hon. Gentleman had omitted to give the House quotations from men practically acquainted with the subject; and he (Mr. Vivian) ventured to say that it was rather from those practically acquainted with the subject than from geologists that we ought to look for a true conclusion on this most important matter. The South Wales coal-field was the district which was most intimately known to him. It was as well known to him as the floor of that House. That coal-field was of enormous extent; and he should perhaps astonish hon. Members by telling them that the estimate which he formed of the workable coal within that district was fully equal to supply the whole wants of England at her present gigantic rate of consumption for 500 years—that coal-field alone. He did not make this statement without fully considering the subject. It was possible that his words might be reported, and he might be challenged by those who had considered the subject, and therefore he would give the *data* of his calculation. The area of the South Wales coal-field was variously estimated; but the estimates did not differ very greatly. The lowest estimate that he had been able to find was 600,000 acres; the highest, 675,000 acres. He had himself roughly measured the area of the coal-field, and he made it about 640,000 acres. Therefore, it would be plain that no very material difference existed on the question of the area of the South Wales coal-field.

The next element in the calculation was the thickness of the coal which underlies that area. Providence had provided that the great beds of the South Wales coal-field should underlie its whole area; those great beds, on which the large iron works had subsisted more than half a century, and from which the great production of steam coals was now drawn, were the lowest beds of the basin. It was not easy to estimate the thickness. In the north-eastern portion of the area, the outcrop was about 31 feet in thickness; going further west it reached at Merthyr from 50 to 57 feet of workable thickness; in the great central up-throw of the district, where the lower beds were brought up, the thickness reached 70 feet; and on the southern out-crop they reached upwards of 100 feet of workable thickness. Now from these *data* they might draw the conclusion, that the workable beds of coal in South Wales might be fairly taken at an average of 60 feet in thickness. He found that Mr. Conybeare, a very eminent local authority, took them some years ago at 60 feet; others had taken them higher; but he did not find that any one had taken them at a lower average than 60 feet. Every foot in depth of coal underlying one acre was generally computed to produce 1,500 tons of coal. The actual fact was that a cubic yard of coal weighed just a ton, which would give 1,613 tons to each acre of coal one foot thick. Now, if the number of square acres was taken at 600,000, which he believed to be the lowest estimate of the coal-field of South Wales, and if that area were multiplied by the thickness of beds underlying it, they arrived at the result that they had 36,000,000 of acres of coal, one foot thick. Assuming, then, that there were 1,500 tons to the acre, which was the usual calculation, this would give 540,000,000,000 tons of coal in the South Wales coal-field alone. Now, the quantity consumed by this country every year might be taken at 70,000,000 tons—he believed, indeed, that was an excess. The usual estimate was 65,000,000 or 66,000,000 tons — but taking it at 70,000,000, the quantity of coal in the South Wales field alone would suffice for the whole consump- of England for the next 770 years. If they deducted one-third from that quantity to allow for faults, bad working, and waste, which was the usual deduction, there would still be enough for the supply of the present consumption of England for upwards of 500 years. It was impossible for him to meet the statements which Professor Ansted had given, for that gentleman had given no *data* for the conclusions at which he had arrived; but the facts which he (Mr. Vivian) had given to the House he had ascertained for himself, and he stood there pledged to their accuracy, as far as human calculations could be depended on. But there was another point of view in which this matter might be regarded. The present annual production of the South Wales coal-field amounted to 7,500,000 tons, which was about the tenth part of the consumption of the whole of England. Now, at this rate, South Wales could maintain its present production of coal for upwards of 5,000 years. But he need not remind the House that South Wales was not the only coal-field in England. He was not personally acquainted with the other coal-fields of the country as he was with the South Wales field; but from those records to which other hon. Gentlemen had equal access with himself, he had endeavoured to form some estimate of their contents. There was the great Yorkshire field, for instance, extending from Bradford to the neighbourhood of Nottingham. That coal-field was estimated at an extent of from 500,000 to 600,000 acres, with an average thickness of 70 feet. It was, therefore, nearly equal to the South Wales coal-field, and all he had said of the South Wales field applied equally to Yorkshire. Then there was the Lancashire coal-field, with an area of from 200,000 to 300,000 acres, with an average thickness of 60 feet; the Bristol coal-field of 128,000 acres, with an average thickness of 80 feet; the Durham coal-field of 400,000 acres, and which, after all that had been taken out of it was still calculated to contain 9,000,000,000 tons of coal. Then there was a coal-field in the south of Scotland, the extent of which was said to be something quite enormous, but it had not yet been accurately surveyed; it was stated to be of the extent of 1,000,000 acres, or nearly double the extent of the South Wales field, and at one point of it 59 feet of coal had been found in one pit. With these facts before him he was almost ashamed to go on replying to the speech of the right hon. Gentleman (Mr. Horsman) who he regretted to see had left his place. He believed the right hon. Gentleman had completely misled himself, and if so the whole of the latter portion of his speech at least broke down. In addition to the coal-fields he had mentioned, however, there were many minor coal-fields. There were those of North and South Staffordshire, the Forest of Dean, the Warwickshire, the Ashby-de-la-Zouch, the Colebrookedale, the Whitehaven, the Flintshire, and in Scotland, the Lanarkshire, the Midlothian, the Ayrshire, and the Fifeshire; these were all producing enormous quantities of coal. It was perfectly absurd then to talk of the exhaustion of coal in this country. But this by no means exhausted the subject. If any gentleman would walk into the library and pull down the admirable geological map of England, by Greenough, he would see that our present coal-fields were the mere out-crops of a much larger field lying under the younger rocks—the Permian and the New red sandstone, which overlie the coal formation. This was no mere geological theory; in many instances the New red sandstone had been pierced through, and millions of tons of coal were now being brought up through it. If hon. Gentlemen looked at the map he had alluded to they would see that the portions marked black, which formed the present coal-fields, bore but a small proportion to those districts which were coloured brown, which formed the coal-fields covered by the younger rocks. To talk of the exhaustion of the coal-fields of England in the face of facts like these was so absurd that he had no patience with those who used the argument. He would allude for one moment to the bearing of coal on the question of war. The consumption of coal by the French navy in 1858 was stated the other evening by the hon. Member for Birmingham (Mr. Bright) to be 160,000 tons per annum. The consumption of the British navy was about 200,000 tons per annum; the Vote for coals this year was £334,000. Why, 160,000 tons per annum was the production of one good colliery alone, a colliery, of which he had turned the first sod, was now producing that quantity. It was therefore, a perfect absurdity to talk of 160,000 tons as worthy of any political consideration. Hon. Gentlemen did not appear to consider that France was herself a coal producing country. If they looked to the geological maps of France they would see that she possessed no fewer than 88 coal and lignite basins. The latest records he had been able to obtain of their working was for the year 1845-46, in which year he found that there were 1,135,000 acres under concession for coal working in France, and the coal produced was about 4,000,000 tons. The consumption in France it appeared amounted to 6,251,000 tons, of which 4,141,000 were supplied by her own coal-fields. He was now informed that the production of France in 1858 amounted to 7,000,000 tons. Yet the right hon. Member for Stroud talked of the supply of 160,000 tons as being matter of grave political consideration. He respected the abilities of the right hon. Gentleman, but he could not help thinking that he might have devoted them to a much more fruitful subject. He had himself gone under ground in one of the coal pits of the St. Etienne field twenty years ago, and the thickness of the bed there was from 40 to 50 feet. It was the largest he had ever seen, and he had seen the Staffordshire beds. There were also the great coal-fields of Valenciennes, and of Saarbrücke on the Prussian border; so that there was no chance of France wanting coal. It was said that our coal was superior to all other for steam ships; but France contained anthracite within her own territories. Again, if invisibility in war was the question there was no better fuel for steamers in the world than coke. He had himself used coke in his yacht to avoid dust and dirt, and he could answer for its applicability giving off no smoke to be seen by an enemy. Now France had abundance of coal which was capable of being made into the best coke. Then the right hon. Gentleman had dilated at some length, and in a way that was calculated to alarm the public, on the subject of the demand for coal tending to enhance the price. But that was a question which might very safely be left to the ordinary laws of trade. When the price rose a greater number of pits would be sunk, and the supply would soon exceed the demand, and bring the prices down again to their old level. The original sinking of a coal-pit was a very small element in the cost of production; it was soon covered by the yield; but if he might administer one drop of comfort to the bitter potion which had fallen to the lot of the right hon. Gentleman, he would say that the production of coal depended on the number of hands they could get to work it, and the supply was thus limited, for no man could work in the pits who was not bred to it. That was the only limit which he (Mr. Vivian) knew. The right hon. Gentleman had said that the deeper the mine the worse it was ventilated. There the right hon. Gentleman was undoubtedly in error, for all who were conversant with the subject knew that a deep pit was much more easily ventilated than a shallow one. The right hon. Gentleman had also said that no benefit accrued to England from the export of coal. But he (Mr. Vivian) could not understand how it could be argued that the export of coal was a loss of national capital. What was the difference between a ton of coal and an ounce of gold? The two things were precisely analogous. They both lay dead and useless in the earth until they were dug out of it. If this country received three millions sterling a year for coal, which she exported, surely it was as beneficial to her as if it were three millions of gold. He quite agreed with the right hon. Gentleman, however, that the exhaustion of coal would be the destruction of England's greatness, because it would be the destruction of her manufactures. If he (Mr. Vivian) thought there was the slightest danger of that exhaustion he would not advocate its exportation. He might also state, for the satisfaction of the right hon. Gentleman, that in those districts where the manufactures were there was little or no coal exported. There was, he believed, not a ton of coal exported from the Yorkshire or the Staffordshire coal-fields, and scarcely any from the Lancashire. Having stated these facts, by which he thought he was able to throw some light upon the subject, he would not enter into the question of the Treaty further than to say that he cordially concurred in it, and would give it his earnest support.

MR. BENTINCK said, the hon. Member who had just sat down had entered into minute details on the subject of coal, and the hon. Gentleman might fairly be considered an authority upon that point. He would not dispute the accuracy of the statistics which the hon. Member had read to the House; but he must tell the hon. Member that in reference to one important part of the question, he was totally in error. That point was, the application of coal to warlike purposes. The hon. Gentleman laboured under a complete mistake in supposing that coke would be available for the objects he had stated. It could not be used for keeping up steam in large vessels; and, moreover, it required so much more stowage than coal, that it would be folly to attempt to employ it in a ship as a motive power. Under those circumstances the elaborate statement of the hon. Gentleman fell to the ground. Good coal and not coke was wanted for a steam navy, and France would secure herself a supply of the first of those articles under the Treaty. He would proceed to notice some points which had been raised by various Members in the course of that debate. The right hon. Gentleman, the President of the Board of Trade, had begun by telling them that he was not friendly to commercial treaties, but that he was not prepared to reject the one then under the consideration of the House. Now that appeared to him (Mr. Bentinck) to be a very singular statement on the part of a Member of the Government, and he was afraid it would go far to show that the right hon. Gentleman, during his tenure of office, had learned some of those slippery practices which he might readily acquire in the company he was keeping. The right hon. Gentleman had attempted to show that English shipping was exposed to no disadvantage as compared with French and other foreign shipping, and upon that point he specially referred to the case of the Mauritius. It so happened, however, that immediately after the right hon. Gentleman had concluded his speech an extract from a letter written by the master of an English ship at the Mauritius was put into his (Mr. Bentinck's) hands, which entirely overthrew that position of the right hon. Gentleman. The letter was dated the 7th of January last, and could not therefore, have been written with any reference to their present discussions. In it the master of the ship, addressing the owner in this country, stated that English vessels at the Mauritius could not obtain more than 10*s.* per ton to a direct port, while French ships were obtaining from £3 to £3 15*s.* per ton. That statement was, he thought, a complete answer to the declaration of the right hon. Gentleman that the English shipping interest, and more especially that branch of it which was connected with the Mauritius, was not in an unsatisfactory condition. His hon. and learned Friend the Member for Belfast (Sir H. Cairns) had delivered a very able speech on the subject of the Treaty; but he confessed he had heard it with some surprise. He understood his hon. and learned Friend to say that he hoped the Motion of the hon. Member for Middlesex (Mr. Byng) would not be rejected by the House, because its rejection would cause the rejection of the Treaty. Now, it was precisely because he (Mr. Bentinck) wished for the rejection of the Treaty, that he trusted most sincerely the House would not adopt the Motion of the hon. Member for Middlesex. His hon. and learned Friend considered the Treaty to be a very bad bargain for this country, and as he agreed with his hon. and learned Friend upon that point he wished the Treaty should be rejected; but he was utterly at a loss to understand how his hon. and learned Friend could believe the Treaty was a bad bargain, and could at the same time wish for its adoption. The hon. Gentleman the Member for Middlesex in the very able speech in which he had introduced the Motion then under their consideration, had told them that this was not a treaty of reciprocity. But if it were not a treaty of reciprocity he (Mr. Bentinck) should like to know what it was. It appeared to him to be a treaty based upon the principle of reciprocity, but with no real reciprocity in it. At first sight it might appear to be a reciprocity treaty; but on examination it was seen that all its advantages would be on the side of France, and all its disadvantages on the side of this country. The hon. Gentleman the Member for Middlesex said that France was meeting us half-way in this matter, but he (Mr. Bentinck) saw nothing which could justify such a statement. He found in the French publications of every description the most decided abuse of the Treaty and of the principle of free trade, with commendations, in which he entirely concurred, of the principle of protection. But he perceived nothing like a disposition to meet the free trade policy of this country half-way. A number of French manufacturers and merchants who had addressed the Emperor upon the subject said that it was a Treaty which would have to be rent by cannon-balls. If the establishment of very high protective duties in France, in return for the total abolition of duties on this side the Channel was meeting us half-way, it was the most curious half-way house he had ever heard of. The hon. Member for Middlesex further told them that this was a treaty of commerce and not of navigation. But if it were not a treaty of navigation, why had the third article been introduced into it? And further if it were only a Treaty of Commerce, why, he would ask, had it not been made a treaty of navigation? Why, had Her Majesty's Government neglected the opportunity of asking the Government of France to deal with the shipping of this country in a spirit of reciprocity? In his opinion the Treaty was founded not on right but on utterly erroneous principles, and that far from being beneficial, it would be most pernicious to the true interests of the country. The hon. Gentleman the Member for Middlesex expressed a hope that private interests would not influence the decision of the House upon that subject; but if instead of "private interests" the hon. Gentleman had deprecated the influence of "class interests," he might have fairly appealed to the hon. Member for Birmingham, who after all must be looked upon as the most important personage in connection with this measure. That hon. Gentleman had admitted that the Treaty was founded upon a suggestion which he had made, and he had held out a threat to the Government of the consequences which must follow from their not adhering to it. [Mr. BRIGHT intimated dissent.] The hon. Gentleman was not perhaps always aware of the force of his own language; but he (Mr. Bentinck) believed that was the meaning which the words he had employed were calculated to convey. He should add that the hon. Gentleman appeared to him to have forfeited, in one short month, a character he had been earning during a period of twenty years. He would tell the hon. Gentleman frankly, but in all courtesy, why he made that statement. He wished, however, in the first place, to observe that he was speaking politically and not personally. The hon. Gentleman for twenty years had been endeavouring to persuade the lower classes of this country that he was their only friend, and that he was prepared to sacrifice for their sakes the interests of all other classes. He (Mr. Bentinck) would not then go into the mystification which the hon. Gentleman had practised upon them in respect to his promised Reform Bill, which had never appeared; he should say, however, that he believed the hon. Gentleman, by the policy he was at present pursuing, was forfeiting the reputation he had acquired during all the preceding portion of his public life. The hon. Gentleman was the originator and the great promoter of a Treaty, the sole object of which was to benefit one wealthy class to the prejudice of thousands, and even millions, of their fellow countrymen. Would the hon. Gentleman deny that the Treaty would benefit the class to which he belonged, and that it would inflict great suffering on thousands of people engaged in other branches of industry. He (Mr. Bentinck) was anxious to avoid as far as possible discussions of a personal character, and he felt that the absent in particular ought to be dealt with carefully and leniently : he would therefore only say, in the absence of the hon. Member for Rochdale (Mr. Cobden), that he could not concur in the eulogies which had been passed upon him, and that, speaking of him solely as a public man, he believed that his political antecedents and his expressed opinions rendered him the man the least qualified in all England, not even excepting the hon. Member for Birmingham, to be entrusted at a foreign Court with the national honour and interests. The details of the Treaty had already been made the subject of prolonged discussion, and he would not refer to them at any length upon that occasion. Every one must be aware that French Protectionists were opposed to the Treaty. All he could say was this—that if the French Protectionists did not exhibit on the present occasion more energy, more consistency, more determination, than was exhibited by the Protectionists within the walls of the House of Commons some years ago, the Protectionists of France would come to an untimely end, and nobody would pity them. He would say no more about the question of coal ; but there was one argument which the right hon. Gentleman, the Member for Stroud, had so well put, and which he thought to be unanswerable—what could be the object of tying up the hands of future Governments with regard to coal ? To sum up the whole matter in five words, it was done to please the Emperor of the French. It was his good fortune to be able to congratulate the Government upon one point—he would not touch upon the paper duty, because that they would have to deal with hereafter ; but he had seen with pleasure that the Chancellor of the Exchequer had succeeded in inducing the French Government to withdraw the prohibition on the export of rags. That would be a great boon, no doubt, to the manufacturers of this country ; but it was valuable in another point of view, because his conviction was, that if this Treaty was carried out rags would become an essential element in the clothing of numerous classes in this country. He was, therefore, glad that the Chancellor of the Exchequer had had the humanity to forestall the means of alleviating the miseries which his policy would create. He (Mr. Bentinck) had listened to all the arguments advanced on the other side in favour of the Treaty, but could not, for the life of him, see a single argument which went to prove the probability of any man in England benefiting from the adoption of the Treaty, except the class which the hon. Member for Birmingham represented. He quite admitted that the prosperity of that class was one test of the prosperity of England ; but it did not constitute the sole prosperity of England, and if the Treaty was to benefit that class at the cost of millions of others of their countrymen, how could it be said that such a Treaty was beneficial to our national interests ? The right hon. Gentleman (the Chancellor of the Exchequer) had made one of his eloquent and brilliant speeches, in which he scouted the very name of protection, and then he went on to propose the adoption of a treaty, the very soul and essence of which consisted in the protective principle. He should like to know from the right hon. Gentleman how he could consistently reconcile the two things : Any attempt to do so was utterly irreconcilable with common sense. The most marvellous part of the Treaty was that it did not seem to be liked in France more than it was in England, and although the right hon. Gentleman spoke in general terms with all the power of language which he possessed, of the advantages which would result from the Treaty, he had never attempted to show a single class, with the exception of the class which had been alluded to, which was to derive any advantage from the operation of the Treaty. The right hon. Gentleman always avoided any such argument, and told them they were carrying out the principles of free trade, and that, therefore, they must be conferring great benefits upon the country. He was bound to show some advantages which would result specifically from the Treaty, but he could not do so, and the fact was that the Treaty, so far from carrying out the principles of free trade, was only caricaturing those principles. This was not the free trade of Sir Robert Peel or the free trade of Mr. Huskisson ; but it was free trade run mad ; and he verily believed that if either of those departed statesmen could come back to the House and peruse the Treaty now offered for their acceptance, they would say that it was a Treaty either made at Paris or in Bedlam. The right hon. Gentleman had laid great stress on the question of the dignity of the Government, and had stated that its dignity was involved in the adoption of the Treaty. He would not set up his opinion as to what constituted true dignity upon the part of the Government, but he should like to ask the right hon. Gentleman what his opinion was of the dignity of a Government which enrols among its most distinguished members a right hon. Gentleman who accepted employment abroad under the Government of the day, who came over and voted for that Government upon a great party division, and when within a short time after their defeat took office with those who succeeded to power by the result of that division? After that it certainly did not appear to him that the Government were very sensitive on the question of dignity. The right hon. Gentleman told him that the country would be "ennobled" by passing the Treaty; but he never could believe that the country could be ennobled by impoverishing itself, or by truckling to France. On the contrary there was a verse which warned them that nought could "ennoble knaves, or fools, or cowards;" and he believed that if this Treaty should be passed the British House of Commons would be considered as the fitting representative of those three classes of mankind. No man was more fully impressed than he was with the advantages entailed on the country by the maintenance of the blessings of peace; but those advantages could be purchased at too high a price, and in this case not only was the scheme one which would entail upon us the most frightful financial difficulties, but whatever might be said in the House of Commons and in the Court of France, people would say after its ratification that it was done at the dictation of France; and he, for one, admitting as he fully did the undoubted advantages of peace, would rather see this country at war with the whole of Europe than see the Treaty accepted. He did not ask hon. Gentlemen opposite to agree with him, but he was stating publicly, as he always had done, frankly and fairly expressing his opinions, and stating the reasons which induced him to arrive at that conclusion; and he would repeat again that he thought a war would be less prejudicial both to the honour and the interests of the country than the final ratification of the Treaty. He did not know why hon. Members took the matter so seriously to heart, and he could only account for it by supposing that his words had more force than he at first apprehended they had. Although war might be disastrous, it could never be disgraceful to this country, which he considered the adoption of this Treaty would be; and war would be cheaper in every respect, for he believed that the financial ruin which this Treaty inevitably involved would be of a character to which the expense of all former wars—to use the expression sanctioned by high authority in that House—would be a mere fleabite in comparison. Historians had before now recorded the disgraceful fact of the English Government paying tribute to a foreign Power to preserve our soil from invasion, and he believed that the result of this Treaty would be still worse, because we should pay the tribute first and very likely be invaded afterwards. For these reasons he begged to express his cordial dissent to the ratification of the Treaty—a treaty which could only have been concocted by those who were alike indifferent to the honour and blind to the interests of the country.

Sir ROBERT PEEL: Sir, although I should hesitate to trespass on the time of the House, I am anxious, not having spoken at all on this question, to engage its attention for a few moments. I think the Government acted with wise discretion on Monday last in consenting to the proposal of the hon. Member for Bridgewater (Mr. Kinglake) to adjourn this discussion till last evening; otherwise, as the Member for Middlesex (Mr. Byng) justly observed, they would have exposed themselves to insinuations of endeavouring to avoid discussion at this critical state of affairs, which, however unfounded, would nevertheless have been prejudicial. I have followed with great interest the discussions which have taken place in this House on the various Articles of the Treaty; and with regard to the speech of the right hon. Member for Stroud (Mr. Horsman), who entered into details on this subject, I must, with all deference to the House, observe that this does not appear to me an opportune occasion to go into all the particular features of this Treaty, which has been so fully discussed in Committee, and which has, I think, received a very ample measure of confirmation. I listened with great attention to the observations of the Chancellor of the Exchequer, who exposed all the facts of the case with admirable ability, and I intend to give him till the end, as I have given him from the beginning of this discussion, a most willing and grateful support. We have discussed the various items of the Treaty in Committee; what is it we are now called on to do? We are called on by the Motion of the hon. Member for Middlesex to acknowledge Her Majesty's desire to promote the happiness and welfare of the people; and we are to take steps to give effect to the Treaty which Her Majesty hopes will tend to the public advantage by promoting trade, commerce, and manufactures. I am glad to see the unanimous feeling of the House on this subject. No one, I think, can decline to acknowledge the desire Her Majesty has expressed for the welfare of her people. Whatever may be our party differences, whatever may be our legitimate rivalry in discussing them, there can only be one unanimous feeling in the House as to according our assent to the desire of the Sovereign. But I will go further. Can we deny that Her Majesty's Government has shown a wish to open fresh channels to the commerce of the country? Can we deny that it has shown itself alive to the fact that the benefits of commerce are infinitely preferable to the hazardous uncertainty of war?—that it wishes to draw closer the ties of amity between this country and a great, powerful, and neighbouring State? I think the Government, with a wise policy, has sought to develope new springs of industry, and new means of increasing the national resources; and I think they have been successful in doing that which every Government, of whatever party, must desire to accomplish. With all respect to the views of the minority of this House, I think the repeated majorities in which we have shared convey a convincing proof that we will support every attempt to promote trade and commerce, as far as those attempts are consistent with the honour of the country. And now I will ask a question. If we are all agreed in this, how was it that the House the other night hesitated as to considering this Motion? How was it that the House on Monday night rather supported the view of the hon. Member for Bridgwater, and hesitated in at once ratifying a treaty that promises such great advantages in the future? It was not wholly on account of the sacrifice we are called on to make for it; we are sacrificing for it £1,200,000 of revenue—but I believe the advantages of the Treaty infinitely outweigh that sacrifice. Many hon. Gentlemen have quoted the opinions of Mr. Pitt, as to the treaty of 1786, but I will cite an opinion of Mr. Pitt with regard to sacrificing a present revenue for the purpose of improving our commercial relations with foreign countries. It is from a speech made by Mr. Pitt in 1787. He says:—

> "The surrender of revenue for great commercial purposes was a policy by no means unknown in the history of Great Britain; but here we enjoyed the extraordinary advantage of having it returned to us in a threefold rate by extending and legalizing the importation of the articles. Increase by means of reduction, he was obliged to confess, appeared once a paradox; but experience had now convinced us that it was more than practicable."—[*Hansard, Parliamentary History*, xxvi., 398.]

Here is an authority that proves we may surrender revenue for the moment with great advantage, with a view to those prospective advantages which may be expected to flow from these Treaty negotiations. I ask the House, then, why it hesitated the other night? The hon. Member for Stroud has referred to the general policy of France; and I did once think this Treaty has some general bearing on the policy of the French Government. I thought there were questions agitating Europe that required to be settled before such a Treaty was concluded; I thought they were questions bearing on the general relations of the Powers of Europe among themselves, and the degree of confidence they could place in each other, without which confidence neither trade nor commerce can flourish or exist; I thought, with such questions unsettled, it might be injudicious to consider such a treaty; but on reflection, I think I was wrong; and that the policy of the Government, being really a policy of peace, is such as should meet the approval both of the House and the country. At the same time, I have heard opinions expressed by one hon. Gentleman in support of the Treaty, that have inspired me with considerable alarm. The opinions I allude to were expressed by an hon. Gentleman who is a new ally of the Government, though not altogether a new ally of despotism. I have seen opinions reported as those of the hon. Member for Birmingham (Mr. Bright), which, considering the connection always existing between him and Mr. Cobden, and now existing between him and Her Majesty's Government, have, I confess, surprised me. We all thought the hon. Gentleman was the "friend of the people," not only of this country and America, but all over the world. We were mistaken; we have heard a great deal of the hon. Member for Birmingham; how he has acquired great provincial *éclat* and doubtless ephemeral popularity by his advocacy of popular measures. But now we find he has deserted his free opinions in favour of the despotism of France—so much so that he will not allow any one to differ from him. He has actually become a despot of ideas. How often do we see this! How often do we see a man of great powers, great ability, and extreme liberality, a tribune of the people, a demagogue, call him what you will, yet give him scope and opportunity of action, and he becomes a most unmitigated despot. What did the hon. Member for Birmingham say the other night? Many thought we could not separate the Treaty from the general policy of France; but he said—"Perish the liberty of half-a-million of people, only give me this Treaty." Is that the feeling of this House? Is that the feeling of the Government? All I can say is, if the Government adopts the opinions of its new ally, neither its ally nor its Treaty will gain for it the public confidence. More than this, the hon. Member the other night ventured to gauge the loyalty of men by their means; he estimated their loyalty by the extent or deficiency of their pecuniary resources. I never heard such a sentiment in this House before.—[Mr. BRIGHT expressed dissent.]—The hon. Member distinctly said it, for I wrote down the words as they fell from his honeyed lips. Surely the poor man's heart beats with as ardent an emotion of loyalty to his Queen as the heart of the richest aristocrat in the land; and surely the rich man, if Providence were to take from him his riches, would not lose those sentiments of loyalty he had previously entertained. The argument is most fallacious, particularly for a country like England. "Perish the liberties of half-a-million of people," says the hon. Gentleman, "only give me this this Treaty." The hon. Gentleman is generally understood to represent the opinions of Mr. Cobden on political questions; if so, and if Mr. Cobden negotiated this Treaty, I do not wonder the House hesitated to adopt a document framed under the influence of such revolutionary principles. I do not wonder it hesitated to adopt a Treaty so made with a Power whose policy tends to alarm every other State of Europe. I do not wish to enter into these questions of the policy of France; we shall have other opportunities of discussing them fully; for this reason I do not wish to follow the right hon. Member for Stroud. Now, for my own part, I think the noble Lord the Secretary for Foreign Affairs comes very well out of the correspondence, which from time to time has been laid upon the table; but I must, nevertheless, say that there is a despatch of M. Walewski's and two of M. Thouvenel's, which, in my opinion, place the question of the annexation of Savoy to France in a very dangerous and ambiguous light. More than that—I am afraid—as the right hon. Gentleman the Member for Stroud so forcibly put it—that the mask in this case is being withdrawn, for it appears to me to be evident—anxious as I am that the bonds of amity between this country and France should be drawn more closely together—that our worst apprehensions with reference not only to the future condition of one people, but the independence and neutrality of another, are about to be realized, and that the peace of Europe is on the eve of being disturbed, perhaps for many a long day to come. That such may not be the case I sincerely hope; nor can I agree with the right hon. Gentleman the Member for Stroud that the Government ought to be held responsible for the occurrence of these events should they unhappily take place. I do not think Her Majesty's Ministers have, as the right hon. Gentleman seems to suppose, connived at the policy to which I allude to secure the advantages which this Treaty is calculated to confer. No—nothing can ever make me believe that they—more particularly my right hon. Friend the Chancellor of the Exchequer—in their desire to imitate the policy of Mr. Pitt, although perhaps under different circumstances, could so far forget the interests of their country as in any way to lend their countenance to such a transaction as the proposed annexation of Savoy. On the contrary, I feel quite sure that if the noble Lord the Secretary for Foreign Affairs had in August last been aware of the intentions of the Emperor of the French on this question, he would have entered against their being carried into execution a most vigorous and dignified protest. At the same time I cannot understand how the Emperor of the French—for it is with him after all, and not with the French people, we are dealing in negotiating this Treaty—could, while he was taking a course which tends to increase the feelings of amity and friendship between two great nations, resist the appeals on this subject, which must, since his intentions with respect to it became known, have been repeatedly addressed to him by the Government of England. I must, however, say that, since he does appear to have paid no regard to them so far as the Minister for Foreign Affairs is concerned, it becomes the duty of the English Parliament to speak out boldly its sentiments at this critical moment, and when we are about to give our assent to a Treaty like the present. It seems to me to be a matter of the utmost importance that we should not be quiet spectators of such a transaction as the annexation of Savoy, and that we should not, in our anxiety to support the Treaty, allow this annexation to take place without making some more formal protest than we have yet done against its injustice. We ought to bear in mind that we have spent millions in war, the expenditure of which might have been avoided had a vigorous policy at the outset been pursued. That is the description of policy which I now wish to see adopted in reference to France. We have only to read the pages of history to see what has been the result of a contrary course. Has experience, I would ask, taught the Parliament of England nothing? I should hope it has not failed to derive instruction from the lessons of the past, and I entreat the House to enter—not to-night, but as soon as possible after this Treaty has passed—its indignant protest against this act of spoliation and wrong, the result of which will be to upset Europe. I have no wish now to allude to the Despatches on this subject which have been laid on the table. There is, however, one point contained in them to which I may be permitted to refer, in order to enter my indignant protest against the language that has been used. It is a point which, in my opinion, demands the immediate attention of this House as well as the serious consideration of the Government. The other day the Ambassador of France, it appears, called on the noble Lord the Minister for Foreign Affairs, and, alluding to this subject of the annexation of Savoy, said, "After all what does it matter? Let us take Savoy—it is but a bare rock." Now, Sir, if the Ambassador of France had dared to speak to me in that language—I ought not perhaps to express myself in terms so strong—but if the Ambassador of France had used that language to me, I should have returned to him the reply of an honest but indignant Englishman, and told him that men "lived, moved, and had their being" on the rocky mountains of Savoy who are just as respectable and as worthy of the consideration of their fellow-men as are the denizens of our crowded cities or the sycophants of degraded courts. I would have said to him that those inhabitants of Savoy in their mountain home were as deserving of our solicitude as the rich who dwell in gilded palaces of luxurious ease; and I shall not hesitate on all fitting occasions, when this subject is under discussion, to hold up to the indignation of all honourable men language such as that used by the Ambassador of France, so antagonistic to every principle of liberty, and so unworthy of the spirit which should actuate our conduct in dealing with human affairs; and while I shall be prepared to take that course, I must not be supposed to be desirous of sowing dissension between this country and France, or of creating a feeling of antipathy to the Emperor of the French. On the contrary, my earnest wish is to see France occupy that position in Europe which her great resources and the character of her people fairly entitle her to hold. As long, however, as I have the honour of a seat in this House and am capable of raising my voice in its deliberations, I shall never refrain objecting to the immoderate growth of power on the part of France, because its attainment can only lead to the excitement of jealousies between the nations of the Continent, and tend to embroil the peace and happiness of the world. I must also observe that the attainment of this immoderate power, which—notwithstanding her professions of friendship and amity—seems to be the aim of France under the Napoleonic dynasty, must always be a source, if it be persevered in, of serious uneasiness and anxiety to Europe. As she is now situated she occupies a magnificent position. She is blessed to satiety with every gift that the bounty of Providence can give—with every advantage that soil and climate can impart. Yet, notwithstanding all this, she is, under the Napoleonic dynasty, always dissatisfied with her lot, striving always to remove her neighbours' landmarks, and thus to create dissension throughout the Continent. ["No, no."] If some hon. Gentlemen differ from me in that opinion, I can only say that I hope their view of the matter may be the more correct. At the same time, my belief is that the general policy of France is such as I have described it to be, and I, for one, beg to enter a respectful protest against its continuance. But now to revert to the Treaty. I shall, as I said before, support it, because I am of opinion that Her Majesty's Government have honestly sought by its means to promote the prosperity of the country, and because I concur in the justice of the remarkable expressions which Mr. Pitt made use of in 1787, when he said, in the discussion on the Commercial Treaty with France which was then concluded,—

> "If war was the greatest of evils, and commerce the greatest felicity which it was possible for a country to enjoy, then it became the duty of those to whom the affairs of the public were intrusted to endeavour as much as possible to render the one permanent, and to remove the prospect of danger to the other. This was the object of the present Treaty, for so great were the advantages likely to arise from it, that they would not only contribute to avoid war, but would also strengthen the resources of the country."

Such I believe was the impression of the present Chancellor of the Exchequer when through Mr. Cobden the present Treaty was negotiated, and I earnestly hope, now that it is about to receive the assent of this House, Her Majesty's Government will bring the influence of public opinion to bear on the contemplated policy of the Emperor of the French in reference to Savoy, so that he may be dissuaded from taking a course which can, if persevered in, only tend to excite mistrust throughout Europe, and which will not fail to rob Europe of the blessing of commerce and the inestimable blessings of peace. Having said this much on this important topic, I should resume my seat were it not that I am desirous of making a few remarks which were suggested to me by the speech of the hon. Gentleman who moved the Address, and who said, very properly, in that speech, which he delivered with so much eloquence and ability, that that man was worthy of public approbation who made two blades of grass grow where only one had grown before. In the justice of that sentiment I concur; and I will add that that statesman is worthy of public estimation who enlarges the resources of his country and extends the pacific influence of her power. I am therefore happy to concur in the praises of Mr. Cobden to whose influence it is said this Commercial Treaty is chiefly owing. But I am of opinion that, although much is due to Mr. Cobden in the matter, there sits on the Treasury bench a man who, by his activity and the intelligence which he has brought to bear upon this question, is worthy of the warmest eulogy which we can bestow on his exertions—I need not say that I allude to my right hon. Friend the Chancellor of the Exchequer. Without at all wishing to disparage what Mr. Cobden has done, I think I am justified in saying that my right hon. Friend has treated this great subject with a compass, a genius, and a power which we have rarely seen equalled and never surpassed in the House of Commons. Those who like myself have sat here night after night listening to these discussions cannot have failed to observe how my right hon. Friend, while dealing with the Imperial interests of the country in a manner the most statesmanlike, showed himself able to master the minutest details of trade; so that no gentleman could submit to his consideration—I will not say the crotchets, but—the objections of any particular interest to his proposals that he was not prepared to enter into its discussion with the most consummate knowledge and ability. And, if I may be permitted to allude further to the subject, I would say my right hon. Friend is in this House the efficient representative of that policy which was inaugurated in 1842 under the auspices of the great party opposite. The right hon. Gentleman is the living, active, and intelligent representative of a party which my father had the proud distinction to lead: and, whatever may have been the differences and dissensions which unhappily ensued on that occasion, I think there is no impartial man in this House but will bear me out in saying that the policy then inaugurated could not have succeeded without the support of that party at the outset, and that without their support the blessings of prosperity which have since so abundantly flowed must have been at least temporarily delayed. The Chancellor of the Exchequer has been endeavouring to follow out that policy, and he has laboured not altogether in vain. He has the genius and ability to carry out this system; but he knows well that, it is not only from his genius and ability, but from the character of his policy that permanent good must flow. I think, Sir, that permanent good will result to the country, and therefore I support the policy. I think that permanent good will result from it, quite irrespective of political considerations, in a commercial point of view; and sure I am that the right hon. Gentleman has shown that he is desirous of laying the foundations of commercial prosperity; he has shown that his only wish, his only thought, his only study has been to see the vessels of this great country sailing triumphantly to every shore, and carrying the products of our industry to every clime; he has shown that his laborious untiring study has been to see the trade and enterprise of this country steadily pursuing its onward course under those influences which have wafted the great name of England to the remotest limits of the world.

MR. DISRAELI: Sir, as we are to-night permitted to express an opinion upon this Commercial Treaty as a whole, I trust the House will allow me to take a brief but general view of the policy of this now celebrated instrument, and the circumstances under which it is brought under our consideration. Although a policy which tends to an increase of our commercial relations in Europe, is so satisfactory and encouraging that I cannot doubt it must afford to both sides of the House, and, indeed, I would say to all the subjects of Her Majesty, sentiments of great congratulation, I confess myself that subsequent reflection has not altered the first impression I entertained when we were first informed of the intentions of the Government. I still believe that, on the whole, it would have been wiser to have waited for a year. I think it would have been wiser to have permitted the Emperor of the French to have fulfilled his honourable engagements to the commercial and manufacturing interests of his country, and to have seen what would have been the result of the lapse of such a term, and whether in the necessary order of human affairs the prohibitory system of France would not have concluded at that time. We should then have been placed, if not in an equally advantageous position as regards immediate results, in one which, on the whole, would probably have been more convenient and more conducive to the permanent interests of the country than we now occupy by the Treaty now before our consideration. But if—and I, for one, would not have critically examined the decision of the Government—if they had arrived at a contrary decision, and if, on the whole, they had thought it wiser at once to enter into some agreement with France, without waiting for the perhaps gradual, but what I cannot but believe must have been the inevitable determination of the French nation—if it had been the opinion of the Government of this country that, on the whole, duly weighing those vast and various considerations which must have been placed before their examination on an issue so important, they ought at once to enter into some agreement with the French Government, I still am of opinion that it would have been better, by some alterations of our mutual tariff, to have attained all those ends which could at the present moment be acquired; and then, when the favoured period of July, 1861, had arrived, benefitting, I hope, by experience, we might have completed the work, and accomplished all those ulterior results which by the present Treaty are not achieved, but only contemplated. Sir, I think that under ordinary circumstances that would have been the course which it would have been wiser for us to have taken, and which this House I think, on the whole, would have had no difficulty in sanctioning. I cannot help thinking that under even ordinary circumstances the proceeding by treaty, even for an object so desirable as the increase of our commercial relations with our neighbour, is a course which is scarcely defensible. Certainly in the course of this debate and the various conversations on the same subject that preceded it, I have not yet heard any satisfactory reason why on scientific or political grounds it should have been deemed expedient to tie up the policy of the country for a term of years so long, and that to accomplish results which might, I think, have been realized by a much simpler process. These are the views with which I should have considered this question under ordinary circumstances. Under ordinary circumstances I should have regretted that the Government, in order to attain such desirable ends should have availed themselves of such questionable means; but no man can for a moment maintain that this Treaty has been negotiated under ordinary circumstances. The circumstances are, indeed, of a most exceptional character, and under these circumstances I, myself, object to this Treaty. I object to it on three grounds—those grounds are financial; they are diplomatic; and they are political.

I will not, Sir, enlarge or dwell to-night on the financial objections which I entertain to this Treaty; because I think a fair opportunity has been given to the House to decide upon that portion of the subject; and though I cannot agree with the decision at which they arrived, I am content to take it as one which at least precludes me from, at present, entering into any lengthened discussion on the subject. I think the condition of our revenue is at the present moment such that it was not prudent for us to increase a large deficit by creating a considerable deficiency in addition, in order to obtain the commercial arrangements which are secured by the instrument now on the table. Sir, the House has had that question fairly placed before it. However they may ultimately regret this arrangement—and I believe the time will come, and that, too, even rapidly, when they will deeply regret it—however they may think the scheme of finance propounded by the Government this year to be unsafe in principle, improvident in arrangement, and pernicious in its consequences, I do not think we ought to-night to enter into that discussion. The question has been fairly raised in this House; and I for one, far from regretting that the decision of the House was called for on that scheme, should not have felt that I was doing my duty to my constituents and to my country had I avoided that decision. I think the decision of the House not to the advantage of the country; but I look with no regret to the means by which that decision was arrived at. I think the time will come when the principle the minority then upheld will be recognized as sound. But I think also to-night, although it is my duty to state that one of my objections to this Treaty is founded on what I deem its pernicious influence on our financial condition, all will agree that after that question has been so amply discussed, and has been decided by the House, it would be perfectly unnecessary for me now to revive any of those considerations. Being therefore under ordinary circumstances in favour of any policy which increases the commercial intercourse of the two countries, I may be permitted, before I advance to another stage of my argument, to say that I cannot agree with some Gentlemen who take what I believe to be an exaggerated view of the impending increase of that intercourse. It always has been a fault of the English people—having as they have, no doubt, a commercial instinct superior to that of any other nation—to exaggerate the importance of particular markets. It is a very curious fact that they have always over-estimated those markets which have proved of slight advantage and productiveness to them. Some few years ago the markets of South America were always exalted in this House far above those solid and substantial markets of our North American brethren, which have been the source of so much mutual wealth to both countries. And so at the present moment hon. Gentleman talk of commercial intercourse with France as if a new California or a new Australia were being opened to us. The hon. Gentleman who seconded this Address (Mr. Baines) and who, from his position and relations with a district of great industry, ought to second it with authority, used this sort of an argument:—"Australia, with 1,000,000 of population, takes £11,000,000 of our exports; France has 36,000,000 of population; multiply the trade of Australia by 36, and you will have some idea of the commercial intercourse which is about to take place. ["No."] Certainly that was the inevitable inference from the hon. Gentleman's argument. He dilated, too, on the case of Brazil, with a population of from 4,000,000 to 5,000,000, and pointing out what a large commercial exchange there was between this country and Brazil, in the very next sentence he showed us that France had eight times the population, and hon. Gentlemen might therefore calculate the vast results to flow from the new commercial policy. But ancient countries will never offer the same markets to a country like England as new colonies, such as Australia and California, or as countries settled under circumstances of modern civilization, like Brazil. We must remember that the manufactures of France are, with some few exceptions, more ancient than the manufactures of England, and I believe there is no one in this House who will say that generally speaking the French are less skilful. On the contrary, all will admit that in many points they are more skilful. I hope that no inconsiderable increase of the commercial relations between the two countries will occur from this Treaty, but depend upon it that it will be to a limited degree only. Depend upon it also, no great branch of industry will ever be allowed to be superseded in France by any great branch of industry of this country. No doubt the introduction of our goods will increase the demand for theirs, will stimulate the invention, and will reduce the cost of French goods; the French consumer generally will be benefited; but the moment there is any prospect of any great branch of industry in France being superseded by any equal branch of industry on this side the water, steps will be taken to prevent such a result. And for this reason alone, if not for others, France, whatever may be her form of government, is essentially a democracy, and a democracy will never submit to any great supercession of native industry. My hon. Friend behind me (Mr. Newdegate) is accustomed to appeal with pride to the fact that the two great nations of France and the United States are favourable to the protective principles which he supports, and you may rely upon it that if you succeed with your new Reform Bill, or with the Reform Bill which is to supplement and succeed it, as announced by the hon. Member for Birmingham, you will soon have a protective interest in this House—a result, perhaps, you little anticipate in calculations. At present I think we are led away by too sanguine a view of what may be the consequences of the opening of this new market. It will be subject to all the conditions which prevail in ancient, populous and highly civilized countries; and as a natural consequence there will be certain limits to our enterprize which at present we do not recognize.

The financial grounds of my objections to the Treaty I shall not now discuss; but I object to it also on diplomatic grounds. It appears to me to be unskilfully and negligently drawn. I have listened with great attention to the debate, but I have heard no satisfactory answer given—though more than one Minister has spoken—to the objections which have been raised by various Members to what appear to be unsatisfactory provisions of the Treaty. I have heard nothing said to account for the mysterious appearance in the Treaty of the 3rd Article which refers to the duties on shipping. There is no apparent reason why an Article of that kind should have been introduced into a treaty of commerce. My hon. Friend, the Member for Stamford (Sir S. Northcote), reminded the House last night that the differential duties on the direct trade of England with France are only removed at present temporarily, and that the French Government, by giving notice, may at any time put an end to the treaty of 1825, when the differential duties will revive, not only with regard to the indirect, but the direct trade also. That is a matter which must occasion anxiety. The very fact that an article of navigation should be introduced into a treaty of commerce is enough to create apprehension in the public mind. In reference to the Article which is the subject of the Amendment now before us, there is an objection to that Article; but we are told that we are unable to discuss it because it is a legal question. It is certainly a new theory that educated English Gentlemen, Members of this House, should not be able to give an opinion on subjects of constitutional law. As I understand it, this House by Act of Parliament has entrusted the Sovereign with certain powers; and we find by this Treaty that the advisers of Her Majesty have recommended Her to dispense with these powers; and now we are told that this being a legal question, Members of Parliament are not competent to give an opinion upon it. But the dispensing power of the Sovereign was once considered a subject on which Members of Parliament were very competent to give an opinion. It appears to me not to be shrouded in any particular obscurity. But, do not let the House suppose that if we agree that we cannot discuss this question because it is a legal question, and then proceed to sanction the Treaty, we shall, therefore, avoid the difficulty. Assume that we agree to this Address. We shall then communicate it to the other House of Parliament, and that House can hardly be prevented from entering on the discussion of a legal question. Great as may be its political distinction, the lustre of its legal reputation is not less distinguished. What may possibly, if not probably, happen if we evade our duty in this House? This question of the 11th Article will be discussed in the other House, and the other House may decide that it is impossible to carry it into effect without an Act of Parliament. The other House may, if it likes, clearly agree to address the Crown on the Treaty—as we have done—but at the same time they may think it proper to introduce an Act into the House to carry the 11th Article into effect. What a reproof to this House if we should have an Act of Parliament sent down to us in order that we should be able to complete our work! I am sure that is not a course which this House would desire should be pursued. I cannot pretend to enter into any discussion upon the statistical question as to our coal resources, to which the Amendment of the right hon. Gentleman refers. I take it for granted that he has made no statement on that matter of the truth of which he is not fully convinced. We have had a speech, in the absence of the right hon. Gentleman, from one who, no doubt, on such a subject speaks with some weight. He bears the name of one whom I long remember in this House, with whom I was intimate in private life, and whom all of us greatly respected; but I may be allowed to inform the hon. Gentleman—not being altogether unacquainted with that district myself—that the railroads of the present day have penetrated every valley of the South Wales district to which he referred, that they have tapped every field, and that a stimulus has been given to the production of the coal of that part of the country which it is not at all likely can be sustained. But it is impossible to settle a question of this kind by reference to local experience. It is a subject which has occupied the attention of men of science of eminence, who have given to it their personal efforts and the results of the deepest thought. I do not pretend to offer any opinion of my own upon it; I can only refer to those general statements which the best authorities have accepted, and, speaking in round numbers, we are informed that the coal-fields of England and Wales occupy 12,000 square miles, that half of that quantity is not workable, and that every year 16 square miles are exhausted. Every hon. Gentleman can make the calculation for himself, and he will find that, if such is the quantity and such the produce, with such a rate of consumption, the coal will probably last between 300 and 400 years. Every one can estimate what will be the result if that produce and that consumption of coal are doubled. I cannot pretend that this calculation ought to influence legislation; but when an hon. Gentleman of local experience rises and speaking under all the excitement of recent explorations of South Wales, which were stimulated by circumstances which never happened before and will never happen again, gives us the benefit of local experience, I must remind the House that they should receive his calculations with due distrust, and that the different estimate formed by the right hon. Gentleman who moved the Amendment is one sanctioned by philosophers and men of science, whose opinion is recognized by all as authority on the subject.

There are many other other points in this Treaty which appear to me to prove that it has not been negotiated with the skill, knowledge, and attention which are required in such an instrument, and that, on the contrary, there is evidence of precipitation and carelessness. There has been no satisfactory answer to the charges that have been made. It does appear to me to be a very improvident arrangement that the silk manufactures of England should enter France at a certain time subject to a duty of 30 per cent, and that the raw material from France should at the same time be subject to a high duty. I have heard no answer to that objection. The President of the Board of Trade got up last night, and, having no doubt in his mind the celebrated passage which used to be quoted from Mr. Eden as to the difficulty of negotiating treaties of commerce, said, "Why, if we had negotiated a commercial treaty and tried to settle exactly the rate of duty upon every minute detail in every particular branch of manufacture, we should not have got over the question of linens even by this time." But that is no answer to the unfortunate silk manufacturer who has to compete with the French manufacturer subject to a 30 per cent duty, and at the same time receives the raw material of his manufacture subjected to a high duty. He asks naturally,—"Why is there an English Government—why are there Ministers? Why are there negotiators? Why, above all, is there a secret negotiator—if my just interests are not considered." There is no question of protection or free trade involved in this point, but I really think if he has to undergo a competition under odds which appear to me to be overwhelming, he has, at least, a right to expect that the Ministers of the Queen would have taken care that the raw material should come into this country duty free. And so far as I can learn—of course I speak with hesitation—there would have been no difficulty on the part of the French Government if this claim had been preferred. If it were preferred and refused, I believe it would have been an act of great injustice and not at all indicative of the friendship and amity we are taught to expect; and if it were not preferred, I say there is great negligence on the part of the English Government. We have had no satisfactory answer to these charges. It may seem a little point, but I think it is a point of great importance when we come to consider the arrangement of the Treaty, that we have heard no answer to the complaint of the English brewers. When the Government were introducing French wines into this country, why did they not obtain the French market for our English beer? Here, again, when I have mentioned the circumstance out of doors, I have been assured, upon an authority which influences my opinion, that if that claim had been preferred the French Government would not have objected to it. Is it an evidence of a sedulous attention to English interests, to have omitted a provision of that kind? Why was it omitted? Would it have offended any principles of our new commercial system? Not at all. No one can pretend—not even the Member for Birmingham—that the exchange of English beer for French wine would offend his principles of trade. I have mentioned four instances, and there would be no difficulty in doubling or trebling the number, although it would be wearisome to the House to pursue the matter further; but all these instances show that this Treaty has been negotiated with precipitation; and the very tone of the Government, when criticisms on the Treaty are made, confirms that suspicion. They do not vindicate their instrument. They say, "We are aware of your objections; we admit there is a great deal in them; we will make representations to the French Government, and there is a very fair prospect of obtaining what you seek." What was the cause of this precipitation? What object was to be gained by this haste? These are questions which force themselves on our attention.

Sir, I have stated shortly my objections against this Treaty financially and diplomatically. Financially it affects injuriously a revenue which is in a dilapidated state. Diplomatically it has produced an instrument which does not duly provide for British interests, which might have been provided for in perfect consistency with our commercial system. Nor has any reason yet been given why this negotiation was conducted with so much precipitation. I have now to consider the political objections to this Treaty. And this is a part of the subject which cannot be evaded because we are challenged to consider the Treaty on political grounds. This is a commercial treaty between England and France, I admit. But it is a commercial treaty between England and France mainly and avowedly negotiated for a political purpose. This Treaty was not introduced to us by any statement which I can recollect from any Minister of the Crown. We only incidentally became acquainted with its provisions while we were involved in the dreary labours of a Committee on Customs Acts. But we have a great public State paper which records the principles upon which the negotiations were carried on and the character of the instrument which was contemplated. It has been placed upon the table, and we are indebted alone to that document for a due understanding of the Treaty and the objects proposed to be carried into effect by its means. The noble Lord (Lord John Russell), in language which has been referred to partly, but not completely, for some significant words have been omitted, in the instructions to the negotiators, which is, in fact, the State paper upon which the Treaty is founded, while he dilates on the advantages to commerce and the amiable consequences of intercourse between the two nations, with all of which we are acquainted, writes, "But over and above these considerations the Government attach a high social and political value to the conclusion of a Commercial Treaty with France." A high political value! and therefore it is that I am obliged to consider this Treaty in a political sense. Those who have preceded, and who, not only on the other, but on this side of the House, have deprecated introducing political considerations into a general discussion of the Treaty, seem entirely to have forgotten the standing point upon which this instrument rests, and the introductory terms by which the House of Commons were made acquainted with it. It is, therefore, the political value of this Treaty on which the Government depend. The words where the noble Lord says:

> "Its significance at the present moment, when the condition of some parts of the Continent is critical, would be at once understood, and would powerfully reassure the public mind in the various countries of Europe,"

have been quoted already by the right hon. Gentleman, the Mover of the Amendment. But there the right hon. Gentleman stopped. He omitted the first words in the next paragraph, in which the noble Lord frankly states, "On this account Her Majesty's Government are prepared to entertain a negotiation." It is positively stated that, on political grounds, the noble Lord and his colleagues were prepared to entertain a negotiation. I do not blame the noble Lord. All I say is, that, in discussing a Treaty preceded by a State Paper of such a character as this, the noble Lord will not cavil with me, if I inquire into the considerations upon which he proceeded. The noble Lord has gone out of his way, though I am sure he thinks in due fulfilment of his duty, to frankly inform the Parliament of this country what were the principal considerations in negotiating this Treaty, and that they were political grounds "upon which account Her Majesty's Government were prepared to entertain a negotiation." Is the state of Europe less critical at the present moment than when the noble Lord wrote that despatch? The noble Lord has received compliments from both sides of the House upon the spirit with which he has maintained the character of a British Minister in these negotiations. I am not one of those who are apt to believe that any man, occupying the position of the noble Lord, would be wanting in his duty to the Crown and country on any occasion. I am not disposed to believe that the noble Lord, of all others, would form an exception to that rule; but he will, I am sure, not be offended with me if I do not address him in those terms of compliment and eulogy, with which I dare say he has been satiated. He will not misapprehend me if I offer some constitutional criticism on his conduct as Foreign Minister. He will recognize that I am only performing my duty; and as I shall confine myself to facts, and even to something drier than facts, to dates, drawing from them inferences so strictly logical, that I trust the noble Lord himself will not dispute their accuracy, I am persuaded he will not take amiss the contrast I may offer to the encomiums he has received, but will be ready to afford me, if he can, an answer that will be satisfactory to the House on points that require some elucidation with reference to this Treaty, before I can give my assent to the Address moved by the hon. Member for Middlesex.

Sir, the night when it was first proposed that an Address should be presented to the Crown, and when the Motion was unexpectedly postponed, some discussion arose on the subject of our relations with France. I had not at that time read the papers which were circulated only in the course of that morning; and, therefore, I would not have presumed, even if it had been desirable—which the House thought, and very justly, that it was not—to enter then into that question. But, Sir, I have read those papers since then. They have been referred to in this House, and noticed in different moods by different speakers. But no one has made the inquiry of the noble Lord which I wish to make to-night; because, until I have an answer to it, I cannot form a just opinion upon the condition of Europe, which he describes as so critical, and which, because it is so critical, he thinks is a reason why we should conclude a Commercial Treaty with France. Now, I have read these papers: and so much having been said—unjustly in many instances—of the spirit of passion and prejudice we are apt to indulge in at this moment with respect to our neighbours, I am bound to admit that, to me, the conduct of the French Government in this matter of Savoy, which I suppose is the question that, above all others, now renders the state of European affairs critical, appears, as far as the English Government is concerned, to have been sincere, frank, and straightforward. That is my opinion, which I am prepared to prove; and, what is more, I think I can prove it in a very short space which I know is a recommendation. The House will remember that in July last, when the noble Lord, the present Foreign Secretary, announced to us the Preliminaries of Villafranca, he congratulated us upon the fact that France had required no accession of territory, and he adverted to the distressing rumour previously afloat—namely, that it had been the intention of France to demand the annexation of Savoy. That showed that the noble Lord's mind was perfectly alive to the question, and, indeed, he must have found, from the archives of the Foreign Office, that it was a subject which had occupied — though not to a very great degree, still in a manner sufficient at once to have attracted the noble Lord's own notice to it—the attention of his predecessor. Therefore the noble Lord was perfectly aware in July last that the question of the annexation of Savoy had been rife, and he justly congratulated us on that annexation not having been demanded by France. Well, we have in these papers a Despatch, in which Her Majesty's Government are informed that, after the Preliminaries of Villafranca had been signed, the Emperor of the French had renounced his intention of mooting that question, and the subject of the annexation of Savoy seemed to have entirely dropped. But it now appears from the papers before us, by a despatch dated at the end of January of this year, in the interval between the despatch which announced that the Emperor had given up all intention to annex Savoy, that if not at the same moment, yet subsequently, and on more than one occasion—in consequence, no doubt, of the difficulties which arose as to carrying into execution the Treaty of Zurich—the Minister of France had frankly informed the Ambassador of the Queen at Paris that, in case the Treaty of Zurich was not carried into effect, the Emperor of the French would certainly look to the annexation of the Duchy of Savoy and the province of Nice as a necessary consequence. That appears clearly in the papers. Well, the noble Lord having been aware that under certain circumstances which were distinctly indicated—namely, if Sardinia was aggrandized and became a considerable Power in Italy, France would require the annexation of these Sardinian provinces as a compensation; I want to ask the noble Lord—

who will have an opportunity of answering me to-night—how it came that from that moment he pursued a policy in Italy which, if successful, would have rendered the annexation of these provinces to France inevitable? The noble Lord was of opinion that the territorial aggrandizement of Sardinia was a highly desirable object; of course, he and his colleagues believed that it was an English interest to strengthen Sardinia and make her a Power, if not of first-rate, still of considerable importance. Do not let us now enter into any controversy on that point. If it is to be a subject of controversy, let it be reserved for a future occasion. But I assume that the noble Lord and his colleagues did not arrive at that conclusion unless they were convinced it was an English interest to pursue such a policy. But before they adopted that policy, they must have considered which was best—whether Sardinia should be weak and the frontiers of France not extended, but maintained according to the terms of treaties, Sardinia remaining in a position very different from that in which they wished to see her placed; or they must have decided that it was better that Sardinia should be aggrandized, and the boundaries of France at the same time expanded by the annexation of these two provinces. I will not now discuss which of those alternatives was to be preferred. I give the Government credit for taking the course they believed to be right. But I say this is inevitable—that with the information they possessed they must have been aware all this time that they were pursuing a policy in Italy—namely, the aggrandizement and strengthening of Sardinia, which must necessarily lead to the annexation of Nice and Savoy to France. The House will, I think, see that I am stating the case fairly. If that be so, how can Her Majesty's Government now turn round upon France and say, "What is all this? You have taken us by surprise. We find you are going to annex two Sardinian provinces. This is behaving in a manner that can be described only in the language of the noble Lord's despatches. You are producing distrust and suspicion throughout Europe. You are disturbing the settlement of Europe. Men's minds are led to the remembrance of long and sanguinary struggles, and, perhaps, the result will be fatal to your dynasty." So strange is the mode in which papers are laid before Parliament, so much better informed of their foreign affairs are every nation under the sun than the English Parliament, that by a most remarkable circumstance there is no record on our table at this moment—none in these papers or in any other English official document—of an attempt by the noble Lord at the commencement of this year—following the great principle of non-interference so universally admitted and generally practised—to settle the affairs of Italy. At the beginning of this year the noble Lord produced four propositions for the adjustment of the affairs of Italy. We have no official record of them. [Lord J. Russell was understood to say that papers had been delivered that day.] Well, we have no printed record in our possession, and the circumstance just mentioned by the noble Lord does not touch my argument. But we have a despatch of the French Minister commenting on those four propositions, and published to all Europe, and, strange to say, though only owing to a casual inquiry of the hon. Member for Tamworth, the noble Lord has himself expressed in this House what those four propositions were. Although that took place a fortnight, or for aught I know, a month ago, it was only this evening that the noble Lord placed these propositions on our table. What are these propositions? The gist of them, if they mean anything, is the establishment of Sardinia as a powerful State in Italy. The noble Lord will not deny that. The noble Lord proposes that it shall be left to the people of Central Italy to decide to whom they shall belong. No one doubts that when the noble Lord made that proposition, he had a conviction—and I think it is the conviction of a majority of this House, and, perhaps, of Europe—that the choice of the people of Central Italy would be for their annexation to Sardinia. I am sure I shall not be contradicted, then, when I say that the purport of the four propositions is, that Sardinia should be established as a powerful Government in Italy. Those propositions are offered for the consideration of France; France agrees to them, with the exception of one of quite minor importance, about the immediate evacuation of Italy by her armies. Now, I want to know from the noble Lord whether, when he offered those propositions to the French Ministry—the result of which would be the aggrandizement of Sardinia by the addition of the Duchies and the whole of Central Italy—I want to know whether upon that the French Minister informed him that his Government had renounced the condition they had previously annexed to such an event—namely, that Savoy and Nice should be annexed to France. That is a question that should be answered by the noble Lord. For six months the noble Lord has been perfectly aware, as appears from these documents, that in the event of Sardinia being thus aggrandized France would claim Savoy and Nice; the noble Lord has a settlement in January for the aggrandizement and strengthening of Sardinia in the manner referred to, and I now put it to him to say whether the French Government then informed him that they had renounced the contingent condition of claiming those two provinces. I do not think that the noble Lord can rise and tell me he was so informed. But is that all? The noble Lord sent his propositions for the settlement of Italy by the formation of a great Italian Power under the King of Sardinia to the great Powers of Europe—to Austria, Prussia, and Russia. But did the noble Lord at the same time inform the great Powers that if those propositions were adopted it was of his knowledge that France would claim an expansion of her frontier in the direction of Savoy and Nice? If the noble Lord, possessing that knowledge, did not impart it to our Allies, I ask him whether that is the mode in which the diplomacy of a great country like this ought to be carried on? These are subjects upon which, when we are asked to agree to a Treaty on account of the critical condition of Europe we are, I think, bound to demand the fullest information from the noble Lord.

Sir, there is another point upon which at this moment I think it of the utmost importance the House should have correct information; and that is the manner in which very important information oozes out in these despatches which, otherwise, would never have reached the ears of Parliament, having been conveyed in what are called "private letters." I am perfectly willing to admit to the noble Lord that it is not only of the utmost advantage, but of the greatest importance that there should be unreserved communication between the Secretary of State and the Ambassadors and Minsters of the Queen at foreign Courts. At Paris, for example, the Ambassador has to write hurriedly to the Secretary of State once, perhaps twice or thrice, a day, and even where there is no hurry there are many observations and views which can only be expressed in private letters, and cannot and ought not to form the subject of a public despatch. It is proper, however, that the House should be clearly instructed what these private letters are. The private letters of an Ambassador to the Secretary of State are purely and entirely what that epithet implies. They are private letters, and nothing more. The Secretary of State is not bound to show them to his colleagues. They are very rarely seen by any one except the Secretary of State himself, and perhaps the Prime Minister; and, indeed, they come so rapidly, and his colleagues are so absorbed in their own Departments, it would be impossible to do anything else. As a matter of usage the Secretary of State is not bound to place those private letters even before the Sovereign. If he quits office he takes them with him, and they form no part of the record of our diplomatic transactions or the authentic history of our public business. I find no fault with that. I am convinced that it is a practice not only expedient and beneficial, but necessary; that it would be unwise to attempt to restrict the confidential communication of the Minister with the agents of the Sovereign; and that, indeed, no man would assume the responsibilities of office if debarred of such an advantageous means of carrying on its duties with effect. Still the House ought to know that the line is distinctly drawn between private letters and the public records of the country; and I say that, from the very nature of these confidential communications, it is not right that a Secretary of State or an Ambassador should in their public despatches fall back upon their private letters. I find from these papers that most important information is contained in private letters, which are not produced. We have here no evidence that subsequently to the despatch in July, which announces that the Emperor had renounced his intention of annexing Savoy, that information was neutralized and falsified, had it not been for the private letters of Lord Cowley. Here we have an Ambassador sending a public despatch, in which he positively announced that the Emperor had given up his intention of annexing Savoy; and it is only in these private letters that we discover afterwards that, circumstances having changed, the French Minister, apparently with the utmost frankness, more than once, perhaps frequently, informed the British Ministry that if the Treaty of Zurich, constituting the Preliminaries to the Treaty of Villafranca, were not carried into effect, the Emperor would revert to his original intention. I say that a diplomatic narrative placed before this House ought to be a complete narrative. Do not let the House run away with the idea—that I am pedantically dwelling on a point of form. It is not a mere form, but a matter in which the highest interests of the State are involved. Suppose there had been a change of Ministry at the commencement of the year. The first duty of the new Ministry would probably have been to consult upon the affairs of Italy. It might have been their opinion that it would be advantageous to Europe and to England to strengthen Sardinia, and to assist in establishing her as a Power of importance; but, as far as the record of public transactions in the Foreign Office is concerned, they would have been completely in the dark as to the fact that the adoption of that policy must necessarily lead to the annexation of Savoy and Nice to France. Because, generally speaking, the Secretary of State, when he retires from office, is accompanied by the Ambassador. If not invariably the rule, that was the former practice, and it is one, I believe, which ought never to have been given up. The House therefore will see the necessity that there should be a complete register in the Foreign Office of the diplomatic transactions of the country.

It appears, then, from these papers that from the month of July or a little after—from the moment the difficulties respecting the execution of the Treaty of Zurich occurred, Her Majesty's Ministers were perfectly aware that it was the intention of France, if that Treaty were not carried into effect, as it was soon known it would be impossible, to claim the annexation of Savoy and Nice. All this time Her Majesty's Ministers have been pursuing a policy which, without agreeing with it, I will grant for argument was sound and worthy, but which if successful must necessarily lead to that annexation. And it is under these circumstances that Her Majesty's Government have asked the House to enter into a treaty of commerce with France. Early in January Mr. Grey, then Chargé d'Affaires at Paris, communicated to the Government the alarm of the Swiss Government, and of their Minister at Paris, at the project of annexing Savoy and Nice. The negotiation of the Commercial Treaty went on, but no instructions were sent to Mr. Grey in reference to the subject of his letter, nor were any steps taken to make the French Government aware that the views of Her Majesty's Ministers on the annexation were such as they afterwards expressed. It was not till the end of January that the noble Lord the Secretary of State for Foreign Affairs wrote the despatch on which he has received the compliments of so many hon. Gentlemen. I ask the House this—is it any compensation for the negligence and neglect of a Minister during six months, that at the end of that time, when the mischief is done, he should take refuge in a grandiloquent despatch? That document is, no doubt, very convenient for the House of Commons; but I should have liked one in the same spirit to have been sent to the French Emperor months before. The Emperor of the French is supposed, and I believe with justice, to be not insensible to public opinion—a quality not to be despised; but, according to the noble Lord's own narrative, he appears during all these months, to have made no effort to protest against a policy which he himself described at the end of January as one which would fill Europe with alarm and distrust as of a disturbing character, and that might lead to the most distressing and dreadful consequences. Yet the noble Lord commences this Session by placing on the table a paper which is to be the foundation of a Treaty of Commerce between England and France, which Treaty he recommends on account of the critical condition of Europe, and because its significance at that moment would be understood, and would powerfully reassure the public mind in the various countries of Europe. The various countries of Europe! Why, if the noble Lord had done his duty when he sent out his four propositions at the commencement of January, the various countries of Europe must have been aware of the contemplated annexation of Savoy and Nice! And yet under these circumstances the Treaty of Commerce between England and France was to reassure the public mind. Why, these are among the most inconsistent circumstances that have ever occurred in the history of diplomacy; yet these are the papers for which the noble Lord has received compliments — compliments upon a despatch written at the end of January, when the noble Lord, had he not been absorbed in his Italian enthusiasm and thinking only of results, which, if attained, must have produced the very catastrophe the contemplation of which he afterwards deplored, must have taken a course diametrically opposite. These are matters which require explanation. When we are asked to assent to a treaty of commerce between this country and France, on account of the critical condition of Europe, that critical condition being the result of the policy which the noble Lord deplores, I must ask the Government to condescend at least to explain these inconsistencies. The House is, with regard to this question, placed in an embarrassing position, one not favourable to the exercise of its privileges, and one which I think has been brought about by its own *laches*, and which it will ultimately very much regret. When this matter was first before us I endeavoured to call the attention of the House to the position in which we were placed. Unfortunately the House was not then sufficiently aware of the circumstances; the subject was a new one, it was hurried, I think, not to the advantage of the Government, I am sure greatly to the disadvantage of the House; but, had we only adopted what begins now to be understood, the procedure of 1787, we should not have been placed in the somewhat humiliating position in which we now find ourselves. A treaty with France is recommended to the House on account of the critical condition of Europe, and the excellent effect it would have; that critical condition of Europe turns out to be an act of aggression on the part of France which we strongly disapprove, yet by this treaty appear to sanction; and yet the House is placed in such a situation that it really can pronounce no practical opinion upon this most important instrument. If we had originally, instead of going into Committee on Customs Acts, gone, as the House did in the time of Mr. Pitt, into Committee upon the Treaty, all this embarrassment would have been avoided. That was the Motion that I made. I could not propose it in so many words, because the forms of the House prevented me, but that was the object which I endeavoured to obtain. Had that course been adopted, the Government might have carried all their Resolutions in Committee on the Commercial Treaty, and after they had carried them the House could have addressed the Crown, and could have pronounced their opinion upon the Treaty. Under those circumstances, the revenue would not have been disturbed; the Resolutions would have been only provisional Resolutions, depending upon the House approving the Treaty of Commerce. Owing to the course which was adopted, the evils of which the House was at the time but little aware, it is idle to pretend that our opinion can really be given with any effect upon this most momentous Treaty. The hon. Gentleman who moved the Address commented upon what he considered a most strange and indefensible proposition of mine, that we should consider the Treaty before we addressed the Crown. No such nonsense ever entered into my head. There is only one way in which we can consider a Treaty, and that is upon an Address to the Crown; but what I wanted to impress upon the House originally was this, "Do not go into Committee of Customs and sacrifice all this revenue before you address the Crown; because the Address to the Crown, so far as it can influence public events, will, in fact, then be only an idle ceremony;" and an idle ceremony it is to-night, because, however grave may be my objections to this Treaty upon political grounds, yet, after what the House has done, I feel that it is impossible to offer any opposition to it. Regarding it from a diplomatic point of view, carping at and criticizing a Treaty is not a ground upon which you can refuse to address the Crown; and when we come to financial considerations, why, if you were to terminate the Treaty now you have lost your revenue.

Let us understand what is the state of affairs in which Her Majesty's Government have entered into this Treaty, and are now calling for our decision upon it. Is it a state of affairs such as the House was led to believe existed when the Treaty was laid upon the table? You have heard from an Imperial Throne the announcement of a political principle, the consequences of which none of us can foresee, and the ultimate results of which many of us will not live to witness—the natural boundaries of empire. It has been publicly announced that empires have natural boundaries; and who can foresee what may be the consequences of such a policy in action? We know now that Her Majesty's Government even at the tenth hour have protested against this doctrine. We know that they have described and denounced it as one of the most dangerous that can be pursued, one that must fill Europe with suspicion, with apprehension, with distrust, and one that is associated with long and sanguinary wars, with the fall of empires, and with the fate of dynasties. This is their own description of the critical state of Europe, and it is under these circumstances that we are called upon to approve this Treaty with the very Power which the noble Lord the Secretary of State himself has described as a Power of disturbance and distrust. Since the right hon. Gentleman introduced his financial scheme to the House all the circumstances are changed. We are not influenced by the same feelings, the country is not thinking of the same considerations. All is altered since the day when I endeavoured to lead you to a safer course [*laughter and cheers*], which everybody feels now and privately admits to have been the proper one, and which was then met by rhetorical gibes as it now is by unmeaning laughter. We shall, however, I hope, before this Address is voted, receive from the noble Lord the Secretary of State for Foreign Affairs some explanation of the incomprehensible passages in his conduct to which I have called attention. I hope we shall learn from him why, in possession, and in full and complete possession, of the policy of the French Government, he did not communicate it to us and to his Allies, why he pursued in Italy a policy which favoured and even precipitated the policy of France, which he himself disapproves, and why in placing these papers before the House he does so in such a manner that it is with the utmost difficulty we can arrive at a conclusion as to the policy of the Government; of which, under these circumstances, I will only say, as the noble Lord said of that of the Emperor of the French, that it fills me with distrust, and I believe will lead to disturbance.

THE CHANCELLOR OF THE EXCHEQUER: I think, Sir, that the House will be of opinion that the time for the full discussion of the important matters that have occupied the greater part of the speech of the right hon. Gentlemen has not yet arrived, but will be afforded at that probably early period when we shall be invited by the Motion of the hon. Member for Bridgwater (Mr. Kinglake) to enter on the consideration of the conduct of the Government, and of the position of the country with reference to the province of Savoy. At present it is necessary for me to say but very little on that point. If the question of Savoy, or if any other question of foreign policy upon which a difference of opinion with the French Government might possibly arise, was before the Cabinet of Her Majesty at the time when the substance of this Treaty was negotiated, it was before us as a comparatively remote and hypothetical proceeding; and I hold that, inasmuch as, in the state of European politics which exists at the present day, you cannot expect a uniform concurrence of opinion between two great and independent countries like England and France, therefore if we were to contemplate the possible occurrence of cases in which it might be our duty frankly to express our dissent from any policy entertained by France, and to point out to her the evils which might follow its adoption, the very best mode of strengthening our own position for all events was to unite cordially with France in a great act of policy, fraught with benefit to both countries, to which we were frankly invited by her, and which, whatever might occur, was the best preparation for friendly relations between the two Governments, because it tended not only to create these friendly relations between the Governments, but also to give them a broad and deep and solid basis in the friendly sympathies of the two nations.

With respect to the course of the debate I must confess I should be perfectly content to rest the argument for the Treaty of Commerce with France, irrespective of the able speech made by a Member of the Government, upon the various speeches which have been delivered by hon. Gentlemen, most of them, though not all, sitting on this side of the House—beginning with the admirable speech of my hon. Friend the Member for Middlesex, so ably seconded by the hon. Member for Leeds, and followed by a long list of Gentlemen who brought to the support of this Treaty every gift of knowledge and ability, among whom if I do not include the hon. Baronet the Member for Tamworth it is only because of the much too favourable and flattering terms in which he thought fit to allude to myself. At the same time, Sir, I am sorry to say that there was one speech which, if I estimate it aright, stands in striking contrast with the general tone of the debate. I refer of course to the speech of my right hon. Friend the Member for Stroud (Mr. Horsman). Her Majesty's Government have been unfortunate beyond description during the present Session in attempting to win the favour of my right hon. Friend. Scarcely had the Session opened when he complained that never did a Government present to Parliament so scanty a programme of business; but scarcely had it proceeded three weeks more when he again complained that such was the crowd and mass of business forced upon the attention of the House by the

Government that they were greedily and irrationally demanding from private Members a portion of time which properly belonged to them. My right hon. Friend has told us to-night that he is an older Freetrader than any Gentleman except one who sits upon the Treasury Bench, and yet almost in the same breath he informed us that the country which diminishes its import duties makes a present of its revenue to the foreigner. Two millions, says he, of import duties we shall have made a present of to France before France begins to act upon this Treaty. Such is the mode in which my right hon. Friend illustrates his old experience and his happy conception of the doctrines of free trade. My right hon. Friend says that the Government have contrived in this Treaty to betray the interests of England, and at the same time to ruin the interests of France; for, he tells us, whoever supports the plans of the French Emperor is, in the opinion of the French people ruining the interests of France. He says, again, that by the 11th Article of the Treaty my noble Friend the Secretary of State for Foreign Affairs, who is necessarily in a peculiar degree responsible for every treaty, and the entire Government have abandoned and betrayed the highest and most vital interests of this country; and yet he is perfectly satisfied, as he declared in another part of his speech, to leave in the hands of my noble Friend the conduct of our foreign affairs These are the declarations of my right hon. Friend ; but they are declarations of secondary importance, because they merely express the criticisms of an individual Member of Parliament on the conduct of the Government —there were graver matters involved in his speech; and, as a Member of the House of Commons, as an Englishman, and not less as one holding office under the Crown, I must take leave to enter my respectful protest against the whole tone and language of my right hon. Friend, when he described the character, policy, and conduct of a neighbouring and friendly nation. My right hon. Friend, in drawing a contrast between England and France, said that the policy France was "aggression, aggrandizement, and war." I admit to my right hon. Friend that if the time has really come when it is the duty of a Member of the British Parliament, of a man of ability and experience like my right hon. Friend, thus to describe the permanent and standing character and policy of a neighbouring and friendly nation, then, indeed, it is inappropriate to be discussing either treaties of commerce or amendments to treaties of commerce, not to speak of some paltry amendment relating to the export of coal, but we ought to have a sweeping and unmistakeable vote of condemnation passed at once upon the Treaty that has been made and upon the Government that had made it. Again, says my right hon. Friend, it is not the best way to secure peace with the French people to wound and irritate their feelings. That is one of the *dicta* necessary to make up the budget of inconsistencies and contradictions which my right hon. Friend has exhibited to-night. "It is not the best way to wound and irritate their feelings." I ask him to put himself in their position, and then to inquire of himself whether, if he had heard such a speech delivered by a subject of a nation in peace and alliance with his own, his feelings would or would not have been wounded and irritated? But my right hon. Friend endeavoured to save himself by drawing a minute distinction between the French Government and the French nation, and he told us that we were conspiring with their ruler against the French people. Does he really imagine that, in order to soothe the feelings of the French people, he has only to draw these distinctions between them and their Government, which no foreign nation has a right to draw? We have no right, I repeat, to draw such distinctions. It is not only an interference, but it is an interference of the most offensive kind; and if there be in France one spark of that patriotism which we were told to foster in England, every Frenchman must read, as every Englishman would read, with indignation much of what we have heard to-night.

Sir, it appears to me that there is no great difficulty in construing the passage which has been quoted by the right hon. Gentleman opposite (Mr. Disraeli) from the despatch of Lord Cowley on the subject of the Treaty. I think he gives it too narrow a construction if he intends it to be understood that the opinion of the Government was that only on political grounds was this Treaty to be judged. We have always frankly admitted that the Treaty must be tried upon its merits with reference to commerce and trade, and with reference also to the indirect effects which commerce and trade would produce. With respect to political grounds, we could not, undoubtedly, be insensible to the fact that there was much at the time when these negotiations were going on in which France and England had a common feeling, and in which France and England jointly were the main European champions of the principles and representatives of the Powers by which alone we could hope to see the affairs of Europe settled. When we looked to Italy, which has long been a suppressed volcano, certain to burst out and to produce most dangerous complications in Europe, no impartial man could deny that, whether the Emperor's title to make war in Italy was good or bad, no inconsiderable effects had been produced by the war, whether they were due to the valour of France or to the moderation of Austria, and no inconsiderable progress made towards the settlement of Italian affairs, which upon every ground of European interest and of British feeling was a consummation much to be desired. Take the state of feeling in England. It surely could not be possible for any rational man to see the state of things that prevailed in Italy, and not to desire to make an effort, in itself beneficial, but likewise recommended by the likelihood of its being successful, for the purpose of applying a remedy, or at least a palliative. We had the greatest alarm and apprehension in the public mind on the score of the great military preparations that were being made abroad. We had an immense and constantly growing increase of our own expenditure, connected very much with that alarm and apprehension. Last year it was the painful duty of the Government to propose a great addition to the burdens of the country, and we have the prospect of further additional expenditure in the present year and for a long succession of years. Was not that a reason for endeavouring to act upon the alarm and apprehension which prevailed, and to endeavour to stay the evil, not by the discontinuance of measures which the safety of the country required, but by the adoption of a process which, like the silent and ceaseless processes of nature herself, would bring into play a thousand beneficial influences on the side of peace, and which from day to day and from year to year would counteract the prevailing alarms by undermining their causes, and by substituting for whatever remained of panic on the one hand or undue military spirit on the other, those solid habits and usages of friendship which are cemented and strengthened by the peaceful intercourse of commerce and trade?

But the political part of the question I will not dwell upon; I will go to those portions of it which are more within my own proper sphere. And here I must confess I have listened with great satisfaction to the course of the present debate, because I take it for granted that the best objections that could be made to the Treaty have been made. And what do they come to? We have heard something of bargains, and we have been told that this Treaty is a bargain; that we have asked for equivalents, and that we have not got them. Sir, I deny that this Treaty has ever been a bargain, for it is of the essence of a bargain that you give away something which it would be of value to you to retain, and that you receive something which it is important to the other party to keep. This is a reciprocal instrument if you like, but a bargain it is not, for you are giving nothing to France that is not a gift to yourself, and you are receiving nothing from France except measures by which France confers a benefit upon herself. In the first place it would be unnecessary, and in the next place it would be mischievous, to inquire the precise measure of percentage on this article or on that—whether the restraint on the exportation of rags is duly balanced by the duty on paper, or whether the duty which France leaves on the raw silk she sends to us shall be removed when we are sending her enormous quantities of raw silk without any duty at all. All these propositions it was unnecessary, and much worse than unnecessary, to entertain. The hon. Member for Stamford (Sir S. Northcote) fell into a ludicrous error last night. He speaks of the slovenliness of the Treaty with regard to the export of rags. He says we have covered that by obtaining the removal of the prohibition, but that is only one fault in the Treaty, and there are twenty others. But that is not a fault in the Treaty. We have never attempted the impossible task of constructing such a system of equivalents. We have had warning enough in the experience of former years. And what says the hon. and learned Member for Belfast (Sir H. Cairns), who finds fault with us and comes forward to instruct us? He finds fault with us for not having entered into these minute adjustments—for not having settled how much duty should be levied on every description of linen goods; and then he says, "Why not go to Spain and see whether she will not enter upon these minute and endless discussions?" I will tell him why. Because we knew quite well that, if there were any means of obstructing the progress of free trade, it was by entering upon these negotiations in the spirit of bargain that he recommends. And even that is not all; for, not only would he have been entangled, if he had had the management of these negotiations, in hopeless complications that would have made him times out of mind pray his stars that he had never meddled with it, but while he was involved in the attempt to disentangle these inexplicable difficulties and complications—and I really pay him the compliment of saying that he was the man to do it if it could be done—the whole of those proceedings, involving millions of revenue, would have become patent to the public, and the last result of that blessed undertaking would have been a total paralysis alike of trade and of revenue, and of no inconsiderable portion of the commerce and industry of the country. These, Sir, are the reasons why we declined these negotiations, and it is no blot on the Treaty that it does not provide for the free export of rags. We came to the conviction that if France once frankly, sincerely, and decisively entered upon the career of freedom of trade, her own experience of the commencing stages would be a security for her proceeding onwards towards its consummation such as we could not by any other means obtain. That is the meaning of the Treaty, and that is the reason of the avoidance of these minute arrangements, which, hopeless and impossible at any time, would have been mischievous and absurd under the particular circumstances, because they would have led to a total misconception of the fundamental principles of the Treaty. That is the reason why the Treaty has been framed such as it is, and not such as has been recommended by the hon. and learned Gentleman opposite.

Sir, I will only say one word on what fell from the hon. Member for Norfolk (Mr. Bentinck), who says that the increase of the income tax is due to this Treaty. I must say that is a very inaccurate statement of the case. In the first place, it must be recollected that the loss really due to the Treaty is extremely small in amount. In all the stages of our proceedings we never have given it with precision—I have never heard any computation of the exact loss of revenue we shall incur by the Treaty with France—because we have endeavoured to deal with it conjointly with the whole loss arising from the Treaty. But France is not to be charged with the benefit arising to Spain or Portugal through the admission of their wines at a low price, nor are we, so far as I am aware, bound by any treaty to extend unconditionally to those countries the benefits we extend to France. The whole annual amount of loss of revenue under the Treaty upon our commerce with France cannot, I think, even at the outset, be estimated at more than £600,000 or £700,000 a year—that is, including the ultimate fall of the wine duties, which will not take place before the expiration of nine months. On commercial grounds, then, I put against a very small loss of revenue for a year the promise of a very great extension of trade. With regard to the great staples of France, wine and brandy, the reduction of duty is such as to promise a great increase of trade. As regards ourselves, I wish to call the particular attention of the House to this—that we have long acted on the principle that all differential duties are impolitic and bad, and that there is not even a single duty of any moment—I am not sure there is even one of the very smallest—that we abandon under the Treaty with France that is not strictly a differential duty. I look to France, and I must say that I can conceive no measure more qualified to attach the people of France than a Treaty like this. We have been told that the people of France, forsooth, are opposed to this Treaty. So far as I have had opportunities of judging, I should say it appears to me the case is this—that there is a limited and powerful class in France to which, at any rate for the moment, the Treaty may be obnoxious. But you have hardly any country where so large a mass of the population are so directly interested, not only as consumers, but also as producers, and whose productions would immediately receive so greatly increased a value from a Commercial Treaty; and here you will have another most powerful agency that will attach the people of France to this Treaty and all connected with it. France is likely to receive a very large increase of Customs' revenue under this Treaty. What can be more beneficial to France than a treaty that will enable the Government to reduce the additions to the direct taxation of that country? I believe that even the hon. Member for Birmingham will admit that the people of France are not so enamoured of direct taxation as not to see with pleasure the prospect of a remission of direct taxation. I must confess I have the strongest conviction that there is another great commercial benefit not alluded to in this debate, but which may be anticipated from this Treaty. Should circumstances be favourable to its development, I do not think that anything could withstand the moral contagion of France and England acting together in the sense of liberty of commerce. As long as England stood alone, it was easy to say, "This nation has grown old and great by Protection, and she can afford to throw away the ladder by which she has mounted to eminence." That is the current language about us. I admit that the admirable example we set has been but slightly, reluctantly, and partially followed; and I believe that the right hon. Gentleman, who, I admit, has spoken with moderation, is in error in supposing that the Emperor was about to introduce a system analogous to the provisions of the Treaty by independent legislation in France. Such an opinion is totally contrary to the information we possess. It rests upon no documents. The right hon. Gentleman has, I think, mistaken the negative promise of the Emperor, that no prohibitions should be removed before a certain date, for a positive promise of the Emperor that at that date those prohibitions shall be removed. It was not a fraud practised on the people, but we enabled the Emperor to hold out to the people of France by the advantages this Treaty will confer upon them additional inducements to wish the system of prohibition altered. But the advantages to be derived from this Treaty will go far beyond France, for I believe that the example of France joined with England in one course and policy will spread far beyond the limits of those two countries, and the results which the changes in this Treaty ought to achieve will be not merely to make *2d.* into *4d.*, as an hon. Member has said, but to turn the hearts and minds of men to the blessings of peace; and gradually to spread from country to country and from region to region a sense of the manifold evils that result from protection.

Sir, let us now consider shortly what are the articles on which many of the hopes of the opposition to this Treaty are founded. Great hopes which had been entertained with regard to one item were dispelled, in a great degree, by the prudent and kindly announcement we were permitted to make the other evening on the part of the French Emperor; but, though rags have failed, yet some hopes were entertained until a recent period on the subject of shipping. The hon. Member for Sunderland (Mr. Lindsay) very frankly admitted that when he first read the article with regard to shipping—the 3rd Article—he, in common with the rest of the world, totally misunderstood it; but he congratulated himself that he had by study extricated himself from his error, whereas a portion of the world are still wandering in darkness. We have had unfortunate proof that such is the case. My hon. Friend the Member for Stamford showed last night that he did not understand the Article, and the right hon. Member for Buckinghamshire, following him to-night with ready confidence, has likewise exhibited a similar unacquaintance with the spirit and intention and whole effect and character of this Article. The hon. Member for Stamford began by ascribing to Government a defence of the Article which the Government did not make, and having set up a lay figure wherewith to fight, he, of course, had no difficulty in knocking it down. He said that the Government defended the Article by asserting that it related to the indirect trade. My right hon. Friend (Mr. M. Gibson) last night did not so defend it. I say that it does not refer to the indirect trade, but to the direct trade only. I want to give an example of the extravagancies into which ingenious men are led when there is something or other to which they must object. "Now, mind," hon. Gentlemen seemed to have said, "you must object to the 3rd Article; handle it, turn it over, see what you can make of it, but object to it you must;" and so my hon. Friend opposite detected a deep plot in this Article, and urged that the French Emperor had outwitted and entrapped the simple-minded British negotiators. The Article reserves, it is quite true, differential duties on French shipping; and it is true that these differential duties are not paid by British shipping; but my hon. Friend says that the meaning is obvious, and that the French Emperor, having got the Treaty of Commerce, will give notice to terminate the Treaty of navigation, and then the differential duties will be applicable to British shipping. An argument more far-fetched or more contrary to nature and reason there could not be than one which supposed that the man who with almost unparalleled boldness has undertaken to negotiate this Treaty in France, in the teeth of so much interested opposition, and who thereby runs the risk of alienating powerful parties from his Government, would the day after pledging himself in the face of his people to the principles of free trade, reverse the only instrument which prevents the unlimited protection of shipping, and revert to the old state before the Treaty. But that is not all, for what would be the effect if the Emperor exercised this cunning? It is perfectly true that, if the Treaty of navigation were at an end, this 3rd Article would enable the Emperor to impose against English shipping the differential duties which now exist in the French law,—that is to say, that by terminating the Treaty of navigation he would obtain a limited power of imposing differential duties. But what should we get? That proceeding would give to us the unlimited power of imposing duties on French ships, for then there would be nothing to prevent our prohibiting the entrance of every French ship into our ports. Let me give to my hon. Friend the real, natural, and true account of this Article. So far from having to apologize on account of this Treaty to those who represent British shipping, the Government maintain that the Treaty does much for British shipping. What will be the increase of the coal trade under this Treaty? What is the meaning of your alarms and fears for the exhaustion of English coal in 300 years? At any rate, as long as it lasts a great many more English ships will be employed in carrying it. Perhaps you think that French ships will carry it all. On the contrary, of the shipping already employed in the trade 69 per cent are British ships, and 28 per cent are French ships. That sounds grateful to the ears of hon. Gentlemen opposite. But now, what is the specific purpose of this Article? I have already stated, that of the ships now employed in the trade 69 per cent are British, and 28 are French. That makes only 97; the other three are foreign ships that go to English ports and engage in the indirect trade of carrying coal from England to France, and thus become liable to the differential duties. Now France is afraid, and naturally, that the specified rates of duties on English goods should be used by foreign ships to claim exemption from the differential duties they have at present to pay; and though France is willing to expose herself to competition in the direct trade, she will not permit it in the indirect trade, as she is afraid of the rivalry of the Dutch, Danish, and other navigators who now engage in the trade, and she asked for the insertion of this article in order to prevent their competition. There is, therefore, a slight flavour, a small pinch of protection, in this article. There is a protection in favour of French ships, but there is also a protection in favour of British ships. Now will not the hon. Member for Norfolk (Mr. Bentinck) admit that this article at any rate was not written in Bedlam. That is the case as regards the shipowners, and though the purists of free trade may not endure to sully her maiden hues—though they may say you ought not to consent to this article, by which you indirectly receive a benefit from protection—yet I think hon. Gentlemen opposite will not blame us on this account. Ships constituted one of the points on which great hopes long turned, and those hopes have not been abandoned to-night by the right hon. Member for Buckinghamshire; but I trust that he also is now satisfied as to the object and scope of the Article.

Every thing else having broken down, there still remained the subject of coal, which has been thought strong enough to bear the weight of an Amendment. I do not think that the right hon. Member for Stroud has done justice to himself, for this is but a narrow conclusion to a broad speech. His speech went much further, and the conclusion he has arrived at is, compared with the speech, so inadequate that I am afraid the right hon. Gentleman cannot go home easy to-night. At any rate, he has the consolation of reflecting that he made a gallant struggle to save one of the most vital interests of England. I must say, however, that I do not think my right hon. Friend relies much on what may be called the extra-commercial part of the case. He did not enter into details on that part of the subject relating to the prerogative of the Crown, nor will I now attempt to do so. I will satisfy myself with stating that, so far as we are advised, with respect to the rights of the Crown no duty arising out of any obligation that appertains to it is in the smallest degree compromised, qualified, or surrendered by this Treaty. The question we have to consider is entirely a commercial question. It is the question whether we ought to enter into an engagement, even for the period of ten years, which absolutely binds us during that period—or longer should a continuance of the Treaty be resolved on—to lay no duty on the exportation of coal to France. It is clear, however, that we could not enter into any treaty of commerce with France without having assurance of her and she of us that we would not be subjected to exceptional legislation. I think, therefore, no one will take the slightest objection to the 19th Article, by which France is secured against any exceptional legislation on our part. The question, then, is whether we have done wisely or unwisely in undertaking that for a period of ten years at least we shall impose no export duty on the article of coal; and whether or not this is a fit subject for such an Amendment as my right hon. Friend has proposed, I trust the House will not entertain that Amendment on any other except upon the very strongest grounds. The House is going to the foot of the Throne to express its loyal sense of duty at this commencement of an arrangement which it declares will, in its judgment, be beneficial to the interests of commerce and of peace; and in such circumstances I am sure no person would wish to obtrude such an Amendment as is now proposed, except from a very strong sense of duty. And what is that sense of duty in this case? But I ought not, perhaps, to inquire into this sense of duty—it may be better to leave that point inscrutable—but what I will ask is, what is the object or policy my right hon. Friend hopes to defeat by pressing upon the House the adoption of this Amendment? I hope the notion has been disposed of that the object of France in regard to the article of coal is a military one. I am sure that in the mind of any impartial person it is impossible that such a notion could remain for a single moment. In the first place, France has contrived at this moment to acquire a fleet, by means of which fleet she has considerably shaken the nerves of a portion of the population of England without the favour of any stipulation on our part not to prohibit or to impose any duty upon the export of coal. The whole extent of the naval consumption of France is 160,000 tons, representing a value of £200,000; and I believe that quantity includes the coals consumed in the arsenals of France. The whole affair is utterly insignificant. Why, my hon. Friend (Mr. Vivian) has told us in his admirable speech to-night that he raises that quantity himself from a single mine; it is the quantity consumed by a single ironwork; it is the quantity which one mine in the north of England absolutely burns as waste at the pit's mouth every year. Not less than 180,000 tons of small coal, which one single company burns at the pit's mouth for the purpose of getting rid of it, because it finds no market in England, may, under this Treaty, find a market in France, where good coal is scarce. There is no military object involved in this matter; it is a question of cost, and I may state that the estimated difference of cost, looked at from a French point of view, will be 10*s.* a ton. The French expect to gain 10*s.* a ton; and from that very estimate it will become evident to the House that a great deal of coal that is unsaleable in this country is certain to find a market in France, where the price is so much higher. Let me state in a few words what is the rational construction of this Article, and what the motives of France are with regard to it. It may be true that the French Government might have been induced to surrender or qualify this Article; but I do not know an Article in the Treaty which I, for one, would see modified with greater regret. It may be true that rather than expose the two countries to the loss of all the great boons which the Treaty promises the French Government might have been induced to qualify this Article. But I, for one, should have been ashamed to make such a request; for of all the Articles in the Treaty there is not one more beneficial, as I believe, in a commercial point of view; there is not one that will more powerfully tend to bind together the commercial arrangements and through them the friendly feelings of the two countries. To prohibit the export of coal is impossible, except in the case of the limited prohibition that might arise on the outbreak of a war, which is entirely outside the view of this Article. To stop the export of coal, except in this limited instance, would be as impossible as it would be to prevent the import of cotton or the extraction of iron from the bowels of the earth. You export 7,000,000 tons of coals at present, which represent a value of between £3,000,000 and £4,000,000, and by far the larger portion of that sum is paid for the wages of labour; so that it would be impossible for us to interfere with such a trade. But what is the state of the case with France? France has abundance of coal for those purposes that may be termed political; for the domestic use of the rich and for all the purposes of the State her coal is abundant; but for the purposes of commerce her coal is scanty, and the physical conformation of France, and the wants of her manufacturers have gone far to determine the manufacturing enterprise of the country. Easy access to the raw material and abundant supplies of fuel lead to the creation of manufactures. Put these two conditions together and you have the combination that makes South Lancashire a busy manufacturing county, with the great town of Liverpool behind it. The part of France in which there is the best access to the raw material, and therefore so far is the most desirable for her manufactures, is the sea-board of the Atlantic; but then it is farthest from her supplies of fuel, that lie on the south and the east. But give France this Treaty, and an assurance that for commercial purposes she can depend on a supply of coal from this country, and then the cheapest part for obtaining coal in France will be that part that gives easiest access to the raw material of manufactures. The places where cotton and other articles that come across the sea are to be found will also be the places where the coal will be lowest in price. I have been informed — and it is a credible statement—that there are already migrations of manufactures contemplated in France from the centre and eastern parts of the country to localities on the Atlantic seaboard, where cheap coal is expected to be obtained. That is the same process which has taken place in this country, where the iron trade of Sussex has gone to the neighbourhood of the coal-pits, and where the cloth manufactures of Wiltshire and Dorsetshire have moved into Yorkshire. You can conceive no process more beneficial for the commercial interests of France, or one better calculated to promote the advantage of the great mass of labour in both countries and to secure the peace of the world, than that a manufacturing industry should rise up in France dependent for its prosperity on the supply of English coal. The House will understand, then, why I declare that we could not take advantage of the inclination which the French Government at one time exhibited, that rather than allow the Treaty to be lost they would consent to an alteration of this Article. But there seems to be an honest fear in many minds that, after all, we ought not to part with our coal, as it is so valuable—that we have got so little of it that we cannot let any of it go abroad. The right hon. Gentleman (Mr. Disraeli) most ingeniously laboured to cut down that estimate of coal, though he seemed rather afraid to state the result of his figures, and said that reliance could not be placed upon them. He rather evaded the point, and could not see the termination of our coal in less than some centuries. I am only sorry that my hon. Friend behind me (Mr. Vivian), who so clearly disclosed the facts of the case, was not heard by a larger number of hon. Members. It is the fact that there is in the minds of the class of persons most closely connected with coal-mining in England not the slightest apprehension of an exhaustion of the stock. I have before me a letter from one of the best, most instructed, and most experienced coal-viewers in the north of England, in which I am informed that we have coal in this country to last for upwards of 2,000 years. I allude to Mr. Nicholas Wood. But, as my hon. Friend (Mr. Vivian) observed, that does not represent half the case; for you do not reckon the unworked seams; you do not reckon the deeper seams which are accessible; you do not take into view the hundreds of cases of new beds of coal which are discovered from month to month in England. This cannot, then, be meant for a serious objection. But, after all, is my right hon. Friend sincere in this Amendment? It does all very well as a subject for a speech in this House; but are we really afraid? Does my right hon. Friend economize the use of coal in his own house? No. ["Oh!"] An hon. Member says "Oh!" I agree with his sneer. The consumption of coal is 70,000,000 tons annually; the quantity sent to France is 1,000,000; if you are really alarmed about the exhaustion of the existing stock, if you really think there is any necessity for economizing, let us economize on the 69,000,000 not on the 1,000,000. Why we suffer ourselves to be stifled with smoke and endure every kind of nuisance rather than compel the economy of coal by enforcing the consumption of smoke. It would be absurd, it is said, when we consume 70,000,000 tons of coal at home, that we should export to another country 1,500,000 tons, which may increase to 3,000,000; we cannot afford it; and, therefore, we must retain power to restrain the export. Sir, these are not the grounds on which this House will carry an Amendment to the foot of the Throne. But I have done with this consideration. The hon. Gentleman the Member for Norfolk (Mr. Bentinck), says he thinks a war with France and Europe would be better than that this Treaty should receive a final sanction. The hon. Gentleman was surprized when an involuntary emotion impelled some Members of the House to give utterance tot heir astonishment. It was a breach of rule, but it was called forth by an extraordinary occasion. It is not often we have the benefit of hearing a Gentleman stand up and with engaging frankness that carries with it the assurance of perfect sincerity, state calmly and coolly in this House that he would rather have a war with France and Europe than see this Treaty ratified, and he added in the same breath, that no man is more alive than he to the blessings of peace, but that great as are the blessings of peace, and awful as is the curse of war, this Treaty is a greater curse, and must be avoided, if possible. Sir, I must confess I do not feel at all disappointed at the course of the discussion with respect to this Treaty. I hope the hon. Gentleman will not think it disrespectful to him if I use free language, and if I confess I think that that one sentiment, and one or two others which he has used in these debates, are not worthy of the high standard of legislative wisdom which I am sure he would seek and desire to attain.

Sir, much has been said in the course of these debates that will not bear sober examination. Let us go back to the debates of 1787, and there we shall find that all the same foolish things and a great many others were said, and said, too, by very wise and distinguished men; but time and experience have cast a light over the events of those days which enable us to say that those predictions of evil have not been fulfilled. The mass of the country, at any rate so far as it can be tested by the ordinary records of the expression of opinion, has not shared in these apprehensions. I do not wish to overstate the case; but when the right hon. Member for Buckinghamshire travels back to a debate which took place three weeks ago, and rather glorifies himself on the advice he then gave to the House, but which the House refused to follow, he ought to recollect that that refusal was uttered not only by the members of the Government, not only by the majority which a party can supply; but that into that majority there entered many of the most able and respected Members from the opposite side of the House, who usually vote with the right hon. Gentleman himself. He appeals to the future—to the future we also appeal. We do not, and we must not, presume to say that this treaty will control the course of political events. The experience of Mr. Pitt would warn us against any such presumption. But although the instrument which he concluded was not destined to last, it did not on that account redound with the less honour to his name, or less benefit for its time to the country; we do not the less believe that even for the time it existed it may have done much to allay the feelings of anger and excitement which in both countries followed the close of the American war, and to produce greater feelings of self-command among the English people in the earlier stages and the crisis of the French Revolution. It is not for us to describe, in exaggerated phrases, the influences which, by this Treaty, we hope to put in motion; but if, by the blessing of the Almighty, the spirit of justice, prudence, and moderation shall prevail in the councils of Europe, then, looking to the state of Europe—to the power of every country to attain strength and eminence through the development of its internal resources, and to the absence of all legitimate causes of strife and collision, we ought to hope that that state of circumstances may remain and endure under which this Treaty may produce beneficial effects beyond any power of estimating; and I must say that, in that case, I cannot but cherish the cheerful and sanguine expectation that it will, of itself, do something to make the year 1860 one memorable—memorable, because fruitful of blessings—in the annals of Europe and of mankind.

MR. NEWDEGATE asked the Chancellor of the Exchequer, Whether the 5th Article of the Treaty, which touched the larger number of commodities, applied to the commodities of other countries as well as those of France, or whether we were under bond to France. If they did not desire to see a system of joint government with France prevail in England, let the Government answer that the admission of these articles from all the world was not provided for by the Treaty.

MR. HORSMAN said, he was desirous of saying a few words in explanation. The right hon. Gentleman the Chancellor of the Exchequer had understood him on his own authority to state that there was a great difference of opinion between the French Emperor and the French nation. Those who heard him speak would remember that he quoted the language of the Emperor himself and of the French journals; beyond which he stated distinctly that he did not draw that distinction upon his own authority. He found that there was a feeling in the House that if his Amendment should be carried it would affect the whole Treaty; under these circumstances, in compliance with a wish that had been expressed by hon. Gentlemen who were in favour of the Amendment, he should not press it to a division.

[The House, however, calling loudly for a division—]

Question put,

The House *divided* :—Ayes 56 ; Noes 282 : Majority 226.

List of the AYES.

Beach, W. W. B.
Bentinck, G. C.
Bond, J. W. M'G.
Bovill, W.
Bridges, Sir B. W.
Brooks, R.
Burghley, Lord
Cochrane, A. D.R.W.B.
Curzon, Visct.
Damer, S. D.
Dawson, R. P.
Dickson, Col.
Duncombe, hon. W. E.
Dunn, J.
Edwards, Major
Egerton, Sir P. G.
Elphinstone, Sir J. D.
Fergusson, Sir J.
Gard, R. S.
George, J.
Gore, J. R. O.
Greene, J.
Hartopp, E. B.
Hennessy, J. P.
Henniker, Lord
Hill, hon. R. C.
Hubbard, J. G.
Ingestre, Visct.
King, J. K.
Knightley, R.
Leeke, Sir H.
Long, R. P.
Lygon, hon. F.
Manners, rt. hn. Lord J.
Newdegate, C. N.
Nicol, W.
North, Col.
Pakington, rt. hn. Sir J.
Palmer, R. W.
Parker, Major W.
Peacocke, G. M. W.
Pevensey, Visct.
Ridley, Sir M. W.
Rogers, J. J.
Smith, Abel
Spooner, R.
Stirling, W.
Steuart, A.
Talbot, hon. W. C.
Thynne, Lord E.
Trefusis, hon. C. H. R.
Valletort, Visct.
Vance, J.
Vansittart, W.
Vernon, L. V.
Way, A. E.

TELLERS.
Horsman, E.
Bentinck, G. W. P.

List of the NOES.

Adam, W. P.
Adeane, H. J.
Agar-Ellis, hon. L. G. F.
Agnew, Sir A.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Arnott, Sir J.
Atherton, Sir W.
Bagwell, J.
Bailey, C.
Baines, E.
Baring, T. G.
Bass, M. T.
Bathurst, A. A.
Baxter, W. E.
Bazley, T.
Beale, S.
Bellew, R. M.
Berkeley, Col. F.W. F.
Bethell, Sir R.
Biggs, J.
Black, A.
Blake, J.
Blencowe, J. G.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brady, J.
Bramston, T. W.
Bright, J.
Bristow, A. R.
Brocklehurst, J.
Brown, J.
Browne, Lord J. T.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Buller, Sir A. W.
Butler, C. S.
Butt, I.
Buxton, C.
Byng, hon. G.
Caird, J.
Calthorpe, hon. Fred. H. W. G.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, hon. W.
Cayley, E. S.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Coke, hon. Col.
Colebrooke, Sir T. E.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Cross, R. A.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Deasy, R.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Divett, E.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Egerton, hon. A.F.
Ellice, E.
Emlyn, Visct.
Ennis, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Fermoy, Lord
Finlay, A. S.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Gaskell, J. M.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, Capt.
Gladstone, rt. hon. W.
Gyn, G. G.
Goddard, A. L.
Goldsmid, Sir. F. H.
Gordon, C. W.
Greaves, E.
Greenall, G.
Greenwood, J.
Greville, Col. F.
Gray, Capt.
Grey, rt. hon. Sir G.
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Hanbury, hon. Capt.
Handley, J.
Hankey, T.
Hardy, G.
Hartington, Marq. of
Hayes, Sir E.
Headlam, rt. hon. T. E.
Henley, Lord
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgson, K. D.
Holland, E.
Hope, G. W.
Hornby, W. H.
Howard, hon. C. W. G.
Howes, E.
Humberston, P. S.
Hunt, G. W.
Hutt, rt. hon. W.
Ingham, R.
Ingram, H.
Jackson, W.
James, E.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, Sir J.
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Knox, hon. Major S.
Laing, S.
Lanigan, J.
Lawson, W.
Leatham, E. A.
Lefroy, A.
Lee, W.
Legh, Major C.
Lewis, right hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, W. S.
Lindsay, hon. Col.
Locke, Joseph
Locke, John
Lockhart, A. E.
Lowe, rt. hon. R.
Lyall, G.
Lysley, W. J.
M'Cann, J.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Merry, J.
Mildmay, H. F.
Miller, W.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Montgomery, Sir G.
Moody, C. A.
Morris, D.
Mowbray, rt. hon. J. R
Newark, Visct.
Noble, J. W.
Norris, J. T.
North, F.

O'Brien, P.
Ogilvy, Sir J.
Onslow, G.
Owen, Sir J.
Packe, G. H.
Paget, C.
Paget, Lord C.
Palmerston, Visct.
Patten, Col. W.
Paxton, Sir J.
Pease, H.
Peel, Sir R.
Peel, rt. hon. F.
Peto, Sir S. M.
Pilkington, J.
Pinney, Col.
Portman, hon. W. H. B.
Pritchard, J.
Proby, Lord
Pugh, D. (Carmarthenshire)
Puller, C. W. G.
Raynham, Visct.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, F. W.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, Titus
Scrope, G. P.
Selwyn, C. J.
Seymour, Sir M.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Smith, Sir F.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Stafford, Marquess of
Stanhope, J. B.
Steel, J.
Stuart, Col.
Sykes, Col. W. H.
Taylor, H.
Tempest, Lord A. V.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Turner, J. A.
Vandeleur, Col.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waldron, L.
Walpole, rt. hon. S. H.
Walter, J.
Warre, J. A.
Watkins, Col. L.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, Col. L.
Wickham, H. W.
Williams, W.
Wise, J. A.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Wynn, Col.
Wynne, C. G.
Wynne, W. W. E.
Wyvill, M.

TELLERS.

Brand, H. B. W.
Dunbar, Sir W.

Mr. NEWDEGATE wished to know, in reference to the article of corks, whether the fifth Article of the Treaty was general in its application, or whether it was limited to the produce of France or goods imported from France?

The CHANCELLOR of the EXCHEQUER said, the legislation of the House applied in the same manner to corks as to all other articles. The only difference was that they separated into two parts the provision with regard to corks—first, that necessarily coming under the Treaty; and secondly, that relating to corks universally.

Mr. NEWDEGATE wanted to know whether Article 5 applied to goods which were imported from France, or to goods from all countries.

The CHANCELLOR of the EXCHEQUER said, that was a question with regard to the construction of an article of the Treaty upon which the hon. Gentleman had before refused to accept his opinion, and had expressed a strong opinion of his own. He was not of the same opinion as the hon. Gentleman; but if any point in the Treaty required to be elucidated, he would refer it to the law officers of the Crown.

Main Question put, and *agreed to.*

Resolved,

"That an humble Address be presented to Her Majesty to assure Her Majesty that, having considered the Treaty of Commerce concluded between Her Majesty and the Emperor of the French, this House begs leave to approach Her Majesty with their sincere and grateful acknowledgments for this new proof of Her Majesty's desire to promote the welfare and happiness of Her subjects:

"To assure Her Majesty that we shall proceed to take such steps as may be necessary for giving effect to a system which we trust will promote a beneficial intercourse between Great Britain and France, tend to the extension of Trade and Manufacture, and give additional security for the continuance of the blessings of Peace."

Committee *appointed,*

"To draw up an Address to be presented to Her Majesty upon the said resolution:"—Mr. Byng, Mr. Baines, Viscount Palmerston, Lord John Russell, Mr. Chancellor of the Exchequer, and Sir George Lewis, Mr. Secretary Sidney Herbert, Sir Charles Wood, Sir George Grey, Mr. Milner Gibson, Mr. Cardwell, Mr. Villiers, Mr. Attorney General, Mr. Attorney General for Ireland, the Lord Advocate, or any five of them:—To withdraw immediately.

House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 12, 1860.

Minutes.] Public Bills.—1ª Benefit Societies Rules Amendment; Oxford University.
2ª Medical Acts Amendment.
Royal Assent.—Consolidated Fund (£407,649); Saint Mary in Rydal Marriages Validity.

THE AFFAIRS OF ITALY—EXPLANATION.

The Marquess of NORMANBY said, he rose to offer an explanation respecting a statement which he had made some evenings since. On that occasion a noble Marquess (the Marquess of Clanricarde) asked him whether he had received a certain letter. His reply was that he had not. But a few minutes afterwards a packet of letters, which had been offered to him when entering the House, but which he had then desired the messenger to keep for him, was put into his hands.

That packet contained the letter which had been referred to by the noble Marquess; but he was unable to communicate the fact to him, as the noble Marquess, immediately after he had made his own statement, left the House. For obvious reasons he could not more particularly refer to the purport of that communication. It came with no foreign post-mark, and the words "The House of Lords" were in a different hand-writing from the rest of the superscription. He presumed the noble Marquess must have been aware of the fact, having been himself the channel of communication. He had read and answered the letter, and he thought their Lordships would agree with him that he ought to leave the matter there, as it was one which had only come before the House by what had passed between himself and the noble Marquess. That noble Marquess had accused him of making a dangerous attack on the character and disposition of the Provisional Government of Florence, dangerous to the parties opposed to them; but the noble Marquess left the House without waiting to hear what he or any other Member of their Lordships' House might have to say in reply. The noble Marquess, assuming a prophetic tone, had warned him to be careful in the course which he was pursuing, or he might endanger the safety of those whose cause he was defending.' Now, he did not believe that the party to which allusion was made was in such peril as the noble Marquess represented; though he knew that statements had been made to the effect that respectable persons in Florence and elsewhere had been warned by the Government to leave the country, as they were in danger from popular fury. But this alarm, created in common by the noble Marquess and the Provisional Governments of those countries, he believed, would prove utterly unfounded. The noble Marquess would excuse him for saying that his experience of Italy, with which he had favoured the House, was not very extensive. The noble Marquess had no need to flatter himself that the attentions paid to him in Italy were secured by his personal merits—it was his well-known relations with the noble Viscount at the head of the Government. These relations must have given great significance to a report which was current in Italy, that the noble Marquess, at a demonstration at Milan, had assured a large company that he could promise those whom he addressed of the sympathy of the English people. In the course of the same debate the noble Lord, the Under Secretary of State for Foreign Affairs, had expressed a doubt whether a letter, to which he himself had referred, really proceeded from a merchant of Leghorn, and he was now prepared with a document which he would hand to the noble Lord, the perusal of which he was sure must convince him that the gentleman in question was a merchant in Leghorn of the highest respectability.

THE MARQUESS OF CLANRICARDE denied altogether that an imaginary connection with the noble Viscount at the head of the Government had in any way invested him in Italy with the character of one who might be presumed to speak for the English people or English Government. The only person who had expressed to him such an opinion in Italy was a nobleman, a friend of the old *régime*, one of the party to which the noble Marquess himself belonged; but when that Gentleman suggested to him that he was in Italy on a confidential mission from the English Government, he at once denied it in the strongest manner. In his tour through Italy he represented no one's opinions but his own, still less those of Her Majesty's Government. He would repeat what he said the other evening, that this reactionary party, though no doubt amiable and respectable, was of the very smallest dimensions both in numbers and influence, so small, indeed, that the popular feeling opposed to the restoration of the Grand Ducal Government might be said to be unanimous. It was utterly impossible for any man now to think of restoring the deposed Sovereigns of Italy, and, in fact, nobody, except, perhaps, the noble Marquess, did think of it—not even at Vienna. As to the Milan banquet, so far from his having said that he came there to express the feelings and sentiments of the British people, it was almost entirely by accident that he attended it. By his own arrangements he was in Milan the day before it took place, and he delayed one day in order to witness it—and very glad he was that he had done so, for he had never seen a more remarkable sight. On asking how it would be possible for him to witness it he at once received an invitation. At first he declined, because he did not wish to take part in it, and asked to be placed somewhere where he could see the sight without attending as one of the company; but that being impossible, he came to the conclusion, seeing that he heartily sympathized with the feelings of the people, that there was no reason why he should stay away; but it was on the specific understanding that he was utterly unconnected with the demonstration. His health was drunk, and in reply he stated his own individual sympathy with the feelings of the people. But so far from assuming to speak for the people of England, or the English Government, he distinctly stated that there were many considerations connected with the origin of the war which had rendered it peculiarly difficult for England to interfere in any way. Another matter was of much more serious importance. The noble Marquess had in his pamphlet accused General Decavero of levying a most grievous impost upon the country, of embezzling the proceeds, and of having been removed from his command on account of former delinquencies. Such a statement ought only to be made upon the clearest proof; but in this instance a most distinct and indignant contradiction was given, and the gallant General appealed to the head of the State to institute a searching inquiry into his conduct, because, he said truly, if such were his character, he ought to be instantly removed from the command which he now held. He understood that a letter of a similar import from the General appeared in one of the English newspapers that morning. It appeared that he had not been dismissed, but still held an important command. The noble Marquess had complained of the oppressive imprisonment which had taken place under the Provisional Government. The only object in making such exaggerated statements was to harass the existing Government in Italy. He supposed the noble Marquess included in his cases that of two foolish English ladies, who very possibly roused by the speeches and pamphlet of the noble Marquess, had made a demonstration. They endeavoured to post up proclamations against the Government in favour of the Grand Duke; but, fortunately for them, instead of being left to the tender mercies of the indignant populace, they were removed by the authorities and soon afterwards set at liberty with a caution to be wiser in future; and that was all the harm that had come to them. As to the imprisonment of individuals alluded to by the noble Marquess, it was the first duty of every state to secure itself against conspiracies and attacks; and the present Provisional Government had not existed long enough itself to have inflicted what was deemed by the former Governments a long political imprisonment in Italy. What were they compared to the long imprisonments that had been inflicted in Naples and Austria, and to the executions at Florence, after nominally the punishment of death had been abolished? The noble Marquess had failed to make out any case against the Provisional Government. He did not know whether the noble Marquess withdrew the charges which he had made against General Decavero, but he ought never to have exposed himself to such a contradiction as was published in to-day's paper, and it certainly did not tend to raise the character of their discussions when it was supposed, though erroneously, that such unfounded statements were made in their Lordships' House.

LORD WODEHOUSE appealed to their Lordships whether the course he had taken the other night was an unusual one. All he did was to read a letter to the House—not an anonymous one—signed by six British merchants in Tuscany, in order to show how the statements of the noble Marquess were received in Italy. The noble Marquess gave him the name of a merchant at Leghorn who communicated with him. The noble Marquess said he was a respectable man, and as the noble Marquess said so, he (Lord Wodehouse) was quite ready to believe that such was the case; but his name was not made public, while those of the six British merchants were published to the world.

THE MARQUESS OF NORMANBY was about to reply, when

EARL GRANVILLE rose to call the House to order. Their Lordships did not object to short questions or short personal explanations before passing to the Orders of the Day; but the noble Marquess had already made a long statement, and gone through the debate of Friday last. The discussion had now lasted half-an-hour, and he, therefore, asked their Lordships to proceed to the business of the day.

THE MARQUESS OF NORMANBY said, he had no desire to detain their Lordships by making a second speech. He merely rose for the purpose of remarking that it was impossible for him then to reply to all the statements which the noble Marquess had, he thought somewhat unfairly, brought before the House. He wished, however, to know whether the noble Lord the Under

Secretary for Foreign Affairs admitted that the letter he had received came from a respectable gentleman.

Lord WODEHOUSE said, he was quite prepared to accept the noble Marquess's assurance that the merchant in question was a respectable man, but personally he knew nothing about him.

The Marquess of NORMANBY thought that the noble Lord was not quite candid, and that after the description he had given he (Lord Wodehouse) should have made a more complete recantation of the opinions he had derived from others.

TREATY WITH FRANCE.—THE ADDRESS TO HER MAJESTY.—A CONFERENCE.

"Conference had at the Desire of the Commons upon the subject Matter of an Address to be presented to Her Majesty respecting the Treaty of Commerce with France; and Report made, That the Commons had agreed to the following Address to be presented to Her Majesty, to which they desire the Concurrence of their Lordships:

> "Most Gracious Sovereign,
>
> We Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having considered the Treaty of Commerce concluded between Your Majesty and the Emperor of the French, beg leave to approach Your Majesty with our sincere and grateful Acknowledgments for this new Proof of Your Majesty's Desire to promote the Welfare and Happiness of Your Subjects:
>
> "We shall proceed to take such Steps as may be necessary for giving Effect to a system which, we trust, will promote a beneficial Intercourse between Great Britain and France, tend to the Extension of Trade and Manufacture, and give additional Security for the continuance of the Blessings of Peace."

Lords summoned for *Thursday* next.

> "The Lord Taunton to move to agree with the Commons in the Address to Her Majesty on the Subject of the Treaty of Commerce with France, and to fill up the Blank in that Address with (' Lords Spiritual and Temporal, and')."

TREATY WITH FRANCE.—QUESTION.

The Earl of ELLENBOROUGH wished to direct the attention of Her Majesty's Government to the third Article of the Treaty, respecting which he wished for some explanation. That Article was as follows:—

> "It is understood that the rates of duty mentioned in the preceding Articles are independent of the rates the differential duties in favour of French shipping, with which duties they shall not interfere."

Now, literally translated, the French Article would run thus:—

> "It is agreed that the duties fixed by the preceding articles are independent of the differential duties established in favour of French shipping."

The differences were that in the English translation the word "understood" was used instead of "agreed," the word "mentioned" instead of "fixed," the word "established" was altogether omitted, and the words at the end, "with which duties they shall not interfere," were added. He could not discover any clear meaning in either the French or English version, and he wished the Government to explain what the meaning of the Article really was. It was important that an Act of Parliament should be most precise in its language, and it was equally important that a Treaty should be expressed in precise terms. Their Lordships had twice had occasion lately with respect to treaties with the United States of America to lament the obscurity of the language used, and he was most anxious that the same thing should not occur with regard to this Treaty. After reading this Article both in French and English he could not understand whether, under the words as they stood in either Article, France retained the power of raising the differential duties, or whether they remained fixed as at present, and liable to be diminished if the Emperor should think fit. If the French Government had the power of raising these differential duties they had the power of making it impossible to export from this country in British bottoms any portion of the various articles which it was the object of the Treaty to enable us to export. If this were an Act of Parliament the words would be very different. Care would have been taken before the word "established" to use the word "now" established, and there would have been a proviso guarding against the possibility of these differential duties being increased. If, on the other hand, it were intended that the French were to have the power of raising these differential duties the words used would have been "which now are or may hereafter be established," so as to give the power of raising the duties. He wished to ask whether the French Government had or had not under this Article the power of raising these differential duties.

The Duke of NEWCASTLE said, he agreed that the language used in the

French and English versions respectively was not very clear. Not being content with his own interpretation of the Article, he had consulted the Chancellor of the Exchequer, to ascertain whether his opinion coincided with his own, and he thought he was now in a position to state the views of the Government as to the interpretation of the 3rd Article. At the same time, he would admit that neither in the English nor French version were the words very clear and distinct, but of the two he thought the French the more clear, in the sense in which the Government understood this Article. The understanding of Her Majesty's Government was that the French Government would not retain any power of raising these differential duties as against Great Britain. He would not enter into any further discussion, as, no doubt, these and other points would be raised more fully on Thursday, when they would be more conveniently discussed.

THE EARL OF ELLENBOROUGH considered this matter as of too much importance to be left to the opinion and understanding of Her Majesty's Government, and he earnestly hoped that before their Lordships took this Treaty into consideration on Thursday the Government would communicate with that of France, and then they would be able to lay upon the table, he would not say an additional Article explanatory of the Treaty, but a written declaration on the part of the French Government that under that Article they did not consider themselves to possess the power of raising the differential duties now existing.

THE DUKE OF ARGYLL doubted whether the noble Earl had not misapprehended the facts. There were no differential duties against British shipping engaged in the direct trade between France and England; but there were differential duties on the shipping of other countries, and Dutch or Swedish ships carrying English goods to France were subject to differential duties. This clause was, so far as it went, protective of the interests of British shipping.

THE EARL OF ELLENBOROUGH desired also to ask the Government whether it was their intention to lay upon the table of their Lordships' House, before Thursday next, a copy of the French tariff at present in force; because it was desirable to know what was the French point of departure as well as our own.

THE DUKE OF NEWCASTLE said, he had made application to the Board of Trade, and was informed that they possessed a copy of the French tariff as it stood on the 1st of January, 1859. The French tariff, as the noble Earl was aware, was one of the longest, most cumbersome, and most intricate of all the Continental tariffs. There was not the smallest objection to lay the document upon the table, but it would be impossible to have it printed so as to be ready for their Lordships by Thursday, or, indeed, for some days later; but he held in his hand an abstract of the French tariff, which had been published, which included all the most essential points of the document, which he would place in the hands of the noble Earl.

THE EARL OF ELLENBOROUGH said, he was quite satisfied with the statement of the noble Duke.

EARL STANHOPE confirmed, from his own experience, the statement of the noble Duke as to the unwieldy nature of the document comprising the French tariff, and thought his noble Friend would get all the information he desired from the abstract.

House adjourned at a Quarter past
Six o'clock, till To-morrow,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 12, 1860.

MINUTES.] NEW MEMBER SWORN.—For Surrey, (Western Division), George Cubitt, esquire.
PUBLIC BILLS.—1° Mutiny; Inclosure.
2° Paper Duty Repeal; Consolidated Fund (£4,500,000); County Prisons (Ireland).

NORWICH ELECTION.

REPORT.

House informed, that the Committee had determined,—

"That the Right honourable William Coutts Keppel, commonly called Viscount Bury, is not duly elected a Citizen to serve in this present Parliament for the City and County of the City of Norwich.

"That the last Election for the said City and County of the City of Norwich is a void Election.

"And the said Determinations were ordered to be entered in the Journals of this House."

EVICTIONS IN MAYO.

QUESTION.

MR. MAGUIRE said, he rose, pursuant to notice, to ask the Chief Secretary for

Ireland, Whether it is true that a troop of the 15th Hussars have been sent to Castlebar, County Mayo, for the purpose of aiding in the eviction of more than sixty tenants, representing 250 souls, from the property of Lord Plunket, Bishop of Tuam, at Partry, in that county; and whether it has come to his knowledge that the said evictions have been the result of the refusal of the tenants, who are exclusively Catholic, to permit their children to attend schools established by Lord Plunket, and which schools were publicly stated to be anti-Catholic in their teaching?

Mr. CARDWELL said, he was sorry to say, that from the excited state of Castlebar and its neighbourhood it had been deemed necessary to send a small military force. That was the only portion of the question to which he was able to give an official answer. As to the motives inquired about as having induced a resort to the evictions he possessed no official information.

BRIBERY.—CONVEYANCE OF VOTERS, &c.

QUESTION.

Sir ANDREW AGNEW said, he wished to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to endeavour to carry through a measure embracing the subjects of Bribery at Elections, Conveyance of Voters, Election Auditors (and other matters lately referred to a Select Committee), simultaneously with the final passing of the Reform Bill?

Sir GEORGE LEWIS said, he should not be in a position to state what course the Government meant to take in reference to the subject until the Committee which had been appointed to inquire into it had made its Report.

THE KINGDOM OF NAPLES.

QUESTION.

Mr. T. DUNCOMBE said, he wished to ask the Secretary of State for Foreign Affairs, Whether any Correspondence has passed since the accession of Ferdinand II. to the Kingdom of the Two Sicilies, between the British Government and its Representative at Naples, relative to those Constitutional Reforms recommended by England and France in 1856; and if so, whether there is any objection to lay Copies upon the Table of the House?

Lord JOHN RUSSELL said, there had been a good deal of correspondence as to the reforms which should be made, particularly as to the reform to be made in the administration of justice in the Kingdom of the Two Sicilies. He had directed that the Papers should be prepared, and he hoped that in a few days they would be ready to be laid upon the Table of the House.

TELEGRAPHIC ARRANGEMENTS.

QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask the President of the Board of Trade, Whether an application has been made by the Submarine Telegraph Company for an extension of their Charter; and whether any steps will be taken thereupon before the Select Committee on Packet and Telegraphic Contracts have reported upon the subject of Telegraphic arrangements? He would also ask whether, if any Correspondence has taken place on the subject, there will be any objection to its production?

Mr. MILNER GIBSON said, that an application had been made by the Submarine Telegraph Company for an extension of their Charter, but no steps would be taken in the matter till after the Report of the Committee on Contracts had been received. With respect to the production of the correspondence he was unable at present to give an answer.

EXPORT DUTY ON FOREIGN RAGS.

QUESTION.

Mr. PULLER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether it is the intention of the French Government to impose any Duty on the export of Rags from France when the existing prohibition shall be removed, and if so, the amount of such Duty; and whether any steps have been taken, or will be taken, by Her Majesty's Government for obtaining a free export of Rags from those countries in which the export is now either prohibited or restricted by heavy duties—namely, Belgium, Holland, Germany, Spain, and Portugal.

Lord JOHN RUSSELL said, he had to state that Her Majesty's Government had heard from our Ambassador at Paris that it was pretty certain that there would be a duty on the export of rags from France; but that he had not been able to ascertain what the amount would be. It was, however, hoped that the duty would not be large. With regard to the second question of the hon. Gentleman, Her Majesty's Government would take steps to obtain, if possible, a free export of rags from the other countries named in the inquiry.

RELIGIOUS INSTRUCTION TO CHILDREN IN WORKHOUSES.—QUESTION.

Mr. KINNAIRD said, he wished to ask the President of the Poor Law Board, Whether any and what number of Unions have expressed objections to a certain Order of the Poor Law Board, dated the 23rd day of August, 1859, relating to the Religious Instruction of Orphan Children in Workhouses, and whether a large number of Unions have not positively refused to obey such Order; whether any steps have been taken to compel the Guardians so refusing to carry into effect the said Order; and whether the Poor Law Board have intimated, or caused it to be understood, that the said Order is not compulsory.

Mr. C. P. VILLIERS said, the Order referred to was issued by his predecessors to 591 Unions. Out of that number thirty-eight Boards of Guardians had expressed some objection to the order, and nine had stated their intention not to give any effect to it. The Poor Law Board had not taken any steps to enforce it. Some doubt having been expressed as to its legal construction, the Board took the opinion of Counsel, and they had since caused it be made known that the order would not be compulsory.

LORD ELGIN'S MISSION.—QUESTION.

Mr. BAILLIE COCHRANE said, that although the discussion on China had been, most unfortunately, indefinitely postponed, he desired to ask the noble Lord the Secretary of State for Foreign Affairs one or two questions. Understanding that Lord Elgin, who has been appointed our Ambassador Extraordinary to China is about to embark for his destination in a very few days, he thought the House had a right to ask that the discussion which has been arrested by the noble Lord (Lord John Russell) should take place before Lord Elgin left the country. Moreover, he should like to ask the noble Lord whether Lord Elgin is proceeding to China merely to conduct the present negotiations, or whether it is intended that he shall supersede Mr. Bruce?

Sir GEORGE GREY replied, that on Friday his noble Friend (Lord John Russell) intended to make a statement with reference to our affairs in China, and that although Lord Elgin was going to Paris for a few days he would not leave for China before the discussion took place.

THE NEW SYSTEM OF PURCHASE IN THE ARMY.—QUESTION.

Colonel SMYTH said, he would beg to ask the right hon. Gentleman the Secretary of State for War when he proposes to introduce or lay upon the Table his proposal for alteration in the present system of Army Purchase?

Mr. SIDNEY HERBERT said, that he could not lay upon the Table a proposal for altering the Regulations of the Army. When the Regulations were amended they might be moved for, and presented to the House in their new form.

Colonel DICKSON said, he wished to know whether the right hon. Gentleman intends to take so important a step as that of altering the system of purchase now existing in the Army without asking the opinion of that House upon it?

Mr. SIDNEY HERBERT said, that the Army was governed not by the Votes of the House of Commons, but by the Queens' Regulations, and he should not be doing his duty if he produced any Regulation for discussion in that House before it had been decided upon by the Queen in Council.

BUSINESS OF THE HOUSE.

QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask in what order the Customs Resolutions will be taken?

Mr. KER SEYMER said, he wanted to know when the Wine Licences will be brought on?

The CHANCELLOR of the EXCHEQUER said, that he should not proceed, in Committee of Customs, with the Resolutions touching the Drawback on Wine or the imposition of minor taxes until Thursday or Friday at the soonest. He could not at present fix a day for the discussion of the Wine Licences with a view to a decision, because be thought, if it were necessary to take a preliminary Resolution, it would better to take it in a very general form, and to allow the discussion to come on upon the Bill founded upon it, which would include the Police Regulations and other matters, which, though necessary to the understanding of the subject, could hardly be expressed in a Resolution. That Bill was already prepared, and he hoped to lay it upon the Table to-morrow.

MILITARY ORGANIZATION.
QUESTION.

Colonel HERBERT said, he would beg to ask the right hon. Gentleman the Secretary of State for War when he intends to move the reappointment of the Committee on Military Organization?

Mr. S. HERBERT said, he had not yet communicated with the Members of the Committee, but he would give notice when he intended to move its reappointment.

THE FRENCH TREATY.—THE ADDRESS.

Mr. BYNG *brought* up the Address to Her Majesty upon the subject of the Treaty of Commerce with France.

On Question that the Address should be agreed to,

Sir HENRY WILLOUGHBY said, he desired that it should be understood that the Division on Friday night took place not upon the Motion for the Address, but upon the Amendment of the right hon. Member for Stroud (Mr. Horsman). Had the question been whether or no the Address should be adopted, he should have voted for the Address.

Address *agreed to.*

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

Lord JOHN MANNERS said, that the House would remember that the noble Lord opposite, the Secretary of State for Foreign Affairs, had on a former occasion stated that notwithstanding the somewhat ambiguous language contained in the speech of the Emperor of the French, it was still the opinion of Her Majesty's Government that it was his intention to consult the great Powers of Europe previously to annexing Savoy to France. In consequence of certain statements which had since appeared in the semi-official French press he was anxious to repeat the Question he had formerly asked of the noble Lord, Whether, since the expression of opinion to which he had referred, he had received any further information from Paris as to the intention of his Imperial Majesty to consult the great Powers of Europe upon the subject?

Lord JOHN RUSSELL replied that her Majesty's Government had instructed the English Ambassador in Paris to ask the French Government in what manner and in what form the great Powers would be consulted. He had ascertained that M. Thouvenel had prepared a despatch on the subject, which he would probably be able to send by the next day (Tuesday) or Wednesday, to the Ambassadors of the different Powers of Europe. As regarded the effect of that communication, he could only say that he hoped the opinion of the great Powers of Europe would have due weight with the Government of the Emperor.

Mr. DISRAELI said, as there was misapprehension as to the course of business for Monday next—for which day he understood the Motion of the hon. Member for Bridgwater (Mr. Kinglake) respecting Savoy as well as the second reading of the Reform Bill was fixed—it would be convenient if the Government would state what was to be the order of proceeding on that day.

Lord JOHN RUSSELL said, that no engagement had been entered into between the Government and his hon. Friend the Member for Bridgwater, that his Motion relative to Savoy should come on upon the 19th, and it was his (Lord J. Russell's) intention to move the second reading of the Reform Bill on that evening.

Mr. KINGLAKE: I wish to know whether the Government are prepared to fix the discussion on the subject of the annexation of Savoy for any Government night. I may be permitted to remind the House of the circumstances under which I ask this question. When the discussion on the Commercial Treaty was pending, and when several questions were from time to time put to the Government with respect to Savoy, the noble Lord the Secretary for Foreign Affairs took occasion to say that the continued interruptions thus created were extremely inconvenient, and appealed to the House to decide whether it would not be much better to set apart some particular night for a fair and open discussion of the question, referring by way of illustration to the discussion which occurred in "another place." Well, in deference to that suggestion, I was induced by several friends, on whose judgment I rely, to give notice of a Motion on the subject, and I must appeal to the noble Lord whether we have not fairly performed our part of that honourable understanding. It was open to any one logically to import observations on the

Savoy and Nice question into the discussion of the Commercial Treaty, but that was avoided. I did not address myself to the subject, and almost all who are interested in the question likewise abstained. I must, therefore, say I think we have something like a fair claim on the Government to assist us in fixing a day for this discussion. The noble Lord will also recollect that I had my Motion on the paper, giving me precedence of the Government, and I must say I feel great regret that on that day I was prevented from bringing the subject before the House, because the information I have received shows that time is in this matter absolutely vital. Only this morning I received intelligence that the Savoy deputies to the Sardinian Parliament had met at Chambery with the view of proceeding to Paris to do homage for Savoy to the Emperor of the French. I do not know whether intelligence of the same kind has reached the noble Lord, but there is no doubt that time is of the deepest importance in this matter, and I, for one, will not accept the responsibility of being the cause of any delay. That responsibility must rest strictly with Her Majesty's Government, unless as soon as possible we have this question discussed.

MR. SPEAKER said, the hon. Gentleman not having concluded with a Motion, his proceeding was extremely irregular.

MR. KINGLAKE: I beg to move the adjournment of the House.

SIR ROBERT PEEL seconded the Motion.

LORD JOHN RUSSELL: As the hon. Gentleman has made a statement, perhaps I may be permitted to make a statement likewise. My hon. Friend will recollect that what I asked on the occasion to which he has alluded was, not only that this discussion with respect to Savoy and Nice should not be mixed up with the discussion of the Commercial Treaty, but I told him that such discussions would be injurious to the public interest. I thought the hon. Gentleman had yielded to that suggestion. That was my opinion then and it is certainly my opinion at the present time. We have had a discussion on the question of Savoy and Nice, upon which the hon. Baronet the Member for Tamworth (Sir R. Peel) made a very eloquent speech, which produced a great impression in this House, and I think that the feeling of the House upon the subject could not be doubted. But it was to be considered whether there should be any definite Motion upon the subject. The discussion in the other House of Parliament, to which I alluded, was not a discussion that ended, or was intended to end, in any definite Resolution, or any proposal that the Government should take a different course from that which had been taken. As I then suggested when hon. Gentlemen spoke on the other side of the House, I ask again what is to be the meaning of a Motion in case it is made? If it is merely to express the opinion of the House, I am afraid that speeches will be made that will have the effect of producing irritation and exasperation. So far from being useful, I said that I thought such a Motion would have a very detrimental effect upon the public interests. There is a party in this House who, on the contrary, think that the question of the annexation of Savoy, however it may be brought about, even if it is with the consent of the King of Sardinia—if it has the consent either generally or partially of the people of Savoy, and if not actually opposed by the other Great Powers of Europe—still think it the duty of this country to resist it, and to go to war on the subject. Why, then, I say let them bring forward a Motion stating their grounds for that opinion. If my hon. Friend is of that opinion, it will not be difficult to obtain a day for that discussion. It is of great importance that it should not be long delayed; but to have discussions in which to express the opinion of the House with regard to Savoy which has been already sufficiently expressed would not be useful, and I think it is unnecessary in the present state of affairs.

MR. DISRAELI: Sir, I must say there is a great fallacy in the observations of the noble Lord, which, indeed, has pervaded all his remarks on this subject from the beginning. The noble Lord always assumes that the only conduct that ought to be questioned by the House of Commons is the conduct of the Emperor of the French. That, no doubt, is a matter of great importance; but I have yet to learn that it is not the right and the duty of the House of Commons upon questions of high policy to express its opinions. There is another portion of this subject, which opens a question of equal interest to the country—that is, the conduct of Her Majesty's Government. We want a discussion of this question of Savoy, that we may clearly understand that the course of Her Majesty's Government with respect to the whole of this matter, which now so much agitates Europe, is clear before the House and the country. The noble Lord, therefore, only begs the question when he assumes that it is merely the conduct of the Emperor of the French which we criticize and call in question. We want to know how far his policy has been favoured or occasioned by the conduct of Her Majesty's Government. That ought to be made clear to us, and with that view I agree that a discussion should take place in this House on the subject. It is quite natural that the hon. Member for Bridgwater, who takes so much interest in this question, should bring it forward. It may be he only wishes to bring it forward to express an opinion as to the policy pursued by the Emperor of the French; but I believe that there is another part of the question, in which the House of Commons and the country naturally take a very deep interest, as to the course taken by Her Majesty's Government, although I am not prepared to give a definite opinion of it in the present state of affairs. The conduct of the Government on the question of Savoy, however, does appear involved in great mystery, and requires much explanation. The noble Lord made no answer to the statement I made the other night—that the noble Lord, being perfectly aware, as the papers show, for many months of the policy of the Emperor of the French, has pursued that course in Italy which rendered that policy unavoidable. He has offered no explanation to us how, at the commencement of this year, he proposed four points for the settlement of Italy, and, as it appears, concealed from the four Powers that he was cognizant, if those terms were accepted, a Sardinian province would be annexed to France. The House of Commons, I must again say, has considerable desire to have that question discussed, even more than the conduct of the French Emperor.

VISCOUNT PALMERSTON: I am not disposed to dispute the statement of the right hon. Gentleman that there are two distinct propositions involved—two branches of the subject connected with Savoy—one in so far as the course of the transaction bears on the French Government and the Emperor of the French; the other branch is the degree in which it bears on the conduct of Her Majesty's Government. Now, my noble Friend stated—and I think has stated in a manner which no man in this House would be disposed to controvert—that this House having distinctly and clearly expressed its opinion on the policy and project of the annexation of Savoy to France, it was not desirable to repeat discussions on that subject from week to week, involving angry animadversions on the conduct of the French Emperor, and —I cannot forbear saying—personalities in regard to him not very useful or tending to the public interests, when stated in this House with regard to the Sovereign of a foreign country with whom we are on terms of friendly alliance. My noble Friend stated that, the question having been discussed, no good could arise from weekly repetitions of such discussions. I am decidedly of that opinion. But, on the other hand, a great deal of evil will arise —first, in regard to the issue of the matter in question; and, secondly, in regard to the relations in which the two Governments are to stand to each other. And, therefore, if the object of those who wish to renew the subject is simply again to express an opinion disapproving the project entertained by the French Government, I think my noble Friend has given ample reasons why it is not expedient that the House should take that course. If, on the other hand, the right hon. Gentleman opposite thinks that the other branch of the subject requires to be brought under the consideration of Parliament—if he, or any other hon. Member, is prepared to propose to the House a vote of censure upon Her Majesty's Government for the conduct they have pursued in regard to Savoy, that undoubtedly is a most legitimate Motion to propose to the House, and most proper for those who think that our conduct is deserving of censure. I can only assure the right hon. Gentleman, and any other hon. Members, who may concur in that opinion, that we shall be perfectly prepared to meet that discussion whenever it shall be brought forward. Therefore, I think it ought to be clearly explained whether those who wish to bring this subject of Savoy again before the House, do so with a view to renew expressions of censure on the Government of France, or to ask the House to concur in a vote of censure on Her Majesty's Government. I doubt whether my hon. Friend, the Member for Bridgwater, who has charged himself with this subject, has the latter object in view; but if the right hon. Gentleman (Mr. Disraeli) entertains the opinion he has insinuated, that Her Majesty's Government have failed in their duty in regard to this matter, I say it is legitimate to make a Motion on that subject; but the Motion should be made precisely and clearly on the subject, expressing censure on the Government, and hon. Members should not content themselves with expressing their opinion that the Government was deserving of censure in a debate on a Motion which does not bear on the conduct of the Government, but on the conduct of an allied and friendly Government.

Sir JOHN PAKINGTON: My right hon. Friend has been very much misrepresented by the noble Lord. He has not indicated any intention of moving a vote of censure; he merely stated that certain questions which he had asked of the Government on a former occasion not having been answered, he felt entitled to call on the Government for explanations as to the line of conduct which they had pursued on this subject. I think the noble Viscount cannot deny that the circumstances are such as fully justify hon. Members on this side of the House in requiring from the Government some explanation on certain points involved in their proceedings, especially on that point to which my right hon. Friend adverted—namely, that, although the noble Lord does not appear to have made any remonstrance or expressed the opinion of Her Majesty's Government upon this subject till the month of December, it is clear that Her Majesty's Government must for a considerable period previous to that have possessed a knowledge of the intentions of the French Emperor, with respect to Savoy. As far as I remember what has passed in this House on this question the conduct of the Government is hardly fair towards the hon. Member for Bridgwater. The noble Lord appealed to that hon. Gentleman the other night to postpone his Motion, because to proceed with it on the day fixed would be injurious to the public service. The hon. Member readily acceded to that proposal. At the same time the noble Lord the Secretary of State expressed an opinion that, looking to the great importance which attached to the intentions of the Emperor of the French with respect to the annexation of Savoy, it was most desirable that a discussion should take place, not only in this House, but in the other House of Parliament. I certainly am at a loss to know what there is in the events that have lately taken place to induce the noble Lord now to change his opinion on that point.

Mr. HORSMAN: I must say that if I correctly caught the remarks of the noble Lord at the head of the Foreign Office, I think they are calculated to alarm the House and the country at the present state of affairs. This is not simply a question between the noble Lord and the hon. and learned Member for Bridgwater. No doubt the Government have a heavy responsibility pressing upon them. A heavy responsibility also presses on the hon. and learned Member for Bridgwater, who has given notice to bring forward a subject which has excited great interest not only in this House and out of it, but also abroad. I for one am content to leave the question in my hon. and learned Friend's hands, not merely because he has first occupied the ground, but because he has shown much knowledge and much earnestness upon it; and I am satisfied that no other hon. Member, from his general character and ability, could do more justice to it. But there is a great responsibility resting upon this House itself. In the course of this Session we have allowed ourselves to be kept, in regard to our relations with foreign countries in every part of the globe, in a state of ignorance almost unexampled. On this very question of Savoy papers have been laid on the table most scanty and meagre in their character; and on one very important point on which we require information—namely, as to the communications between our Government and the Governments of Russia, Prussia, and Austria, we are not told a single word. Yet it is by their communications with these Powers that in the event our Government must be judged; and the question we have to consider is whether the Administration of this country has in this crisis been placed in the hands of statesmen who have shown themselves equal to their position. I repeat, the statement of the noble Lord the Foreign Secretary gives me great alarm, because he says there is one party in this House who think that if Sardinia is willing to do so, and no difficulty is raised abroad, Savoy ought to be given up.

Lord JOHN RUSSELL: No; I said that if there were a party who thought we ought to go to war even if Sardinia were prepared to give up Savoy, they should come forward with a Motion to that effect.

Mr. HORSMAN: That I heard distinctly; but I also understood the noble Lord to say there was one party who thought if it was matter of arrangement abroad, and Sardinia was ready to give it up, Savoy might then be given up; but that there was another party who would have us go to war. I understood the noble Lord to classify us all with one or other of those two parties. In that case I would ask, to which of those parties do Her Majesty's Ministers belong? The noble Lord is averse to war and on that point I believe that every hon. Member in this House agrees with him. But the whole question is this:—What is the policy that leads to war? Is it a policy of firmness? Because I cannot but recollect an occasion when divided counsels, leading to compromises and tending to weakness, did drift us into a most disastrous war; and I know there are people who think that a policy of more explicitness and firmness might have obviated that war. I am afraid there may be something of the same kind going on at the present moment. I am not sure that the counsels of the Cabinet are all at one; and I must say the tone of both the noble Lords to-night fills me with a good deal of apprehension. The hon. and learned Member for Bridgwater, on the other hand, has up to this point kept himself entirely right. He has evinced on this question great earnestness, but also great moderation, and has completely vindicated himself from any charge of undue precipitation. But he has a responsible duty to discharge. It is for him to consider, after the answer he has received to-night, what course he shall pursue. The matter is one on which he must be a good deal guided by the judgment of the House, but he must not be deterred by the fear of being left in a minority. This is a question on which he may feel that the opinions of the nation would not be represented in this House, and it is to the opinions of the nation he must look in the course that he may take. He has told us more than once that time is pressing—that events are marching to their accomplishment. The information received to-day confirms that impression; and I hope, therefore, that he will choose his opportunity and invite the judgment of this House—whose opinion, more than that of any other body in this country, or abroad, is urgently demanded—to determine whether or not, by a firm and vigorous display of what are the real sentiments of England, we may not do more to preserve the peace of Europe and our own honour than by a policy of timidity or vacillation.

THE CHANCELLOR OF THE EXCHEQUER: I do not think my right hon. Friend (Mr. Horsman) has a right to say that Her Majesty's Government have been chary in the information they have afforded to the House in regard to their foreign policy. I confess that on almost all subjects of foreign policy it appears to me the House has already been put in possession of information as rapidly following its receipt by the Government themselves as the time requisite for the production of the papers would permit. With respect to the apprehension expressed by my right hon. Friend lest there should be divided counsels in the Government, I, of course, entirely ascribe his fears on that head to the friendly interest he takes in our perfect harmony. The best opportunity, however, for trying that question will be when we come to the full discussion of the conduct of the Government, when it will sufficiently appear whether we have been united in our views or not. It is very desirable that we should clearly understand the position of the Government with regard to the intended Motion of the hon. and learned Member for Bridgwater. My noble Friend (Viscount Palmerston) has given his opinion, not of the inexpediency of all discussions relating to Savoy, but only of the inexpediency of discussions that are indecisive in their character, and which, referring to the conduct of the French Government, tend rather to irritation than to any practical or substantive result. The motive of my noble Friend at the head of the Government in dividing the question into two parts was, I think, to draw that distinction, and to lay down, on the one hand, that we could not be parties—especially by giving a Government day for the purpose, particularly while we have other very pressing subjects calling for our attention—to prolonging and renewing that class of discussions relating to Savoy to which I have adverted. But, on the other hand, he stated that if there be any disposition to censure Her Majesty's Government, there can be no doubt it is quite competent and quite just that any hon. Member of this House should take an opportunity of proposing a Motion to that effect. And the spirit of that observation was obviously this,—that if there be any disposition to discuss in any form, whether by asking for explanations or by proposing a censure, the proceedings of the Government, to no discussion of that nature, or aimed at that object, will Her Majesty's Government make any objection whatever. As my noble Friend the Secretary of State for Foreign Affairs is precluded by the forms of the House from again addressing it, he authorizes me to say that as he understands there is a desire, without moving a vote of censure, to call for more detailed explanations from the Government, he will take the earliest opportunity, in producing papers to-morrow relating to Italy, to make a statement with regard to the course that has been pursued.

Mr. SEYMOUR FITZGERALD: I must say that the observations made by the noble Lord (Viscount Palmerston) only tend to divert the attention of the House from the real and very serious subject before us, because the noble Lord addresses himself to this question as if there was a desire on the part of those who sit on this side of the House to cast a censure on the conduct of the Government. The real point of the case is this—that at the present moment we do not actually know what the conduct of the Government has been; and I beg to point out to the House that only four or five days have elapsed since the noble Lord the Secretary of State, far from holding his present opinion, expressed his belief that it was of the utmost importance there should be a discussion on this subject. And, not only so, but he spoke as if a discussion in this House was not sufficient, for he said he hoped the opinion of Parliament would be expressed on this question. Surely it is of the last importance that upon a subject like this there should be a full expression of the opinion of the House of Commons? What has been the language of the noble Lord himself with respect to this question of the annexation of Savoy? He has stated in his despatches that it will spread distrust and suspicion throughout Europe, and has reminded the French Government that it probably, or possibly, implies on the part of the Emperor of France the adoption of a policy which has already been most fatal to the fortunes of his family. If this is so, surely it is of the greatest importance that we should now be able to strengthen the hands of the Government in what I believe to be the course which they are disposed to adopt—namely, that of expressing their strong and emphatic disapproval of the course which has been adopted by France. Then there is another matter. In "another place" it has been stated that communications of a certain kind have passed between the noble Lord and the Governments of Russia, Prussia, and Austria. Surely it is of great importance that we should know what those communications have been; and whatever may be the conduct of those Governments, of this I feel certain, that the position of the noble Lord with respect to them will be greatly strengthened if it is known that there has been a decided expression of opinion on the part of this House. It is not at present desired to pass any vote of censure upon the Government, but we desire to be so fully acquainted with all the circumstances and with the policy of the Government, that if need be we can give them the full support of a vote of this House.

Motion made, and Question, That this House do now adjourn, put, and *negatived.*

TREATY WITH FRANCE.

Message from the Lords, That they do agree to a Conference with this House, as requested by Message of this day upon the subject matter of the Address of this House to be presented to Her Majesty, relative to the Treaty of Commerce concluded between Her Majesty and the Emperor of the French; and appoint the same to be held presently in the Painted Chamber.

Ordered,

"That a Committee be appointed to manage the Conference:—And a Committee was appointed, of Mr. Byng, Mr. Baines, Viscount Palmerston, Lord John Russell, Mr. Chancellor of the Exchequer, Sir George Lewis, Mr. Secretary Sidney Herbert, Sir Charles Wood, Sir George Grey, Mr. Milner Gibson. Mr. Cardwell, Mr. Villiers, Mr. Attorney General, Mr. Attorney General for Ireland, and the Lord Advocate.

"Then the names of the Managers were called over, and they went to the Conference:—And having returned:

Mr. Byng *reported,* That the Managers had been at the Conference, which was managed on the part of the Lords by the Lord Privy Seal; and that they had delivered to their Lordships the Address agreed upon by this House, to which they desired the concurrence of their Lordships; and that they had left the said Address with their Lordships.

PAPER DUTY REPEAL BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

Sir WILLIAM MILES said, he rose to oppose the Motion, and never had he addressed the House more strongly impressed with the justice of his cause than at that moment. He might, in the first place, be permitted to remind the House of the difference between his Amendment, as it first appeared, and as it then stood. When he intended to oppose the Resolutions in Committee, he had given notice that he should move the rejection of the 16th Resolution; and also that, as regarded the 17th Resolution, the word "ninepence" should be inserted in lieu of "tenpence." He thus intended to discuss the two questions of the Repeal of the Paper Duties, and the imposition of the extra penny Income Tax together, and as a division of the Budget perfectly distinct. He had, however, been obliged to alter that intention, and to urge his opposition to the proposals of the Government by a specific Motion, with which he should conclude his observations. He had no objection to the repeal of the paper duties in the abstract. He was a Member of the last Parliament, and he considered himself a party to the Resolution then come to, that these duties were not to be considered as a permanent source of income. Had the tea and sugar duties been removed, and had there been a surplus in the Exchequer, he would have been among the first to consent to the repeal; but at a season when they were labouring under a deficit, it was not the time to repeal a tax which, according to the best information he could procure in the absence of a return for which he had moved, produced a revenue of no less than £1,200,000 yearly. He had listened with the greatest admiration to the speech of his right hon. Friend, the Chancellor of the Exchequer, on the introduction of the Budget, and to his lucid arrangement of the subject with which he was dealing. His statement was divided into three parts. In the first of these his right hon. Friend gave the income and expenditure of the last year, and the estimated income and expenditure of the coming year; in the second he stated what were the intentions of the Government with respect to the remissions of Customs' duties, and more especially the remissions in connection with the French Treaty, while he showed at the same time how he intended to meet the anticipated losses of revenue from those changes; and, in the third part, the right hon. Gentleman confined himself to his proposal to repeal the paper duty, and to add another penny in the pound to the income tax. Under these circumstances it would be impossible for him (Sir W. Miles) to discuss the question of the repeal of the paper duty, without at the same time adverting to the incidence of the income tax. In fact, the repeal of the paper duty and the imposition of a tenpenny income tax went side by side. If the duty was abolished, the people must pay a tenpenny income tax. If it was retained they would pay only 9*d.* If things were allowed to remain as they were with respect to the paper duties, and if the income tax were continued at 9*d.*, the right hon. Gentleman would not lose more than £30,000 of his estimated surplus. Deducting the war duties, the income for the year would be £58,592,000. But, adding to that the renewed duties on tea and sugar (£2,100,000), the malt and hop credits (£1,400,000), and the income tax at 10*d.* for three-quarters of a year (£8,472,000), the grand total for the year would be £70,564,000. The estimated expenditure being £70,100,000, that would leave a surplus of £464,000. If, however, they took the income tax at 9*d.*, that would give only £7,237,350, under the head of income tax; but, on the other hand, they would have to add to the grand total £1,200,000 from the paper duty. In that way the surplus would be reduced, but reduced only from £464,000 to £429,350. At the same time he had been informed—not upon official authority, for none such had been furnished—but on the best authority to which he had access, that the revenue from the paper duty was increasing, and that an additional sum of £300,000 would in all probability have been realized from that source in the course of the coming year. He would proceed to lay before the House a brief account of the origin and the growth of that duty. It had first been imposed in the tenth year of the reign of Queen Anne, and it had subsequently gone through a number of emendations, which he need not then bring under the notice of the House. He would therefore pass on to the year 1835, when a Commission, of which Sir Henry Parnell was the head, was appointed to inquire into that and other excise duties. A discriminating duty was at that time imposed upon paper, consisting of 3*d.* per pound on the higher class, and 1½*d.* per pound on the lower descriptions of the article; and the Commissioners recommended that that practice should be discontinued, and that one uniform duty should be levied upon all kinds of paper. The consequence was, that in the following year—the year 1836—the Chancellor of the Exchequer of that day brought in a Bill, by which it was provided that the charge should stand at the uniform rate of 1½*d.* per pound. That measure was carried, and it put an end to much fraud. The duty had, up to that period, amounted to about £700,000 a year, and it was some little time before the revenue recovered from that change. But it did so in the course of a few years, for in the year 1840 it amounted to £800,000; and since that time it had gone on steadily increasing, with one single exception, from year to year. In the year 1855 the yield to the revenue from that source amounted to £1,094,146; in the year 1856 it amounted to £1,014,945—that being the only year in which it had decreased; and that result having, as he had been informed, been attributable to a diminution in the supply of the raw material; in the year 1857 it again progressed to £1,190,822; in the year 1858 it amounted to £1,242,732; and in the year 1859 to £1,281,023. So much for the elasticity of the tax. And now let him say a few words with respect to its nature. It was peculiar in this respect, that it entailed no interference with the manufacturer of the article on which it was levied; for paper did not come under any charge until it was actually made, and notice given to the Excise of the fact; and did not, therefore, necessitate that obstructive vigilance on the part of the Excise officers which was required in the case of malt, spirits, and other productions. Now, he was far from saying that the paper duty should be permanent; but, in the present state of our finances, when we were literally living from hand to mouth, and forestalling all our revenue, it would be a most imprudent thing to immediately abolish so fruitful a tax. The question might be asked, "What is paper?" [Hear, hear! from the Chancellor of the Exchequer.] He was perfectly astonished to hear that cheer from the Treasury bench after the decision which had been given by the Lord Chief Baron last year, because nothing could be more distinct than the definition given in that judgment. The question, if he recollected rightly, was, whether what was called false parchment was to be considered really paper or parchment. The fictitious parchment was made of animal fibre, and it was endeavoured to be passed off not as paper but as parchment. Consequently, there was a surcharge by the Excise. That was appealed from, and the whole matter came before the Court of Exchequer, when the Lord Chief Baron decided that anything made in sheets of fibrous material, whether animal or vegetable, and used for the purpose for which paper was generally used, came under the denomination of paper. If that were the case no difficulty could arise, although it was represented that a difficulty had arisen. He would next refer to the Reports of the Commissioners of Inland Revenue, in reference to the operation of the Excise laws upon that branch of industry; and he believed the House would unite with him in expressing a hope that they might never again have laid before them documents of so strangely contradictory a character. Nay more, the last Report had been placed upon the table to back up the opinion of the right hon. Gentleman in debate, but he hoped that such a proceeding would not be made a precedent, and that upon a question actually before the House the Board of Inland Revenue would not again be called upon to give their opinion. The first Report of the Commissioners was dated in 1857, and in it they stated that their regulations had been modified to meet the wishes of the manufacturers, that the duty was charged and collected without any appreciable restriction upon the trade, and that the complaints, at one time so frequent, had entirely ceased. In the Report of 1858 the Commissioners stated that there was scarcely any duty in the collection of which their interference was so little felt. He now came to 1859. It would be in the recollection of the House that in 1858 a Resolution was passed respecting the paper duty, to which Resolution he had already alluded, and the House would remark how different was the tone of the Report of 1859 compared with that of the two preceding Reports. In their Report of the year 1859, the Commissioners declared that "the expectation that the paper duty would be repealed on the first favourable opportunity, had been for many years a source of embarrassment in the collection." A source of embarrassment in the collection! Why, they had themselves stated in the years 1857 and 1858 that it had been very easily collected; but the whole tone of their observations upon the subject had changed after the House of Commons had passed their Resolution with respect to it.

The hon. Member was here interrupted by the Message from the Lords, (see page 354). The Conference having been had and reported, the hon. Member continued:—

When the House went into Conference, he was calling their attention to the difference between the three Reports of the Commissioners. In 1857 the complaints of the paper-makers had entirely ceased, and in 1858 there was scarcely anything said about the interference, so little was it felt. Then came the last Report, to which he had referred as being an extraordinary Report. In that Report the Commissioners took care to remedy their former error, and drew a comparison to show the competition existing in the manufacture of cardboard, pasteboard, and scaleboard, the pasteboard makers being subject to Excise survey, while the cardboard and scaleboard makers were exempt. Looking to the Act, he thought pasteboard was subject to the duty, but from what had been stated in the House he supposed it was not. There could be no doubt, however, that from 1848 to 1850 there had been no increase in the rivalry, and he could not, therefore, understand why that was put forward as one of the difficulties of the case. He now came to the consideration of the articles used in the manufacture of paper. He quite agreed that everything which had a fibrous texture could be converted into paper. They might make it from papyrus to old junk, filling up the interstices with anything they liked; but the question with the paper manufacturers was, could it be made at a profit? This question had been so much argued that he considered it unnecessary to say more than that it had been proved that good printing paper could only be made out of cotton waste or old rags. Take *The Times*, than which nothing could be better. That was made out of the best rags. It was true that other substances might be used; straw might be and had been used; but let them compare one description of paper with the other. Let them take *The Standard*, the paper of which was made out of rags and straw combined, and compare it with *The Times*, which was made of the best material, and say which was easiest to be read by old eyes. Undoubtedly paper could be made out of other materials, but none of them could compete with the materials which were now used. There was a description of paper which was under inspection below stairs, made of a fibre—a kind of grass—obtained from Spain and the north coast of Africa. The objection to that, however, was, first of all, that it would not bleach, and next that it would not receive a gloss. For the higher kinds of printing and writing paper such a material was perfectly useless. The Indian material, jute, was very much used for making paper; but it was imported not so much for the purpose of making paper as rope, and a vast quantity of common rope was made out of jute. The residue went to make paper. A pamphlet had been written on this subject by the great publisher, Mr. Bohn. What did he say of jute paper? Why, that it was hard, brittle, easily imbibed wet, and, from its silicious properties injured the printers' types. It was plain, then, from the failure of the substitutes that they must come back to the substances which had always been used, so that nothing remained but woollen and cotton rags, linen rags, and the refuse of the cotton and linen manufactures. On this point he would refer to a letter written by a firm of half a century's standing, who were very large paper manufacturers. They wished their names withheld, but he would be happy to show the letter to the Chancellor of the Exchequer. It was to the following effect:—

"On referring to the Chancellor of the Exchequer's speech on the night the Budget was brought out, it will appear that he has been led to believe that there are hundreds of fibres which can be imported and used for papermaking, and thereby increase the manufacture of paper to an unlimited extent, and that carriages and almost everything else can be made of paper after the repeal of the duty. Now, the best answer to this statement is the fact that, although a large reward was offered some four years back to any one who would produce an article that could be used as a substitute for rags, and although hundreds of different things have been introduced and trials made of them, there are not two of them at this moment in use, neither have they been used beyond the trials made, in consequence of their being quite unfit for the purpose. The expense from the enormous waste in preparing them for paper exceeds in cost the price of the highest rags; and, even if they were less wasteful and more productive, there is another fatal objection to their use—namely, that they will not bleach. The New Zealand flax referred to at the meeting yesterday, and all other articles of that sort, are of more value in this country for other purposes for which inferior hemp is used than for papermaking purposes. These are facts which we, as a firm, can vouch for, after the experience of half a century as paper manufacturers and importers of the raw material for the manufacture of paper. We could not have believed it possible that the Chancellor of the Exchequer could have been so deceived by the representation of a few interested parties, thereby deceiving the public at large, who are led to believe that there are no bounds to the supply of the raw material for papermaking; whereas the supply depends only on the increased population and the prosperity of other manufactures, the waste from the latter contributing largely to the manufacture of paper."

The House ought to understand that there were few things of which really good paper could be made, while the capital employed must be very large. He now came to the objections which had been made to the existence of the tax. The tax on paper was said to be detrimental to the diffusion of knowledge. He had endeavoured to make himself master of this part of the subject as much as possible, and his inquiries had satisfied him that little or no decrease would take place in the price of the cheaper productions of literature read by the multitude in consequence of the paper duty being removed. Take the hundreds of penny papers now existing: did any one suppose that they would get them for a halfpenny when the tax was removed? Did they suppose that *The Standard, The Star*, or *The Telegraph* would sell for less? They must then, limit their inquiries to what would be saved on books. No doubt it was possible that the paper manufacturer and the publisher might be benefited to the extent of the removal of the duty. Mr. Bohn, the publisher, had given an exact statement of the sum which would be saved by the repeal on several standard works, and he was one of the largest exporters of books in the kingdom. He took four books, the *Annual Register*, *Lord Macaulay's History of England*, *Colenso's Arithmetic*, and the *Cornhill Magazine*—all being books having an extensive circulation, and books which by no repeal of the duty can be affected for the better. Mr. Bohn showed how the price of these books was affected by the duty. The *Annual Register* cost 18*s.*; the amount of duty on it would be 3*d.*; on the two last volumes of *Macaulay's History*, of which the price was 36*s.*, the duty was 6*d.*; on *Colenso's Arithmetic*, price 4*s.* 6*d.*, the duty was one halfpenny; on the *Cornhill Magazine*, price 1*s.*, also one halfpenny. He would ask if the consumers of knowledge would be greatly benefited by the total abolition of a tax that formed only so small a fraction of the price of a book? The vast consumers of paper might be benefited to the amount of the duty, but the purchasers of books, the consumers of literature, would have no advantage. It should be recollected, too, that many of the common schools throughout the country were supplied with books by the National School Society and the British and Foreign School Society at less than cost price; when the duty on a standard school-book was only a halfpenny, how could the middle-class schools derive any benefit from its repeal? It was said the duty was an impediment to the manufacture of paper; the fact was, both the quantity manufactured and the quantity exported had increased. The only large export of books was to Hamburg and America; all the rest of the trade was with our own colonies. Now, what had been the export of paper from this country? In 1857 the quantity of paper charged with duty was 191,721,620lbs., of which 16,031,063lbs. were exported to foreign countries. In 1858 the quantity that came to charge was 192,847,825lbs., of this 16,548,828lbs. were exported. In 1859 the quantity charged with duty was 217,827,197lbs., of which 20,067,749lbs. were exported. Thus, comparing the year 1859 with the year preceding, the quantity of paper manufactured had increased by 24,979,372lbs., and the quantity exported by 3,518,921lbs. The home consumption and the foreign export had both immensely increased; it could not therefore be said that the duty impeded either the manufacture or commerce, which was the great objection made to the tax. It had been said by the Chancellor of the Exchequer that, wherever there were streams of clear and rippling water, cheap labour, and healthy air, there the manufacturer of paper would settle. He lived in a county answering to this pleasant description, but he had seen both paper and cloth mills in existence which were now in ruins. Except in a few places in Somersetshire, cloth mills no longer existed; the manufacture had gone to the north. The paper manufacture had also left those villages, because, being established by men with insufficient capital, they had become bankrupt, or been obliged to shut up their mills, as unprofitable. The larger manufacturers, with greater capital, had been able to purchase the highly wrought machinery now used, and these men monopolized the trade. It had been stated that of 525 paper mills existing twenty years ago, there were now only 393. But by an old return he found that in 1813, before the great increase in the manufacture had taken place, there were in England alone 700 mills, and seventy or eighty in Scotland. The comparison might as well have been taken back to the ancient time, when all the labour was manual. With respect to the cheap labour market, he did not think that the proposition of the Chancellor of the Exchequer to bring back the halcyon days of paper-makers would be much relished by the agricultural interest, because farmers at present had the greatest difficulty in getting sufficient labour for their farms. As for giving more employment to labourers, he had some difficulty now in getting labourers on his own estate, and were it not for the machinery now used half his harvest would be spoiled; so that he did not thank the right hon. Gentleman for this boon. Immediately after the Chancellor of the Exchequer had made his financial statement, *The Times*, which was naturally anxious for a repeal of the paper duty, as its proprietors paid £40,000 a year for that duty, but whose articles upon the subject had been exceedingly fair, that journal made some remarks, in the course of which it said—

> "Alas! no village mills will ever again arise. These were all destroyed, not by the paper duty, but by Fourdrinier's paper-making machine, which rendered paper-making, like cotton-spinning, an affair of capital and machinery and great establishments. When handloom weaving again becomes a flourishing trade, and the distaff and spindle are seen in every cottage, then we shall have again the village paper mill, and not before."

He (Sir W. Miles) had that morning had a conversation with Mr. Potter and his managing partner, gentlemen well known in Lancashire, and by them he was informed that the expense of erecting a paper mill, with all the newest appliances in machinery, would be from £4,000 to £5,000 if water power were used, and from £10,000 to £11,000 if steam power were used. That was, he thought, a sufficient answer for those who were of opinion that small paper mills could exist in the present day. He was informed by the same gentlemen to whom he had just referred that their outlay for engineers and smiths for attending to the machinery alone reached £1,200 per annum. He had voted against the paper duty as a permanent source of revenue, but still he must consider the circumstances under which the Chancellor of the Exchequer proposed to meet the deficit of £1,200,000 that would be caused by the abolition of the duty. He hoped he had misunderstood the right hon. Gentleman, but he thought he had declared that the income tax must be regarded as a permanent tax. If that was the opinion of the Government, now was the time to proclaim it distinctly, instead of asking the House to vote the tax from year to year at fluctuating amounts.

Sir William Miles

In former times the income tax was not resorted to, except in great emergencies. Until 1842 it was always considered to be a war tax. In that year the emergency was great, and when Sir Robert Peel introduced his Bill for the imposition of the income tax he did so, not in order to enable him to carry out a revision of the Commercial Code, but to supply a deficit that had been growing up for several years, and which would have reached to upwards of £10,000,000 in 1843 if that tax had not been imposed. That was the prime reason for its imposition, the improvement of the Commercial Code was merely subsidiary to the other. It was granted for three years, afterwards renewed, and then in 1852 came the memorable Budget of the right hon. Gentleman the Chancellor of the Exchequer, who after his prophecies of the extinction of the tax in the present year ought to be the last man to propose any augmentation of it. He would, however, call the attention of the House to the class of persons upon whom the tax pressed with especial severity—namely, those who paid upon incomes between £100 and £150. He found that the total amount assessed under Schedule D, in 1855, was £819,754; in 1856, £1,065,705; and in 1857, £1,097,205; but those who were assessed for incomes not exceeding £150 were in the three years he had mentioned respectively £108,769, £239,953, and £266,937, so that in the last year one-fourth of the whole amount of assessments was upon income not exceeding £150 per annum. In 1857 out of 275,469 persons assessed under Schedule D no less than 150,200 were assessed for less than £150 a year, while in 1858 the number was 155,166 out of 274,205. Under Schedule E the number assessed under £150 was 52,943 out of a total of 87,493, and in 1858 the figures were 57,665 out of a total of 91,780. Taking the classes D and E together, in 1857 there were 203,143 persons assessed under £150; and in 1858, 212,831 under £150. He would make intercession on behalf of those persons, and urge the Chancellor of the Exchequer to consider the course he was now pursuing. Was this the time to sweep away the paper duty, and to replace the loss of revenue by increasing the income tax? The class of persons to whom he was referring found it hard enough, God knew, to live respectably. They were among the most useful in the community; the greatest confidence was placed in many of them; they had, generally speaking, wives and families dependent upon them; and, he asked, how were they to be benefited by the admission of French wines and French silks? To many of them it was a constant source of anxiety how to square their daily expenditure with their daily income, and every farthing taken from them in the shape of taxation was therefore a subject of disquiet. Besides, what did the Commissioners of Inland Revenue say in their Report for 1858? They said—

> "It would be almost impossible to convey to any person unacquainted with the practical working of the income tax a notion of the labour which it entails upon this office, of the great variety and complexity of the questions daily brought before us; and of the painful appeals which are made to our compassion and forbearance. To those who are aware of the numerous and troublesome inquiries necessary in each case of claim for exemption or repayment, the fact that upwards of 250,000 such claims are annually disposed of will convey a formidable impression of the difficulties experienced in the collection of this tax."

He said, then, the House ought to be careful how they, except in cases of the greatest emergency, placed an additional farthing of income tax on such persons. He could give them no greater proof than he had done of the way in which the income tax operated to the injury and privation of what he might call the upper orders of the poor—for so he might designate persons with incomes of £100 and £150 a year—and he would ask the House to pause before they inflicted additional oppression upon that important class of the community. In conclusion, he would ask leave to place in the hand of the right hon. Gentleman the following Amendment, instead of the one he had put upon the paper:—

> "That, as it appears the repeal of the duty on paper will necessitate the addition of 1*d.* in the pound to the property and income tax, it is the opinion of this House that such appeal is under such circumstances at the present moment inexpedient."

Amendment proposed,

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'as it appears that the repeal of the Duty on Paper will necessitate the addition of one penny in the pound to the Property and Income Tax, it is the opinion of this House that such repeal is under such circumstances at the present moment inexpedient,'—instead thereof:—

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BANKS STANHOPE said, he rose to second the Amendment, and he trusted that the House would permit him to give his reasons for supporting the proposition which was now before them. When about to reduce taxation they must consider whether the loss was to be supplied from any existing fund or by the imposition of another tax; and if they had to impose another tax it would be necessary to look into the character of the new tax, and to apply to it the same scrutiny which had been applied to the tax which they proposed to repeal. He believed if this course were taken there could be no doubt that the additional penny income tax would be found to be more burdensome than the paper duty. He submitted to the House that it was evident from the financial situation of the country, as described by the Chancellor of the Exchequer the other day, that without any additional income tax he would have been able to make all the customs alterations. The additional penny of income tax was therefore the immediate consequence of the repeal of the paper duty. It was stated, however, that the paper duty had been condemned by a special vote of the House of Commons, and that therefore it was incumbent upon them to repeal it without delay. But they should remember the circumstances of that vote. It was condemned in 1858 by the passing of a Resolution to this effect—"That the maintenance of the Excise duty on paper as a permanent source of revenue was impolitic." Surely, if it were a tax upon knowledge now, if it were odious and untenable and impolitic now, it was equally so in 1858; and why, he asked, if the case were so strong against it, did not the House abolish it at that time, once and for all, instead of passing the general Resolution to which he had just referred? The Chancellor of the Exchequer, in his able speech on introducing the Budget, had explained with much ingenuity why in 1860 he was unable to fulfil his promise given in 1853 of abolishing the income tax; and he said, "You cannot take off the income tax, because those expenses which are more immediately under the control of the House of Commons have been increased by £14,000,000 since 1853, and that is a circumstance which in 1853 I could not calculate upon." But if that argument were good for anything as respected the income tax it was equally good against the removal of that paper duty in 1860, although it had been formally condemned in 1858. There was one objection which had been used for a great many years to the paper duty—that it was a tax on knowledge. Did they mean to say that the whole amount of the paper duty (£1,200,000) was a tax on knowledge? If so, it was an erroneous opinion. He had inquired of a large manufacturer, and though only an approximate estimate could be formed, he found that of the whole quantity of paper manufactured in this country in the year two-fifths were used for printing purposes of every description, inclusive of newspapers and periodicals, and one-fifth for writing, while the remaining two-fifths were used for packing and the general objects of trade. Now, if that were so, what became of the statement which had been paraded for years that the whole of the £1,200,000 was a tax upon knowledge? So far from that being case, of the £1,200,000 to be remitted this year, only £400,000 would be upon sources which contributed to knowledge, whilst £600,000 had no connection with printing, knowledge, or education. Mr. Bohn had stated, over and over again, that the remission of the paper duty would make no appreciable difference in the price of books, and Mr. M'Culloch, who was often quoted on the other side of the House, said,

> "The abolition of the duty on paper would not make any difference in the price of books, newspapers, and other periodicals. The duty on a copy of a double sheet of *The Times* is about a farthing. On a number of *The Edinburgh* or *Quarterly Review*, which sold at 6*s*., it was twopence; and on *Macaulay's History of England*, which sold at 32*s*., it was only 6*d*. It is idle, then, to pretend that the existing duty on paper is any obstacle to the circulation of literature, or that books would be cheaper if the duty were abolished. It is customary, indeed, for those who are in favour of the abolition of the duty to call it in the cant of the day a tax on knowledge, but the larger portion by far of the paper which pays duty is neither used for books nor newspapers, but is used for the humbler purposes of wrapping up parcels."

That being the case, he (Mr. B. Stanhope) could not understand how it could with justice be argued that the repeal of the duty would tend to the spread of literature among the lower classes. If they took off the tax let them do it upon fair grounds, and not say it was to spread education among the working classes. The paper duty might be objectionable to the trade, but it was not a tax upon knowledge. Another objection which was made to the paper duty was, that it was untenable. He believed that if they were to ask the same question of the Commissioners of Inland Revenue concerning any other tax, the Commissioners would say that it, too, was untenable. He believed that maltsters were much more incovenienced by the excise than the manufacturers of paper. Another objection was, that it so interfered with freedom in the manufacture of the article as to prevent its being made of several materials which were not now employed for the purpose; but in opposition to that statement he might quote from the Report of the Inland Revenue Commission of 1858 the opinion of Mr. Phillips, of the Laboratory Department, who stated that the regulations under which an Excise duty was charged on paper did not in the slightest degree preclude the introduction of new material or interfere with the manufacturer in the alteration or improvement of his processes, as paper, unlike all other excisable articles, was perfectly free from fiscal interference during its manufacture, and it was only when the article was finished and ready for the market that an account was taken of it and the duty charged. They had formerly an Excise duty on glass, which, by increasing the price of the article, to a great extent prevented the lower classes from making use of it, thereby acting most prejudicially to the public health, while it caused such an interference during the process of manufacture that it was impossible the English maker could compete with the foreigner. So also with regard to soap—a very useful and necessary article, which should be used much more extensively than it was at present. The Excise on soap had not merely the effect of making the article dear, but from the way in which it was levied it prevented substances being used to make it sufficiently good to compete with the foreign manufacture. The Excise duty on malt was still more odious. Those who had read a series of papers which appeared in *Blackwood's Magazine*, written by Mr. Johnston, relating to the different articles of food and drink, would not fail to remember the details which were given of the impurities and objectionable substances which were introduced in the manufacture of beer; and he therefore said the malt-tax really did act most injuriously both on the morals and health of the people. He thought, then, that he had answered the three points for the repeal of the duty, that it had been condemned by Parliament, that it was untenable, and that it was an odious tax. If he might be permitted, he would now refer to the income tax; but before doing so he would offer one or two observations on the statement made the other day by the Chancellor of the Exchequer as to the great increase of profits and rental of land assessed under schedule B to the income tax. The right hon. Gentleman said that while there had been a small increase in schedules A and D from 1843 to 1858, in schedule B, which represented the profits of farmers, there had been an increase of 19 per cent. Now, he had gone into the figures, and was prepared to maintain that the calculations of the right hon. Gentlemen were totally erroneous. On what ground the right hon. Gentleman had based his statement it was impossible to find out. There was no printed paper which furnished the data or gave any return at all like his calculations. So far as he could ascertain, the Chancellor of the Exchequer must have founded in the one instance on the net assessment in schedule B, and in the other on the gross, the same returns being represented very high in the gross, and ludicrously small in the net produce. He had inquired of the Inland Revenue authorities how the apparent discrepancy could be explained, and he found that the net assessment under schedule B indicated half the net rentals in England over £200 per annum, the deduction of one-eighth and exemptions having been previously allowed. The net assessment under schedule B was the amount on which the income tax was charged to duty. The gross assessment under schedule B represented the actual amount of rental of land in England, upon a portion of which above £200 per annum the occupier paid income tax. This in no way indicated the profits of tenants. Now, he could prove three things — first, that schedule B neither by net nor by gross assessment indicated the slightest increase; secondly, that the increase in the income tax received was attributable solely to an increased area down to incomes of £100; and thirdly, that landed property had not increased in annual value from 1843 to 1858. There were two returns on this subject to which he would for a moment refer. The first was moved for in 1852 by Mr. Miles, the other by Lord Monteagle in 1858-9. The amount of income tax actually received under schedule B in the year ending April 1853, at 7*d.* in the pound on incomes of £150 was £282,000. In 1854 they made a considerable change. A tax of 7*d.* was imposed on incomes of from £100 to £150, and an additional tax of 3*d.* above that amount. In consequence, in 1854 schedule B sprang up at once to £349,000—an increase, not, as the Chancellor of the Exchequer said, of 19 per cent, but of 22 per cent in one year; while in 1858 the amount was £383,000 at 7*d.* on £150 and 5*d.* on £100, showing an increase from 1854 to 1858 of only 10 per cent. This increase was due to the tax being extended from farms of £300 a year to farms of £200 a year. Another reason was the tendency to increase the size of farms. When small farms were given up they were united to larger farms, and as the small farms had not been subject to the tax the increase was in that way partly accounted for. From 1843 to 1858, though there had been some considerable variations, there were no material alterations or advancement in the actual rental of land. Still there were variations. Thus in 1843 the gross assessment under schedule B represented a sum of about £41,000,000 a year; in 1849 the rental increased to £42,500,000; in 1852 it had diminished to £41,000,000; and in 1858, on a new assessment, it again went up to £41,700,000 The Chancellor of the Exchequer stated that the return under schedule B indicated the amount of the profits made by the farmers, but really that was a mistaken idea. The return quoted the other night of the gross assessment under schedule B merely showed the amount of the rental of land in England, and the net assessment showed the amount of rental above £200 a year; but it had nothing to do with the profits of the tenant; on the contrary, any inference drawn from the schedules might be exactly opposite to the fact. Thus in the years 1849-51 the gross assessment was £42,500,000, or an increase of four per cent, whereas those years were the most disastrous to the farming interest that had ever been known. They were the years in which the pressure of free trade was most felt by the British farmer, and they were years in which there was not only no profit, but actually a considerable loss. On the other hand, the years 1853-7 were years in which farmers had made great profits, and had considerably retrieved their previous loss; but in those years there was positively a diminution in the assessment of four per cent. The returns were actually less in the years when agriculture was very prosperous than in the years in which it was being ruined. He had already referred to the argument that the paper duty had been condemned by the House of Commons. He maintained that the income tax had been still more emphatically condemned. All that had been done against the paper duty was, the House of Commons had passed an abstract Resolution stating that at some future time it would be well to take it off; but the income tax had been positively repealed. Unless it were re-imposed before the end of this month it would expire; and therefore he maintained that any argument that could be brought against the paper duty on the ground of its censure by the House would apply with treble force to the income tax. But it was said that the paper duty was untenable as a permanent source of revenue. Was the income tax tenable? Would those hon. Gentlemen who agreed with the hon. Member for Birmingham say it was tenable in its present shape? ["No."] He was sure that he should receive that answer. But if not tenable in its present shape, in what shape would it be tenable? Those who were in the House in 1853 would not soon forget that marvellous budget speech of the Chancellor of the Exchequer, in which the right hon. Gentleman went at length into the subject, and showed that the moment you attempted to obviate the injustice or to repair the anomalies of the income tax, you began to commit more striking injustice and plunged into still grosser anomalies. The hon. Member for Birmingham had lately proposed his scheme for amending the tax—a scheme remarkably simple, remarkably lucid, and remarkably unsatisfactory. The hon. Gentleman merely proposed to capitalize all property, and to charge it with a general tax of 8*s*. per £100; but no one that had considered the effects of such a plan could have failed to see that in many cases it would really amount to confiscation. But that was not all. The right hon. Gentleman's (the Chancellor of the Exchequer) speeches in 1853 and 1854 were in fact able historic papers on the value of the income tax as a war impost; and he showed in them that just as we ought always to keep our armouries and arsenals prepared for hostilities, we ought likewise to have our income tax always in reserve. He pointed out the error of Mr. Pitt—whom he professed generally to admire—in not having availed himself of it sooner, a step by which he might have saved £200,000,000. Even in the late war the House had had an illustration of the justice of the right hon. Gentleman's argument. In that war they had had to raise £40,000,000 by loan; but if the income tax had been imposed for the special purpose of carrying on the hostilities, it would have saved £19,000,000 of that loan, while they might have made an arrangement to pay off the remainder by means of a sinking fund. At all events they would have avoided what now appeared to be the inevitable calamity of a deficit, with Exchequer-bonds perpetually floating before their eyes, of which successive Chancellors of the Exchequer were compelled to promise payment, but of which, so far as they were able to judge, there appeared to be very little probability. Ask any one they pleased, and from one and all they would get the same answer. Even professional men, who were to gain so much by the remission of the paper duties, would join with his neighbours in declaring that the income tax was the very worst and the cruelest tax that ever was imposed. The question really before the House was not whether they would repeal the paper duties, but whether they would increase the obnoxious income tax? That was the question which they had really to answer; and on which they would have to explain their answer to their constituents, to whom they had now-a-days to pay almost an annual visit. If the House really represented the views of the community, they would indorse without hesitation the opinion that it was impolitic by taking off a tax that was burdensome at most to but a small portion of the public, to render it inevitably necessary to increase one of the most odious imposts that was ever levied upon the country.

MR. NORRIS said, the two hon. Gentlemen had spoken of the income tax as having grown to such hateful proportions as to have become offensive to the entire body of the people; and at the same time had treated the paper duty as something so light and airy as to be borne by the public with indifference, if not with complacency and satisfaction. He submitted that neither of these descriptions correctly represented the state of the public opinion as it existed at that moment. No doubt the public were not much in love with either the income tax or the paper duty, but it was a choice between two evils, and he believed that the community would rather accept the Chancellor of the Exchequer's Budget as it stood than accompanied by the supplementary budget of the hon. Baronet the Member for East Somerset. It was quite true that if the right hon. Gentleman (Mr. Gladstone) continued to charge the same assessment upon incomes of a precarious as upon those of a fixed character, its unpopularity would in time sweep away before it the reputation which the right hon. Gentleman had so well earned by his financial scheme. But the proposal respecting the income tax he understood to be for one year, and for one year only; and the hon. Baronet, with all his strong objections to the impost, only proposed to abate it by a tithe of its amount. If the hon. Baronet thought that the fact of the income tax having always been a war tax till 1842 was a reason why it should not be continued in time of peace, he (Mr. Norris) had a right to claim all that portion of the hon. Baronet's speech against the paper duty, for it was first imposed in 1711, in order to enable Queen Anne to carry on the war then raging, until she had made a good and lasting peace. With regard to the effect of the paper duty, let him call into court an adverse witness. Mr. Bohn, the publisher, whose name had been so often mentioned in the debate, said,—"The public will naturally inquire why I have troubled myself to advocate the maintenance of a tax which, as one of the large payers of it, ought to be as objectionable to me as to anybody." And he added:—"I shall lose the drawback, which, as a considerable shipper of books, yields me several hundred pounds per annum. At this moment I hold half a million of volumes in stock, which are equitably entitled to drawback, but I have no doubt it will be denied." From this it was plain that if Mr. Bohn retained his half million volumes for sale in this country, in competition with untaxed books, the several hundred pounds a year which he would lose by the repeal of the duty would go into the pockets of the public. The paper duty amounted to a charge of 5 per cent on some of the elementary school-books used by the poor; on many it was 10 per cent; on more, 15; and on most 20 per cent. If then it was only equivalent to 6*d.* on two of Lord Macaulay's volumes, which cost £1 12*s.*, upon other works that cost 10*s.* it amounted to no more than three-halfpence, and on others that cost 20*s.* to no more than 2*d.*, its incidence was most unfair. It was a tax that pressed heavily on the necessary school-books and cheap literature which reached the labouring man and his children, while it let the luxuries of the rich all but entirely escape. The income tax had been spoken of during the debate as though it were an impost which was now to be felt for the first time. But when an income tax of 7*d.* had been proposed by Sir Robert Peel in 1842, by the noble Lord the Member for London in 1849, and the right hon. Gentleman the Member for Bucks in 1852, the gross expenditure of the country being but £50,000,000, he (Mr. Norris) did not think the hon. Baronet need be surprised, when an enlarged expenditure had to be met, that the tax proposed to be increased was that which had been sanctioned by those three great statesmen in succession. He could not doubt that the country, which had demanded this expenditure, would cheerfully bear an income tax of 10*d.* in the pound rather than recommend the further and continued imposition of the paper duty. His hon. Friend opposite had spoken of the expenditure having grown to an enormous amount; but however oppressive a tax might be, nothing was more offensive than a tax imposed unequally upon the shoulders of the people. The hon. Gentleman had referred to the definition of the Court of Exchequer, that paper consisted of "a fibrous matter knit together in sheets." But there were thousands of articles manufactured by ingenious people in this country which would come under that definition. He rather thought the clothes he had on might be defined in that way, and by a stretch of the powers of the Excise might be made liable to duty. He ventured to say that there were a number of paper mills producing articles which, in the districts of the country where they were situated, the Excise authorities claimed to be paper, and assessed and charged as such, as to which, in another part of the country, the Excise authorities took a different view altogether; and if his hon. Friend succeeded in his Motion, he must bring in a Bill to define accurately the distinction between what was paper and what was not, and to draw out such a Bill he would need the assistance of the most ingenious people who were engaged in the manufacture of cloth, and of the ablest chemists. The officers of the Inland Revenue had themselves declared that without going into details, it was sufficient to state that the card-makers were exempt from duty, while the pasteboard-makers were subject to it. This distinction was merely nominal. They concluded their Report by saying that they were unable to deny the existence of these evils, or to suggest any remedy except the abolition of the duty complained of. He should like, however, to refer once more to the serious impediments which this tax placed in the way of those benevolent persons who advocated the spread of education among the poorer classes of this country. In 1840 the first sum of money was voted, namely, £10,600, which went by order of the Privy Council in aid of the education of the country; and so popular was the grant that, from time to time up to 1849, in those nine years it had increased to £109,000. Onward it went like a tide, until it reached the amount of £886,000. He had even heard it predicted that it would increase until it reached £3,000,000. But looking at the actual facts, if the Government granted £886,000 last year, the House knew that the proportion of the Government grant to voluntary subscriptions was as two to three. Consequently the public must have contributed voluntarily more than £1,250,000. Adding these two sums together, it followed that more than £2,000,000 was paid for education during the financial year 1859. It was difficult to ascertain the precise proportion of this large sum which was spent on school books, but the operation of the paper duty must in this way have necessarily circumscribed the usefulness of the benevolent persons who were engaged in this holy work. In addition to the objections to the tax which were derived from the difficulty of accurately defining what was and what was not paper, there was also the objection that a number of persons were exempted by order of the Commissioners of Inland Revenue. Under all these circumstances he hoped that the House would by a large majority reject the Amendment of the hon. Baronet the Member for East Somerset.

MR. A. MILLS said, that the question before the House, as he understood it, was not as to the merits or demerits of the Excise duty on paper, but whether they would impose upon the country an income tax of 10*d.* in the pound in order that they might abolish that duty. He quite agreed with the hon. Gentleman who had just sat down and with the right hon. Gentleman the President of the Board of Trade, that this was a duty which ought at the earliest opportunity, consistent with the exigencies of the public service and the position of the public revenue, to be got rid of. The question was, whether this was such an opportunity. In 1858 the question was argued by the right hon. Baronet the Secretary of State for the Home Department and the noble Lord the Secretary of State for Foreign Affairs, upon such grounds that he had a right to expect they would on the present occasion support the Amendment. On the 21st of June, 1858, when the present President of the Board of Trade proposed a Resolution simply declaring that when the time came at which the finances of the country could afford it the Excise duty on paper ought to be abolished, the noble Lord said:—

> "The House would recollect that last year the then Chancellor of the Exchequer proposed that the income tax should be kept up at 7*d.* in the pound, and that instead of 1*s.* 3*d.*, the duty on tea should be 1*s.* 5*d.*, and that there should be a proportionate increase in the duty on sugar. This year they had allowed the income tax to fall from 7*d.* to 5*d.* in the pound, but they had kept up the duty on tea at 1*s.* 5*d.*, and also retained the proportionate increase in the duty on sugar. It was, therefore, almost a matter of good faith, when next there was a reduction in taxation, that the duties on tea and sugar should be reduced, which were, in fact, war duties, and there could be no greater claim for reduction in taxation than in those articles of consumption which entered so largely into the comforts of the people." [3 *Hansard*, cli. 133.]

On the same occasion the right hon. Baronet the Secretary of State for the Home Department expressed himself thus:—

> "They were told that in a particular year the income tax was to be abolished. That announcement was received with approbation by many hon. Members of this House. But it must be remembered that it involved the fact that in three years they would abandon £5,000,000 of taxation. The question then arose under these circumstances, not whether any other tax could be remitted, but whether some new one must not be created."

Although he would not say that hon. Members in that House or the Members of a Government were to be bound in 1860 by the reasons they had put forth in 1858, yet it seemed difficult to understand how, after using these arguments, either the noble Lord or the right hon. Baronet could with consistency oppose the Amendment of the hon. Member for East Somersetshire. With regard to their ability to abolish this tax at the present moment, it appeared to him inexplicable how the House of Commons could impose an enormous tax upon the whole body of the people in order to enable the producers of penny newspapers to drive a profitable trade against the natural course of affairs. No doubt the proprietors of those papers would say they were losing money. His reply to this was, that they should not have engaged in a losing trade. The immediate abolition of the excise on paper might be very advantageous to those whose capital was embarked in the manufaucture of that article; but if this advantage was to be purchased by a large increase of war taxes in time of peace, the question really lay between the interest of the whole community, and that of those who were concerned in a particular department of manufacture. It was with the greatest reluctance that he gave any vote which might seem to be in the slightest degree opposed to the present Conservative Government; but the Amendment so approved itself to his judgment, and was so entirely accordant with the past policy of that House and with the general feeling of the country, that he could do no less than give it a cordial support.

MR. BLACK said, he should support the Motion for the second reading of the Bill, on the ground that it would really be economical to the country to abolish this tax, as the revenue derived from it was collected at great expense. Let hon. Gentlemen consider the course of paper from the time it left the maker till it reached their hands in the shape of a book. The papermaker, as soon as he had a sufficient quantity of paper, disposed of it to the wholesale stationer. He, of course, had his profit, not only a profit on the material, but a profit on the Excise duty which he had already paid. As the book passed through the hands of the publisher, the wholesale bookseller, and the retail bookseller, each of these persons charged a profit upon the duty paid, and before the book came into the hands of the reader, the tax was doubled or trebled. On one work he published himself, on which the paper duty amounted to between £3,000 and £4,000, he calculated that before it reached the public the purchasers would have to pay £7,000 or £8,000. Surely that was a most uneconomical method of raising a tax of £1,200,000 a year. It was much better to pay an additional penny on the income tax—not that he loved the income tax. He hated it for its unjust and inquisitorial nature, but as the tax was to continue, at any rate the additional penny did not increase its evils; a man who paid income tax on £100, and had three or four children at school, would save it all on school-books. The abolition of the paper duty, therefore, would greatly benefit those who had most reason to complain of the income tax. Great capitalists, indeed, who paid enormous amounts in the shape of income tax, would not be benefited to the same extent, but he looked upon their sufferings with the utmost composure and serenity. He believed that if the paper duty were abolished, there would be an immediate reduction in the price of all articles manufactured from paper. When the duty was reduced from 3*d.* to 1½*d.*, the manufacturers wanted him to pay the old prices; but he refused to do so, and the consequence was that ultimately every farthing of the reduction was given up. So it would be in the case of total abolition. But that was not all the benefit they would derive from the repeal of the duty. They would get quit of the army of excisemen they were now obliged to keep to watch the paper mills. It had been said that the higher-priced books would not be affected; that might be true; but there was a large class of useful publications on the price of which the reduction of the duty would make a material difference, and as the money must be found for the Exchequer, he was certainly in favour of raising it by an additional penny on the income tax rather than by retaining the paper duty.

MR. MAGUIRE *: Sir, I have listened with the greatest attention to the speeches of the Mover and Seconder of this Amendment; and I must admit, as the result of that attention, that not only are my previous opinions unchanged, but the convictions which I entertained ere I heard those speeches are ten times stronger than they were before. The hon. Baronet, the mover of the Amendment, has favoured the House with an account of the number of mills that existed in England and Scotland in the year 1813, showing that there were then 700 mills in England and 80 in Scotland; and he stated that somewhere about 400 of the mills which then existed had since ceased to exist. Was that fact an argument in favour of the hon. Baronet's proposition? If it proved anything, it proved this—that these 400 mills were crushed under the heavy pressure of Excise restrictions. It was said that those mills were crushed out of existence because the owners had not sufficient capital to work them. But is not that the argument of the monopolist? Is a tax to be maintained which is to serve the rich and crush those of small means?—are men to be excluded from a profitable branch of trade because they are not millionaires? The hon. Member who seconded the Amendment believed he was using an irresistible argument when he said to the advocates of abolition—

> "Do not sail under false colours; it is all very well to pretend that you are urging the abolition of the paper duty for the intellectual improvement of the people, and the more general diffusion of knowledge; but it is well known that two-fifths of the duty is imposed on paper used for the purposes of trade."

My answer is, the argument tells quite the other way, and against the Amendment; because those who use this paper—traders, shopkeepers, many of them of small means—are the very persons who would derive the greatest advantage from the abolition of the duty, and who, in obtaining cheaper paper for their business, would have more than an equivalent for the income tax which presses now so heavily upon them. It is the strongest argument to prove that the repeal of this duty would benefit not newspaper proprietors, publishers, and booksellers alone, but that the whole retail trade of the country would gain an advantage from this proposition of the Chancellor of the Exchequer. Now, Sir, I must say it is a disingenuous mode of arguing this question to pretend that it is one between a 10*d.* income tax and the repeal of the paper duty. Under any circumstances, and even at the worst, it is a question of a penny additional; but this penny should not be considered as an equivalent for the paper duty, but as the means of enabling the Chancellor of the Exchequer to carry out all kinds of useful reforms in the commercial system of this country, and to institute great fiscal improvements. The hon. Baronet said there were no returns from Ireland as to the number of mills in that country in 1813; but the hon. Baronet had not evidently looked in the right quarter for them. I have here a passage from an article in *The Times,* which though applied to this country, graphically, if not poetically, describes the state of things in Ireland; and the language is so similar to that used by the Chancellor of the Exchequer, that I do not know but that the right hon. Gentleman has borrowed his thunder from the Thunderer. In concluding a very able article in favour of the repeal of the paper duty, *The Times* of June 22, 1858, used these words:—

> "Take away the duty, and you open the manufacture, opening also hundreds of small mills in the quiet valleys, and on the clear streams of the midland and southern counties. One has only to look at one of these ruinous mills, to see the old men who worked in them half their lives and hear their sad story, to feel the excessive hardship of the duty under which these mills were gradually impoverished and crippled, and finally brought to a stand-still, while all other trades have been continually assisted by the Legislature."

The hon. Baronet, no doubt, wishes to learn some information with respect to the manufacture of paper in Ireland. I can afford him a little light on that subject. I shall not speak of Ireland generally, nor even of an entire county; I shall confine myself to a mere district of the county of Cork. Within a ten mile radius of the city of Cork there were at one time no less than seven paper mills at work, and that at a much later period than that spoken of by the hon. Baronet with respect to England and Scotland. How many mills are there now? Only one; and the ruined gables and mouldering walls of the others throw their shadows upon as beautiful streams as any that ever flowed through the sweetest valleys of England. And yet, if there is any part of the United Kingdom which was more than another suited for the successful manufacture of paper, it was Ireland; for there were to be found cheap labour, a cheap and abundant—perhaps a too abundant—supply of the raw material, and numberless streams of pure water, now, unhappily, flowing idly to the sea. If the duty be abolished, as I earnestly hope it will, I venture to prophecy that before this day ten years there will be a larger number of new mills started in Ireland than have been extinguished in that country under the crushing oppression of the Excise. Let us consider for a moment how the abolition of the paper duty will affect the trader and shopkeeper, I care not what his particular business, or what his class—let him be grocer, ironmonger, haberdasher in extensive business, or let him be a huckster carrying on a brisk trade in the midst of a poor population. Every person in trade, especially in the retail trade, uses an immense quantity of paper to wrap up articles purchased in his shop. The small shopkeeper who wraps up thousands of articles a week in the cheapest and coarsest paper, upon which the duty is heaviest, will benefit far more than he will have to pay in additional income tax, supposing that 1*d.* in the pound represents the equivalent to the revenue for the remission of the paper duty. Even the poor shopkeepers in the village must wrap up the smallest article—the half-penny worth of sugar, the pennyworth of tea, the pennyworth of butter, for the breakfast of the labourer—in paper which is taxed to the very highest amount; for it must be remembered that while the perfumed note paper used by the lady of fashion pays the smallest amount of duty—from 5 to 8 per cent—the coarser paper used by shopkeepers pays from 50 to 60, and even 75 per cent. To such a class the Chancellor of the Exchequer proved himself, by the proposal to abolish this onerous tax, not an oppressor, but a benefactor. The tax is also an unfair tax upon the honest manufacturer, because he has to encounter an unfair competitor in the smuggler. Let the manufacturers in England, Ireland, and Scotland be asked what was the most serious cause of embarrassment to their trade; and their answer will be, that the smuggler was their great enemy. The fact is, there is an enormous amount of illicit trade and smuggling going on with reference to this duty, to the detriment of the honest manufacturer and trader. A letter which I will take the liberty of reading will throw some light on the subject. It is written by a friend whom I instructed to make inquiries for me on the subject generally; and it gives the information which he obtained from a gentleman of the highest respectability and greatest intelligence—Mr. Greer, of the Dripsey Mills—and it gives it almost in the words of Mr. Greer himself. The letter says:—

"In the first place, there is an immense amount of smuggling going on at present, which, apart from all other evils, places the fair trader at a great disadvantage. Mr. Greer pays £10,000 a year duty. The whole duty does not exceed £1,200,000. In that case he should make a hundred and twentieth part of the whole paper of the United Kingdom, which he has very good reason to know he does not. The smuggling takes place chiefly in the inferior descriptions of paper, on which the duty bears the largest proportion to the intrinsic value. The disadvantage to him is therefore the greater. If, for instance, on a coarse paper worth 3*d.* he pays 1½*d.* additional, it is quite manifest he is placed at an immense disadvantage to the man who makes it without paying duty. Again, some time since, about the year 1840, the excise added 5 per cent to the duty. This pressed mainly on the manufacturer, as he could not charge so small a sum to consumers. He could not ask for 5 per cent on 1½*d.*, or on ten times 1½*d.*; while on the whole of the duty (£10,000) which he paid, he was taxed an additional £500 a year—no small burden on his industry. The duty presses heaviest on the lowest descriptions of paper. Fancy paper, on which ladies write perfumed notes, pay but 8 or 10 per cent *ad valorem*, while a grocer, for wrapping paper, pays 50, 60, or even 75 per cent."

The hon. Baronet has evidently adopted the fallacies of Mr. Bohn, who, being one of the great publishers, perhaps loftily disdains the benefit to be derived from a repeal of the duty; and the hon. Baronet argues that because the remission of duty will be of no advantage to such works as *Macaulay's History*, for which publishers can afford to give several thousands of pounds, therefore it will be of little benefit to the public at large. An humbler man than the hon. Baronet, or it might be than Mr. Bohn, but certainly a more practical man than either, has conclusively answered Mr. Bohn's fallacies; and I shall ask permission of the House to read an extract from the pamphlet of Mr. G. W. Petter, written in reply to Mr. Bohn. I rest upon it as a conclusive refutation of the assertions of the hon. Baronet:—

"In considering the effect in price, Mr. Bohn ignores the existence of such publications as *Cassell's Illustrated Family Paper*, published at 1*d.*, and *Chambers's Journal*, at 1½*d.*, and which are essentially publications for the masses, and rests his argument upon such high class works as *Macaulay's History*, published at 36*s.*, and upon other works issued respectively at 18*s.* and 10*s.* 6*d.*, and finally upon the *Cornhill Magazine*, published at 1*s.* He deceives himself by despising the halfpenny saved on the latter, as we shall presently see; but the expensive books are absolutely out of court in the argument before us. Taking, then, the circulation of *Cassell's Family Paper* at 250,000 weekly, we will assume that it is affected by the difference represented by the smallest coin. Starting with paper at a given price, one farthing per pound gained in 250,000 copies amounts to a gross sum of £15 per week—of itself a handsome profit—but if, on the other hand, only a farthing per pound be added to the price of paper, the profit on the whole vanishes, and a further advance of a farthing would leave an intolerable loss."

He (Mr. Maguire) would call the attention of the hon. Baronet and the House to this passage:—

"Herein lies the secret of the abandonment of many enterprises, the success of which would have been for the advantage of the general public. Demand in any quarter for an increased quantity of paper, under the 'existing monopoly'—that which the House should now put an end to—'is the signal for an advance in the price of all the paper actually supplied, and this acts with the most destructive effect on the very publications which are in most demand.' This is the fact, to which large publishers could bear painful testimony."

Mr. Bohn, with the notions of a prince of booksellers, looked down with contempt on halfpenny savings, and even the hon. Baronet seemed to deride the advantage of a halfpenny saved in the publication of such a work as the *Cornhill Magazine.* Now, in all probability, if the duty be taken off, this magazine may not be sold at 11½*d.* instead of a shilling—nor, indeed, need those who purchase a work of the kind care about the difference. But the public would have the benefit of a still better article; for the saving on the publication of this magazine, on its circulation of 70,000 a month, would be somewhere about £1,800 a year, which would thus enable the publishers to give better prices to writers, artists, and engravers, and thus, if necessary, ensure the greater merit of the magazine. I assert that the repeal of this tax will materially tend to the diffusion of knowledge amongst the masses. You boast of having taken off the duty on glass, and thus given the peasant in his cabin and the mechanic in his humble home larger windows and more abundant light. But is there no other light that is even more precious, which it should be the policy of the Legislature to let in upon the human mind? Knowledge is the light emanating from God, who is the author of all intelligence; and by the diffusion of good and wholesome literature, by which knowledge is best conveyed to the masses, you render the people better citizens, more obedient to the laws, more faithful and loyal subjects, and more determined to stand up for the honour and liberty of their country. But, Sir, I have one source of consolation for the hon. Baronet who on this occasion so worthily represents the agricultural interest, and I say to him there is balm in Gilead—a drop of comfort in the bitter cup he is asked to swallow. This I shall proceed to show him. According to the returns of the flax grown in the United Kingdom, and especially in Ireland, it appears that the quantity is considerably on the decrease; but I believe that the cultivation of flax will be materially promoted by the proposition of the Chancellor of the Exchequer, as the inferior description, as well as the refuse, can be used, and would be more generally used if the duty were taken off; thus a new field of industry would be opened up, which would principally benefit the agricultural classes. I take the following passage from Mr. Petter's pamphlet, and I commend it to the consideration of the proposer of the Amendment:—

> "The use of flax straw as a staple for paper offers still greater advantages from the fact that this material contains many of the properties of the very fibre from which linen stuff is made, and that its cultivation on the soil of Great Britain and Ireland would open new fields of labour and capital. Up to this time flax has alone been of value to the linen manufacturers, who will buy only of the finest kinds, and then of certain lengths; so that immense quantities are left to waste. Were this material rendered available for the manufacture of paper, by the abolition of the Excise (which is the main hindrance to its commercial success), the cultivator, who has hitherto grown the plant for its seed only, would find a ready market for his straw and refuse, and a great impetus would be given to agricultural industry."

This seems to be a most excellent reason why the hon. Baronet, on cooler reflection —and I willingly give him to twelve o'clock to consider—should withdraw his Amendment. If, as the hon. Baronet admits, the produce of the paper mills was greater last year than ever, that is no argument in favour of the tax; it simply proves that there was an increased demand for the article, and in spite of the Excise regulations. In my opinion, there are conclusive reasons why this tax should be abolished. It has been solemnly condemned by this House, and it is high time that the Government should carry out the wishes of the House, and realize the expectations of the country. Would the hon. Baronet, had he succeeded in getting the House to condemn a tax which fettered industry and obstructed trade—would he be satisfied if the Government, whether of the one side or the other, refused to ratify the solemn decision of Parliament by the abolition of the obnoxious tax. And, surely, it is time in 1860 to abolish a tax condemned in 1858. It has been also condemned by the Excise—condemned by the Board of Inland Revenue—by those whose interest it is rather to maintain than to abolish taxation, inasmuch as it increases their duty, adds to their staff, and, perhaps, establishes a claim to higher salaries. The fact is, the subject is surrounded with the greatest difficulties, which are every moment increasing. It is as hard now to know what paper is as who Junius was. "Who was Junius?" was the literary puzzle, but "What is Paper?" is now the Excise puzzle. Here is duty charged on one article, and not on another, although they are made out of the same raw material, and actually spring from the same root. Then the trade and the country expect that the tax will now be put an end to. Even the nineteen-twentieths of the trade are in favour of its abolition, notwithstanding that it is certain to bring a new race of competitors into the field. We have heard much of the cheap newspapers in this question, and I shall say one word in allusion to them: Is this House—is this country—ashamed of the cheap newspapers of the day? I ask, are the Gentlemen on the Opposition side of the House ashamed of *The Standard?* The hon. Gentleman under me (Mr. Roebuck) says, "it cannot be read." My answer is, abolish the duty, and the publisher can afford to give better paper for the money. Then take *The Star* and *The Telegraph*, and see what they are. Contrast those papers with the papers in America. How are those papers conducted? Morally and honourably. It is true they are faithful to their friends, but they are also fair to their opponents, and, thank God, there is to be found in their columns none of that shameful and abominable licence which degrades some of the journals at the otherside of the Atlantic. Is it not, therefore, of advantage to know that these cheap papers circulate in thirty, and forty, and fifty thousands a day amongst the people, and especially amongst the working classes, seeing that newspaper literature has so large a share in the education of all classes of the inhabitants of this empire? Education does not entirely consist in what is learned at the mother's knee, or in the book at school; it is going on every day of one's life, and principally through the medium of newspapers, even of the cheap newspapers, that are so admirably and so intelligently conducted. It is, therefore, the duty of this House to facilitate the acquisition of knowledge, that which does not debase the mind, but ennobles and dignifies the man. Another argument may be adduced in favour of the repeal of the duty on paper—namely, that it would facilitate the circulation of the Bible. Now, a friend of mine, Mr. James Duffy, of Dublin, published the greater portion of 100,000 Catholic Bibles that were published within a period of ten years, and yet he had not the advantage of the drawback allowed to the publishers of the Protestant version. But when the tax will be abolished, Mr. Duffy will be enabled to publish his Bibles at a cheaper price; and thus the peasant of Connemara or of Cork will become, if not as great a Bible reader as some, no doubt, wish him to be, certainly far more so than those to whom whole cartloads of Bibles are now sent, but by whom they are never read. Many there are, perhaps, in this House, who only think of sending Bibles to the blacks abroad; but I would ask them to assist my excellent friend, Mr. Duffy, in publishing cheap Bibles for the whites at home. On every ground it is expedient that this tax should be abolished; and I am most anxious to see a fair chance given to Ireland, an opportunity of recovering a fair portion of what, considering all circumstances, may be termed one of her natural branches of industry. It is the bounden duty of Parliament to afford Ireland every opportunity of developing her resources and employing her people; and I hope to see the day when Irish manufacturers, of even moderate capital, will be able, under a free system, to hold their heads safely above the strongest tide of English competition. The hon. Baronet expresses his horror of the income tax. Now, if he will favour me with a stronger term, I will adopt it to express my own feelings; for I loathe and execrate it—but I believe, under existing circumstances, it is a necessary evil, that cannot at present be got rid of. Hating this tax as I do, I am still willing to pay an additional penny in the pound, if by doing so I can thereby open up the sources and lay the foundation of new industry and greater enterprise. Still, Sir, I do say that the Chancellor of the Exchequer should at once deal justly and fairly by the different classes who pay this income tax. It is idle to pretend that it is but a temporay imposition; for I do not fancy that any Gentleman in this House is so Arcadian, or so green, as to believe such a statement. But even supposing it to be a temporary tax, and that it was to exist for one year, or for six months, that is no reason why it should press unequally on different classes—why the trader, whose profits depend altogether upon the fluctuations of business, and the professional man, whose means depend on his physical or mental constitution, should have the same pressure put upon them as upon those who derive certain and fixed income from land or from the funds. The income tax is one of those questions with which the Chancellor of the Exchequer should himself deal boldly and resolutely the moment his Budget is passed, and its benefits are secured to the country; and in doing so, he will bestow a great boon on the industrious classes of the community. I shall vote, Sir, for the second reading of this Bill.

Lord ROBERT CECIL said, that in the abstract no one wished for the continuance of a tax. A tax was an abominable thing in itself; therefore the question really was not whether they should or should not repeal a duty. Those who argued the matter merely in that way, did not put the case as it should be stated. What the House had to decide was a question of the balance of taxation—not whether or no there should be a paper tax, but whether or no at this time it was preferable to pay the paper duty or another 1*d.* of income tax. The right hon. Gentleman the Chancellor of the Exchequer shook his head, and was, no doubt, ready to prove what he said to be a fallacy, but at the present moment the paper duty yielded £1,000,000 or £1,200,000 a year, and a 1*d.* of income tax produced much the same amount. He might say, therefore, that the one counterbalanced the other. It was desirable every tax should be repealed, if possible; but, in spite of the Resolution of the House passed as he thought somewhat unfortunately two years ago, he ventured to think the paper duty was distinguished, in contradistinction to other taxes, by two features which placed it very low down in the order of those that should be repealed. In the first place, we depended for a large portion of our most valuable raw material on certain foreign Powers, who were deplorably unenlightened in regard to the question of free trade. We got our chief supply from Spain, Portugal, and Italy; and it was possible the present prohibition on the export of rags in France and Hungary would be modified. But all those countries charged very high export duties; and they would tax the paper manufacturer to about the same extent as the present excise duty on paper. The consequence of repealing the duty would be to create an increased demand for paper, and, the cost of the raw material being raised by high export duties, the price of paper would remain as it was. The only difference would be that the £1,100,000 which at present fell into our own Exchequer would be transferred to the Exchequers of various foreign countries. The second peculiarity about the paper duty was, that the supply of raw material for the manufacture of that article was absolutely limited. He was aware that in saying that he trenched on controverted ground, and that for weeks past the newspapers had been filled with pleas, replications, rejoinders, and sub-rejoinders on the subject. If any new material had been discovered by science in substitution of the present raw material used in the manufacture of paper there would not be any doubt about the fact. The fact that there was any controversy on the point only proved to him that no such discoveries had taken place. The Chancellor of the Exchequer quoted the case of Indiarubber combs as an instance of the improvement of manufactures. But there could be no doubt about the existence of the Indiarubber comb, for you had only to go into a hairdresser's and buy one, and then there was no need of writing to the newspapers to affirm or deny the fact. If in like manner any new stuff had been discovered which could be made into printable paper there would be an end of the controversy. People talked of the discovery of some Spanish fibre, &c., but until paper made of this material was practically employed upon a large scale, and brought into the market, he had a right to assume that no material had yet been discovered as a substitute for rags in the manufacture of paper. But upon this single fact the whole of the operation of the paper duty abolition depended. If nothing had been substituted for rags there could be no relief from taxation. The paper manufacturer would put into his pocket what the Chancellor of the Exchequer now received for the coffers of the State, while the consumer would pay the same for the printed paper he purchased. That however, was a very unsafe and unwise fiscal measure. There was no single fact upon which any two members of the trade were agreed. A great deal had been said about the duties being a tax on knowledge. No doubt that was a grandiloquent, high-sounding, and sentimental cry. But of the £1,250,000 now raised by the paper duty only two-fifths were paid by the paper on which books and newspapers were printed. That reduced the taxes on knowledge to £500,000. Then, although books of large price and great volume paid a good deal, yet the price of these works was so high that no appreciable relief would be felt by the consumer. They might, therefore, take out of the tax the whole of the sum which these larger works represented. Hon. Members had talked of the hardship of taxing books of education, and what great folly it was to take out of the pocket of the people with one hand what the State put in with the other. This, however, was merely a matter of detail, which might be regulated by exempting from paper duty books which were sanctioned by the Committee of Education in the same way that Bibles were now exempted. Therefore, if they excepted dear books and books of education, the tax upon knowledge limited itself to very cheap books and very cheap newspapers—to books like *Cassell's Illustrated Bible,* and the penny papers. Now, he was a little inclined to doubt whether the tax upon the penny papers could be said to be, in any proper sense of the word, a tax upon knowledge. Could it be maintained that a person of any education could learn anything worth knowing from a penny paper? It might be said people might learn what had been said in Parliament. Well, would that contribute much to their education? They might read the foreign intelligence, of which many would understand very little, and they might see the opinions of the editor of the paper on a variety of topics. No doubt, all this was interesting to hon. Members of that House, but it did not answer any true idea of education, or carry any real instruction or true training to the mind. It was a prostitution of the word education to talk of this tax upon the penny papers as a tax upon knowledge. Then, again, no one liked to pay odd sums in this country. Booksellers charged 1*s.* for a book, and if they could not afford to sell it for this sum they charged, not 1*s.* 3*d.* or 1*s.* 4¾*d.*, but 1*s.* 6*d.* They would never get him to believe that when the paper duty was taken off he should be asked 11¾*d.* at a railway book-stall for a 1*s.* novel. Prices for books would remain very much what they were, and the whole profit would go into the hands of the producers. The dogmas of political economy they were told declared that what would benefit the producer would benefit the consumer. But how did it happen, then, that such large sums of money were made in trade? They heard of the large fortunes amassed by men in the work, but that was not the honest interest of money, or a fair profit upon their time or capital. These huge sums were accumulated by accident, by speculation, by remission of taxation, by a rise of price here or a fall of price there. They were sums that ought to have gone into the pockets of the consumer, according to the dogmas of political economy, but had been intercepted half way by the producer. So, also, the very large proportion of the benefit from the abolition of this duty would be intercepted half way by the producer. Then they were told that this tax was a restraint upon industry. The hon. Member for Dungarvan (Mr. Maguire) had spoken of a time when every stream in Ireland had its mill and when rural industry flourished. But was paper-making the only industry that had been driven from the rural districts? The linen manufacture used to flourish where it was now extinct. Was not the silk trade going northwards? In France was not the silk manufacture betaking itself from the smaller towns and rural districts to the city of Lyons? This was not in consequence of any fiscal duty, but was the operation of the inevitable law that all manufactures were carried on more cheaply where labourers were congregated together. The tendency of all industries was to gather together in the larger centres and to leave the rural districts. The paper manufacture would follow the same law, whether the paper duty was repealed or not. The hon. Member further said there was smuggling in Ireland, and that the profits of the Irish paper manufacture were diminished by the competition of people who evaded the Excise duty. That was probably true, because Ireland was the home of smuggling.

MR. MAGUIRE observed, that he had not complained of Ireland, but had complained of the whole of the United Kingdom.

LORD ROBERT CECIL said, he had never doubted the readiness of any Irishman to attack the whole of the United Kingdom; but had the hon. Member never heard of smuggling in the income tax? Had he heard of no unfair returns? Had not the honest trader to contend against those who made false returns? If smuggling and evasion were grounds for the abolition of a tax, there was no tax so exposed to that charge or which ought to be so determinedly swept away as the income tax. The last complaint was that the paper duty was untenable. The hon. Baronet (Sir William Miles) had disposed of the last Report of the Revenue Board, and it would be enough to say of it that it seemed to him like a report made to order. On what ground did they condemn the duty? Not because it was diminishing. If they had said the paper duty was untenable on the same grounds as the wine duties, he should have understood them. The revenue from the wine duties was lessening through the introduction of counterfeits, but the paper duty was increasing. Nor did they say the tax was unjust. They condemned it because they were continually getting cases before them which they found it difficult conscientiously to resolve. They found it difficult to draw the line with logical accuracy between what ought and what ought not to pay duty, and being unable to make a satisfactory distinction between what was just and unjust, they declared the tax untenable. But surely the paper duty was not the only case in which an arbitrary line had to be drawn somewhere in levying a revenue from the public. They need only turn to the speech of the right hon. Gentleman the Chancellor of the Exchequer himself in a former Session to see that the income tax was more full of these waving lines of justice on the one side, and injustice on the other, than any other tax that was imposed; and if the difficulty of being able to draw a philosophical line of distinction between them was to be taken as a reason for abolishing a tax, then the income tax ought to be repealed to-morrow. It had been argued the other night by the right hon. Gentleman, that at the beginning of the Russian war the House laid down certain plans and principles on which the people of this country were to be taxed, and that the proportions between direct and indirect taxation were then fixed. He (Lord Robert Cecil) denied that any fixed or definite plan was laid down by the House at that time. It was found necessary to raise a large amount of revenue to maintain the honour and dignity of the country during the war; and for that reason a large amount of direct taxation was imposed. There was then in the House a man—Mr. Joseph Hume—not a Tory, who thought that the higher classes had been unjustly treated, and the lower classes unduly exempted from taxation; and he proposed that the income tax should be levied on incomes of £50 and £60, in order, as he said, that the lower classes might not be encouraged to demand a war, the expenses of which they did not pay. But whether the balance of taxation between the direct and the indirect payers was established in the way stated on the other side or not, the question now was whether the basis on which the Chancellor of the Exchequer proceeded was a fair one. The right hon. Gentleman took the direct payers in one hand and the indirect payers in the other, and balanced them against each other while he made his calculations; but what he asked the right hon. Gentleman to do was to descend from his abstract ideas of direct and indirect taxation—to take the individuals of each class, ascertain what they contributed towards the war, and see whether they each paid a fair proportion of their incomes. In this way they would be able to judge whether they now owed a debt to the class that paid indirect taxation, and whether they were bound to abolish the paper duties. He would take the case of the family of a curate with £200 a year, and of an artizan with £90 a year—the former paying income tax, and the latter indirect taxes only, and ask which of them paid most in proportion to his income towards the support of the Russian war—the articles paying indirect taxation being tea, sugar, and beer. Now he would suppose that the artizan to whom he referred consumed one pound of tea every week and half a gallon of beer every day. That was certainly a liberal allowance, and with it he would have paid in the shape of war duties, during the last six years, a sum of £8 16*s.*; but the curate with an income of £200 a year, consuming the same amount of tea and of beer, and paying besides the war income tax, would have contributed to the increased charges of the State during the same period a sum of £36 6*s.* The annual contribution of the artizan would thus amount to 4*d.* in the pound on his income, while that of the curate would amount to 8*d.* in the pound on his income. There was an entire fallacy in the ordinary mode of dealing with the question of direct and indirect taxation. The proper way was to set the payments made by individuals in one class against the payments made by individuals in the other. The usual plan of estimating the amount paid by each class led to erroneous conclusions, and, moreover, exerted a mischievous influence by setting class against class. If you called upon one man to pay 8*d.* in the pound towards the support of the State, while another man occupying not a very different station of life was made to pay only 4*d.*, you were committing a great injustice. According to every principle of sound finance all classes ought to pay alike, and if that were so the indirect taxation of the country would be considerably increased and the direct taxation considerably diminished. At present direct taxation pressed so heavily upon the classes with more than £100 a year that they were called upon to contribute out of all proportion towards the burdens of the State. Now, the armaments of the State were not maintained for the benefit of the rich alone. What classes would be most injured if an invasion were to take place, or if the peace of society were seriously menaced by internal convulsion? The man with a large fortune in the funds might go to some safer land where there was no danger of invasion and where the peace of society was never menaced by demagogues. But as to the poor man, trade would be stopped in case of any such disturbance, capital would cease to be invested, there would be no demand for labour, and his only support would thus be destroyed. The poor man, therefore, had the greater interest in maintaining those protective agencies by which the State defended capital and labour, and ought consequently to contribute at least as much towards their support. It was not just to claim the abolition of the paper duty on the ground that it was an indirect tax, and that something was owing by the payers of direct to the payers of indirect taxation. The right hon. Gentleman had taunted his hon. Colleague (Sir Stafford Northcote) with advocating what he called a "stationary finance," but his notion of progress seemed to consist in substituting direct for indirect taxes and in shifting the burdens from the poor to the rich. If such a policy were persisted in it would weaken the stability of the State, and it ought least of all to be pursued just at this moment when they were going to hand over the government of the country to those who were not to pay for it. Such a plan of finance was really a plundering finance; it practically amounted to confiscation; and therefore on higher grounds than those of mere detail he contended that those who paid indirectly towards the support of the State ought not to be relieved by placing a heavier burden on the shoulders of classes who were already overweighted by taxation.

MR. MILNER GIBSON: I think the noble Lord who has just addressed us has travelled somewhat beyond the question immediately before the House. He has descanted upon general theories which I think it is hardly necessary to consider, while we have before us so limited a proposal as that of the hon. Baronet (Sir W. Miles). Before coming to a vote upon the question of the repeal of the paper duty we must take into account the decision already come to by the House in reference to the Budget and the French Treaty. Now I may, I suppose, assume that the House, after full deliberation and after several divisions, has given its assent to the French Treaty. That being so, you have bound yourselves by one of the Articles of that Treaty to admit foreign paper at no higher rate of duty than the Excise which shall be levied on the home manufacture. Protection, therefore, for the home manufacturer is gone, and the question is, whether being offered the total repeal of the duty, you will now insist on retaining the Excise and admit the foreign paper at no higher duty than that imposed on the home manufacturers. Another point to be remembered is, that by a formal vote on the Motion of the hon. Member (Mr. Du Cane) the House has approved the general policy involved in the financial scheme of the Government, the effect of this policy being that, although during the present year it was necessary to provide for a large additional expenditure, nevertheless you would remit a certain portion of indirect taxation for the benefit of trade and industry. ["No!"] I understood the division upon the hon. Member's Motion to be a deliberate acknowledgment that that is to be the financial policy of 1860. My right hon. Friend the Chancellor of the Exchequer, in introducing his financial scheme, announced that the amount of remission which he proposed upon indirect taxes was about £2,200,000, being the sum which would arise from the falling in of the Long Annuities. I take it, therefore, to be the understanding, on both sides of the House, that something like that amount shall be given to the trade and industry of the country. The French Treaty has swallowed up £1,190,000 of that sum. Supplemental reductions of Customs' duty have been made besides, but these have been compensated by new charges, and therefore, in order to carry out the proposed remission of £2,200,000 to the trade and industry of the country, you still have above £1,000,000 to dispose of. Well, then, the question is whether, in fixing upon the paper duties for remission, we have made a judicious selection. It is not a question between the paper duty and income tax, but between that duty and some other branch of indirect taxation. The hon. Baronet gave notice that he would oppose the second reading of the Bill on this subject; but he has now moved a Resolution which, though I have no wish whatever to stifle discussion, or to raise objections on technical grounds, I think he ought not to have placed on the paper. I must say when the House considers this Resolution, whatever it may do with this Bill, it will be unwilling to place such a Resolution on the records of

Parliament. What does it say? It says, "as it appears that the repeal of the duty upon paper will necessitate the addition of 1*d.* upon the property and income tax, it is the opinion of this House that such repeal is at this moment inexpedient." I want to know where "it appears." I am not aware that it has been made to appear that the retention of the paper duty involves the remission of a penny on the income tax. That may have suggested itself to the hon. Baronet, but to place upon our records that some past proceeding justifies such a statement, I do not think this House will consent to do, whatever it may do with the Bill before it. I do not think my right hon. Friend the Chancellor of the Exchequer will agree that a penny of the income tax and the paper duty have any connection with each other. My right hon. Friend may say that if you insist upon keeping the Excise duty upon paper he will consider whether the sugar duty may not be lowered, or whether it would be proper to make a reduction in the war duty upon tea. It does not at all follow that my hon. Friend opposite will get his penny in the income tax even if he succeeds in retaining the present paper duty; and when his Friends consider the real meaning of the Resolution I do not think they can consent to vote with him. But why has the Government selected the paper duty? I suppose it will be admitted that, having taxes to remove, it became necessary for the Government to make a careful review of the various items of indirect taxation, and to decide which items presented the strongest claims for remission. What did they discover? I think, in considering the claims for remission, hon. Gentlemen opposite will admit that the Government could not overlook the paper duty after all that has passed. The Government found that for the last twenty-five years those who were entitled to have the greatest weight with Parliament had looked forward to the repeal of the paper duty as an object to be carried out as soon as it was possible to do so. From time to time opportunities were taken by Commissions and Committees to condemn this duty as a permanent source of revenue, beginning with the Excise Commission of 1835, of which Sir H. Parnell was chairman; for although the Commission did not recommend the immediate repeal of the paper duty, they did anticipate a future repeal of the tax, and carefully guarded themselves against being supposed to give any sanction to the paper duty as a permanent method of taxation. I am not about to quote the writers of books or the opinions of theorists elsewhere, but I am entitled to ask the House to attach weight to the advisers it has itself selected, to Commissions of Inquiry, and the opinions of those men of different political parties who have guided the deliberations of Parliament. Ten years ago I brought forward a Motion for the repeal of the paper duty, not asking for immediate action, but to make preparation for it, because I felt that the instant abolition of a tax of such magnitude was not a proposition that a Member of Parliament was entitled to make to the House. The right hon. Member for Buckinghamshire (Mr. Disraeli) was one of those who sympathized with the terms of my Motion, "that such financial arrangements ought to be made as will enable Parliament to repeal the Excise duty on paper." What did the right hon. Gentleman the Member for Bucks say on that occasion? He said, "Was there a man in the House who entertained an opinion different from that of the right hon. Gentleman who introduced the Motion? Different opinions might be entertained as to the effect of the duty upon advertisements and upon newspapers, but no financial evil was abstractedly greater than an Excise duty, while in the present instance it was aggravated because to a physical a moral disadvantage was added;" and he went on to say, "in his opinion it was a prudent, a politic, and a beneficial Motion." The right hon. Gentleman followed up his emphatic speech by his vote in favour of my Motion, Now, I say that the requisite financial arrangements are made; and, therefore, I claim as a matter of right the vote of the right hon. Gentleman. Coming down to a later period, I find the same views were held in other quarters. I had the honour of several interviews with the Earl of Derby, when he was in power, upon the subject of this duty. His Lordship not once, but on several occasions, expressed his opinion on the remission of these duties. In the last interview I had with the noble Earl, when I accompanied a deputation to him on the subject, he reminded us that he was expressing an opinion he had formerly expressed when he said that the paper tax was bad alike in principle and in practice, and that as soon as possible it ought to be repealed, and he held out hopes that if a Conservative Government should remain in office for two years, seeing the disposition there was to economy among the Conservative party, the paper duty would be repealed. I find a uniform and constant enforcement of the doctrine that the paper duty was not to be looked upon as a mode of raising revenue that ought to be maintained. I now find that the Commissioners of Inland Revenue themselves distinctly say in their Report that it is so universally believed that the paper duty is doomed and about to cease, that they found it extremely difficult to make those necessary changes of regulations, or to apply to Parliament for power to make those alterations which varying circumstances require from them to regulate the levying of the tax. I do not dwell alone upon the last Resolution of Parliament, but I contend that it is only part of a long-continued uniform system of condemnation of this tax. The House of Commons by a unanimous vote having decided, in terms placed upon its records, that the paper duty is not to be a permanent source of taxation, could the Government, I ask, having undertaken to remit a certain amount of indirect taxation, venture to overlook this particular tax? Is that Resolution which I have referred to, to remain a dead letter upon your books? The hon. Baronet the Member for Somerset (Sir W. Miles) has some idea that one day or other he will agree to the repeal of the paper duty. I think, however, the latter part of his speech did not quite agree with the first part, for he took pains to show that the paper duty was not such a bad tax, and was not so injurious as it was represented to be, while in the first part of his speech he said he was not prepared to maintain the paper duty permanently. I do not know why he should not maintain that duty as an ordinary branch of our revenue, if he is satisfied that it is not an injurious tax, or a pernicious mode of raising money. It appears to me that it was impossible for us to overlook this question, for I do not agree that Resolutions of this House are to be considered as trifling matters. I am not in favour of Resolutions being moved, especially with reference to taxation, unless hon. Members mean to do their utmost to procure the repeal of the particular tax; but a Resolution having been placed upon the records of the House, it would have been a neglect of duty on the part of the Government if they had given it the go-by, and treated it as a mere unmeaning paragraph in the journals of Parliament. The very first person who would have had a right to reproach us for such a course would have been the right hon. Gentleman the Member for Bucks, who would have told us, "You come with a repeal of indirect taxation, but have omitted to notice the tax which Parliament has condemned, and which has been uniformly reprobated by the leading men on both sides of the House." Admitting, however, for the sake of argument, that all these authorities to which I have referred are to be disregarded, and that perhaps the paper duty is to be retained, what do we find as a preliminary difficulty? That it is necessary to come to Parliament for a Bill to enable the collectors and assessors of the tax to carry out such rules as they believe are necessary and just for the trade of the country. The noble Lord (Lord R. Cecil) says the report of the Commissioners is one got up for the occasion. That is a monstrous charge to make, unless the noble Lord is prepared to substantiate it. Does he mean to say that the Gentlemen who put their names to that Report have deliberately asserted what they do not believe to be correct merely to serve the Government? The question is, is the Report true as to the difficulties which lie in the way of the collection of this tax? I am prepared to maintain that it is true, and if you mean to maintain this duty, I say you must bring in a Bill forthwith to define the article on which the duty is to be levied and apply it to a number of articles which now come into competition with paper, but on which the duty is not charged. You cannot adopt a system of arbitrary exemptions. Such a course would be contrary to the principles of our institutions, and is one which, I am sure, this House will never sanction. But we are told that the definition of paper is to be found in the decision of the Court of Exchequer in terms clear and precise. The Court of Exchequer defined paper; the Act of Parliament did not. All that the Act said was that paper, however made, whether by a wet or a dry process, and of whatever material, should be deemed to be paper. But the Court of Exchequer having to define what paper was, said:—

> "That paper may perhaps be described as a manufactured substance composed of fibres adhering together, in form consisting of sheets of various size and of different thickness, and used for writing or printing and applicable to other purposes for which flexible sheets were applicable."

But that definition covers a great many articles to which the paper duty does not apply. For instance, it covers the article of felt, which is extensively used for roofing, and I ask if you are prepared to take the decision of the Court of Exchequer as your definition of paper, are you prepared to apply the Excise survey and the imposition of the Excise duty to the article of felt? You must do that, if you carry out the principle of the declaration of the Court of Exchequer. The Board of Inland Revenue feels this difficulty strongly, and says, "Make up your minds whether you mean to maintain this tax or not; if you do mean to maintain it, we will ask you to pass a law that will enable us to assess the duty fairly and justly between the different trades and manufactures." Can anything be more reasonable? To say you will not do it now is only to prolong all this injustice and difficulty, and to leave the trade in uncertainty. I say it behoves Parliament to make up its mind now whether this duty is to be maintained; and that, if it be their deliberate opinion that it is unfit to remain as a part of our permanent revenue, this is a fitting moment for its total abolition. I hold in my hand the third Report of the Board of Inland Revenue, published last year, during, I believe, the administration of the Earl of Derby, and, therefore, I presume, not got up to order. What do the Commissioners say?—

> "The expectation that the paper duty would be repealed on the first favourable opportunity has for many years been a source of embarrassment to us in the collection of it. In all duties which are levied on articles in the process of manufacture, the continual introduction of new methods of working, of new materials, and of new inventions to suit the taste of the public, requires corresponding alterations in the laws under which the duty is chargeable, and in no case has there been so great a necessity for those alterations as in that of the Excise on paper."

Who are the persons most competent to advise Parliament in a matter of this sort? I assert there are no men to whom the Government can more properly look for advice on such a subject than the Commissioners of Inland Revenue. I believe the extract I have just read contains the honest and deliberate opinion of the Commissioners, and I have no doubt that it would have been the same whatever Government were in power. I trust, therefore, the House will be guided by their advice, and I feel that if the Excise system connected with paper had not been administered in a most considerate manner it would not have been possible to maintain this duty for so long a period. I say, therefore, there is no mode of escape from their difficulties except by a total repeal of the duty, and that this House will hesitate before it places itself, in a matter of this kind, in opposition to men so experienced. Seeing, then, that we are met by these difficulties — first that the tax had been condemned by a uniform course of authority, and, secondly, that if we are to maintain it, we must legislate to enable us to collect it—the question remains, is the tax of a character that we should desire to maintain it? What is its effect on trade? I admit that its operation in impeding the diffusion of knowledge is not the only argument in favour of its repeal. The commercial argument is a most important one. In the first place, is the consumption of paper in this country at all in accordance with our population, or with what we should naturally suppose to be the demand of a country like England, having regard to the progress of education and trade? Is it commensurate with what we find in other countries under similar circumstances? The consumption in the United States, with a smaller population, I believe is three times as great as that of England. The population of the United States is about 23,000,000. We have in this country some 29,000,000 of people. The 23,000,000 in the United States make a much larger quantity of paper than we manufacture in this country. Is there any reason why that should be so? Paper is susceptible of a great variety of uses, and in a country with such an enormous trade as ours, we should be the first producers and consumers of paper in the world, in proportion to our population. Mr. Rawlings, a large paper manufacturer at Wrexham, who has seen the way in which paper is made in the United States, states that the processes there are so much improved that a man and his children can make paper by themselves, and turn out a much greater quantity than a similar number of persons in this country. Mr. Rawlings produced a brown paper made in the United States of, among other things, old leather, flax straw, Indian corn stalks, palm leaves, and damaged marsh hay, and sold at a price below the sum charged for duty in England. He also exhibited a sheet of paper of remarkable gloss and fineness, which was produced by two persons at the rate of 100 reams in eight hours. Do not tell me we cannot do in this country what is done in the United States; we have peculiar advantages in England, both in mechanical skill and command of the raw material, and yet here the production of paper is limited and crippled; and I have a right to assume that the Excise duty and the Excise survey have something to do with this important difference. Again, with regard to our exports, the paper duty acts as an export duty on several kinds of manufactures. The duty is paid on the paper boxes in which those goods are sent abroad, and sometimes forms a small percentage on the value of the articles the boxes contain. You increase the difficulty of our manufacturers in competing with foreigners in neutral markets if you place a duty on the boxes in which their goods are packed. Such a duty must have a pernicious effect in a great exporting country like England. The duty forms an enormous percentage on the value of coarse papers. A paper manufacturer of Birmingham told me that, on an average, he made paper of a coarse kind to the value of £33,000 in a year. The amount of duty he paid on that quantity was £12,800 a year. That is an enormous tax; as he graphically stated the case, he was obliged to work twenty-two weeks out of the fifty-two to make enough to pay the duty for one year. I can prove also that the duty limits the power of producing an article for which England is admirably suited. England abounds in auxiliary raw material for paper-making, much of which cannot be applied under the Excise system. The statements of the scarcity of rags in this country are no novelty. They were urged in 1836, when the duty was reduced. It was said the manufacturers would only put the remitted duty in their pockets, because no greater quantities of the raw material were likely to be imported. What are the facts? From 1815 to 1836 the average price of rags was perhaps 40 per cent higher than the average price since 1836. I believe the quantity of paper made is 90,000 tons per annum; previous to the reduction of duty in 1836 it was only 40,000 tons; you have thus added 50,000 tons to the production of paper, or nearly trebled it, and yet the price of the raw material has not risen since 1836. Is this consistent with the statement of a deficiency of the material? I firmly believe that what happened before will happen again; that if you repeal the duty the production will be greatly increased, and the demand for the raw material will bring it into this country; and the price of the raw material will not be enhanced. It should be remembered that every country imports rags from time to time. We have heard much of France prohibiting the export of rags; but France imports rags, and some small quantity even from England. Belgium and other countries also import rags; we ourselves export rags to various countries every year. It is a mistake to suppose there is any deficiency of this article if you take the whole world as the source of supply instead of two or three particular countries. The price of the raw material may rise a little, but I believe that the cost will be equalized gradually in different countries, for it will be impossible to maintain any great difference when you place the great English market on the same footing as those of France and Belgium. As foreign paper is to be admitted duty free the argument of the home manufacturer being able to put the amount of the remission into his pocket loses its force. There is one article likely to be extensively used in the manufacture of paper, to which I would call the attention of the hon. Baronet (Sir W. Miles)—it is flax refuse. I have before said that the repeal of the paper duty is to some extent a farmers' question. I believe the agricultural interest did not think me serious in saying so; but I am quite serious. I believe that the manufacture of paper is the only rural manufacture that in these days can be carried on with advantage. It is a manufacture in the extension of which the agricultural community is greatly interested. I have received a letter from an agriculturist stating that he had always grown flax with a larger profit than wheat, by using the seeds to fatten cattle and converting the straw into flax fibre for the Leeds market; and he adds that flax is not, as commonly supposed, an exhausting crop. Thus, if there are any complaints of the low price of wheat or other grain, the prospect of a development of the paper manufacture is worth the farmers' consideration. I believe that large quantities of straw may be converted into the material of paper; and that other auxiliary raw materials which are now burnt, such as couch-grass, may be made a source of profit to the agriculturists if they will only lend the Government their assistance on this occasion to repeal an obnoxious system of Excise regulations that cripple an important manufacture and prevent its full development. A word on the effect of the paper duty on the diffusion of knowledge. Giving this Excise duty the name of a "tax on knowledge," has been called something of a clap-trap; I am not responsible for that title; it was used many years ago; I believe the right hon. Member for Hertfordshire (Sir B. Lytton) in a speech on a repeal of the duty, was one of the first who gave that definition of the tax. But the term of a tax on knowledge is fairly derived from the Act of Parliament itself. In one of the clauses I find these words: "that for the encouragement of learning" the duty shall be remitted "on all books printed in the Latin, Greek, Oriental, and Northern languages." If you remit the duty on books printed in these languages "for the encouragement of learning," you certainly admit that the tax on paper is a "tax on knowledge." That is a logical deduction, and if in the days of Queen Anne it was thought advantageous to remit the duty on books in the Latin, Greek, Oriental, and Northern languages, surely in the days of Queen Victoria, when we are educating the people, it is right also to remit the duty on books printed in the English language. Under the existing law we are not entitled to levy a tax on books printed in the Northern languages, and I see no reason why the English language should not come within that category. But, be that as it may, the paper duty is a tax on knowledge, because it is a tax upon the means—the principal, perhaps the only means—of diffusing knowledge throughout the country; for how, I should like to know, is information to be distributed throughout the mass of the people? Is it not through the medium of cheap publications extensively circulated? Yet you who are opposed to the repeal of this duty argue as if it would in no way affect the spread of information whether the tax were 1½*d.* or 6*d.* per lb. Now, I dare say it is very true that an increase of the duty to that extent would not appreciably add to the cost of a book the selling price of which is three guineas, and which weighs only two or three pounds, and that a man who is prepared to pay that price would not have any very strong objection to the payment of an additional shilling; but then you must bear in mind that this line of argument is applicable to any amount of duty, however high. The real question for us to decide is, how the existing duty acts on publications which are low in price, and by means of which useful knowledge is extensively diffused, using large quantities of paper. I recollect the right hon. Baronet the Member for Hertfordshire, when, on a former occasion, he advised his political friends not to put themselves in the wrong on this question, told them that by doing so they would continue to impose obstacles in the way of the improvement and refinement of the people. He went even still further, and maintained that the principles which that party professed would be promoted by the removal of the impediments which stood in the way of the circulation of knowledge. He placed so much confidence in the justice of Conservative principles, that he expressed a wish to have a cheap organ established by which those principles might be widely promulgated. That wish has since been gratified. *The Standard,* a most excellent paper, has been published at the price of 1*d.* I call upon you, in accordance with the argument of the right hon. Baronet the Member for Hertfordshire, to remove the impediments which lie in the way of its more extensive circulation. For what, let me ask, does it pay in the shape of paper duty? I understand that nine numbers of *The Standard* are sold by the publishers at the wholesale price of 6*d.* Those nine numbers, I believe, weigh 1lb., therefore out of every 6*d.* that is received upon the wholesale price, 1½*d.* has to be paid to the Government—that is to say, 5*s.* on every £1-worth that is sold. That amount represents the direct payment; but the 5*s.* originally advanced by the paper-maker and afterwards by the wholesale stationer eventually reaches, if I am not misinformed, some 7*s.* or 8*s.*, which is probably the amount of duty paid directly and indirectly on every £1-worth of the paper to which I am referring. ["No!"] I know this calculation to be correct as applied to other papers, and I see no reason to doubt its accuracy so far as *The Standard* is concerned. Well, if that be so, a great impediment must thus be thrown in the way of the success of that journal; for, be it remembered, in fixing its price you must take a coin which is in general use, and cannot raise its cost to 1¼*d.* Suppose, for instance, the circulation of *The Standard* amounts to some 25,000 copies a day, which probably may be the case, I dare say, the amount which it pays in the shape of duty must be somewhat like £20 per day; at all events, it cannot be very far short of that sum; so that the obstacles against which it has to contend in this respect are very considerable. It, therefore, does appear to be perfectly monstrous to wish for a cheap Conservative organ, with an extensive circulation in the country, and at the same time to maintain a tax which must eat up all the profit. But the question is not one altogether of a cheap press; it involves also moral considerations of no ordinary value. It is not only desirable that we should have cheap newspapers, but that we should render them as agents in the communication of knowledge as good as they can be made, instead of perpetuating a system of taxation which impoverishes them, and which may, instead of their being productive of benefit, cause them rather to be productive of injury to the community, Let me now take the case of periodicals, and of those publications of a religious and philanthropic character the diffusion of which throughout the country we ought to be desirous, as far as possible, to promote. I daresay the noble Lord who last addressed the House is a great supporter of religious tract societies, but he will be surprised to learn, on the authority of a gentleman who is well informed on these matters, that one of the largest of those societies pays in the shape of duty on the paper which they use, and in charges for printing, binding, and packing, a sum bearing no small proportion to the annual subscriptions which it receives; so that nearly the whole of its income goes into the coffers of my right hon. Friend the Chancellor of the Exchequer. Now, to show still more clearly how this tax operates against the diffusion of cheap tracts among the working classes, I will take the case of two periodicals published by the Religious Tract Society — *The Leisure Hour* and *The Sunday at Home*—[*a laugh*]. Hon. Gentlemen may laugh at the mention of these names, but I am quite serious in addressing myself to the subject, for I am of opinion that those who promote the circulation of these tracts are entitled to our approbation. Well, then, I may shortly state that the duty on those two works amounts to £3,000 per annum, which nobody can, I think, seriously contend does not operate as a barrier against their more extensive diffusion. I may here observe that I some time ago sat with the hon. Baronet the Member for Somersetshire on a Committee for the promotion of education, and that I then found him to be a great stickler for what he called exclusive religious instruction; yet now he comes forward in support of a tax which lays upon these religious publications the heavy burden which I have mentioned, and is prepared to maintain that the Religious Tract Society ought to pay the Government £3,000 a year as a fine for the permission to circulate two of their publications. But these are not the only facts which I have to adduce to show the House how injuriously this duty operates. Mr. C. Knight, who was for a considerable time engaged in the publication of books, states that for a period of twenty years he paid a sum of £80,000 to authors for their literary productions, but that in order to circulate that amount of mind throughout the country he had been obliged to hand over a sum of £50,000 to the Government. Do you mean to tell me, then, with these facts before you, that this is not a tax upon knowledge? Is it mere clap-trap or the statement of a simple fact when I place the paper duty in the list of such taxes? For my own part I cannot believe that by maintaining it you do not trench materially on the fund out of which literary labour is paid, and greatly add to the cost of literary enterprise. I say the paper duty is not only a tax upon knowledge, but it is also a grievous and oppressive trammel upon the freedom of authors. I am quite sure it must trench upon the fund by which authors would be paid; for if the large sum I have stated as having been paid by that eminent publisher in the shape of paper duty had remained at his disposal competition would have forced him to give the public the benefit of it. The money that went to the Exchequer would have gone to provide other, and perhaps superior, authorship, and thus the country at large would have had the advantage. I do hope, this opportunity having arisen for the repeal of the paper duty,—now that you are about to remit indirect taxation, and seeing the great public expectation that has been excited in reference to this duty, the House will hesitate before it gives its support to the hon. Baronet the Member for Somerset. I give him credit for bringing this Motion forward with all sincerity; I think he is grievously mistaken in the course he has taken; and I trust with full confidence that this House will read the Bill now before it a second time by a large majority.

Mr. HORSMAN: I have listened, Sir, with great interest to the speech of my right hon. Friend who has just sat down, and I am sure the hon. Baronet who has moved this Amendment must have listened to it with great satisfaction, because he must have perceived how carefully, how significantly my right hon. Friend declined his challenge to discuss the principle of this Bill. My right hon. Friend has been lively on the Tract Society—he was very eloquent upon rags, but upon the principle of the Bill he declined to say one word. He said this measure is a very limited proposal; that there is no principle at all involved, and it is merely a question of Parliamentary consistency. You voted for the Treaty, he says, you have passed the Budget, you have rejected the Motion of the hon. Member for North Essex; can you refuse to pass this Bill? And so, as by a skilful process of Parliamentary manipulation, it was arranged that the Treaty carried the Budget, and the Budget carried the Treaty; now the Budget and the Treaty combined are to carry the repeal of the paper duty. My right hon. Friend must be quite aware of the truth of what fell from the noble Lord (Lord R. Cecil) when he said we could not discuss this Bill on its abstract merits. All taxation is a matter of comparison. Taxes are a necessary evil, and it therefore fell to my right hon. Friend to show that not only are there great evils connected with the paper duties, but that they are greater than those connected with other taxes, and especially than those connected with the direct tax which it is proposed to increase—[Mr. M. Gibson: I compared it with indirect taxes.] My right hon. Friend corrects me, and I accept and will deal with his correction. I will not discuss the case, I will not degrade it into a mere question of detail. My objection is that, under the semblance of a small and apparently insignificant remission, we are called on to agree to a change which, as I said once before, is the most important financial change ever submitted to Parliament by any Minister in our day, not only because of the principle it involves, but for the consequences to which it must lead. I cannot really allow my right hon. Friend to separate, as he has endeavoured to do, the income tax from the remission of the paper duty, because we must recur to the speech he has found it very convenient to forget or ignore, delivered by the Chancellor of the Exchequer when he introduced the Budget. What did he tell us? He said, in effect this—"I am proposing a repeal of taxes now in fulfilment of the promise that in 1860, when the annuities fell in, the nation should receive a remission of taxation. Well, now, this remission of the paper duty is in part fulfilment of that promise." I have nothing to do to-night with the rest of the Budget, to which my right hon. Friend endeavoured to commit us; but, in order to make the real question before us clear and intelligible to the House, and to make it impossible for the Government to evade it, I will put it so that I defy my right hon. Friend to get out of it. The Chancellor of the Exchequer makes a calculation of the income and expenditure of the year, and he balances the account with the income tax at 9*d*. per pound. Up to that point I have to-night no fault whatever to find with the arrangement. The annual income and expenditure are there accurately balanced. But after that point he performs another operation. He then makes a remission of the paper duty, by which he creates a deficit of upwards of a million, and he fills that deficit by adding 1*d*. to the income tax. Now, it is on this last point that I proceed to grapple with my right hon. Friend. I have said that this remission is in part fulfilment of the promise made that a remission of taxation should take place in 1860; and the first remark I make on that is this – that when you remit the paper duty and substitute 1*d*. additional income tax, it is in reality not a remission of taxation, but a mere shifting of taxation from the paper duty to the income tax. When the Chancellor of the Exchequer promised there should be a remission of taxation, we understood it in a general sense, and applied it to the whole community; and we hold that that pledge has not been redeemed when he gives the benefit of that remission to one class at the expense of all the rest. In this case in reality there is nothing but the extension of protection to that class, and under the pretence of free trade and competition, a mere return to favouritism and monopoly. In the remission of taxes my right hon. Friend corrected me, and said he made the comparison, not with the income tax, but with other indirect taxes. I will meet him on that point; I say, in the remission of indirect taxes the great rule to be observed is that the first to be remitted in time of peace are the exceptional taxes imposed for the purpose of war, especially if these are taxes of which the remission had been promised, and still more if they are taxes that press on commodities consumed by the poorer classes. The Chancellor of the Exchequer admitted this difficulty in his Budget speech; the tea and sugar duties, to the reduction of which he stands committed more than any other man, both on fiscal and moral grounds, immediately met him in the face. He got over the difficulty. How? He determined to remit the paper duty, and not to reduce the tax on tea and sugar. How does he reconcile this with anything like consistency and justice? By one of the most daring flights of fallacy that I venture to say any great rhetorician ever ventured on. He coins a new maxim of political economy, and presents it to this House with a faith in his own powers of persuasion that I must say deserved to remove a whole chain of mountains. He says, if you would confer the *maximum* of benefit on the labouring classes that is to be done, not by removing the taxes on the commodities they consume, but on the commodities through which they get employment. That is the principle of the right hon. Gentleman. Is it a true principle? It is very novel, it is very bold; but I will venture to assert it is as false as it is novel and bold. And first let me apply to it, not the scientific, but the practical test. Suppose that during the last autumn, when the Liverpool Financial Association were endeavouring to resuscitate the League with the view to get the taxes on tea and sugar and other commodities consumed by the poor repealed, some gentleman, a disciple of my right hon. Friend's school, had got up in the middle of the room and moved an Amendment that in the opinion of the meeting the operative classes would be more benefited by a repeal of the taxes on the commodities used by their employers than on those consumed by themselves at home, I should like to know what reception such a proposition would have met with. In these educated days probably the mover of an Amendment to that effect would have been laughed out of the room; there were days when he would have been assisted to a more summary exit. Take a still more practical test. Suppose my right hon. Friend had sent down an emissary to Rochdale, and turned out the hands in the establishment of my hon. Friend, who generally sits here (Mr. Bright), and it had been said to them, "The Chancellor of the Exchequer has sent down £1,000 which he wishes to be distributed for the benefit of the operatives in this establishment; say, shall you be most benefited by giving it to the employers of your labour or to yourselves, to buy comforts for yourselves and families at home?" Everybody probably anticipates the answer; but what I ask is this—would that answer have been at variance with the truths of political science? My right hon. Friend says, "I will remit the duty to the paper manufacturers because that will stimulate the paper trade, and by that means give increased employment." But, I ask, would not the remission of the tax on tea and sugar stimulate employment exactly to the same extent? The question turns on the very elements of political economy, and I am almost ashamed to discuss it in this House. A million of taxes is to be remitted—shall we take it off paper or off tea and sugar—"I take it off paper," says the Chancellor of the Exchequer, "because, by so doing, I increase employment." But I say if you remit the tea and sugar duties to this extent you increase employment in either of two ways. In the first place, by the remission of a million on those duties, you enable the consumers of tea and sugar to purchase a million's worth more of those commodities, which have to be imported from abroad and paid for by articles exported from home, and you consequently increase employment at home precisely to that extent. If the consumers do not devote this million so remitted to the purchase of tea and sugar, they lay it out on other commodities likewise requiring labour, and you thus increase the wages of the labouring classes in an equal ratio. The obvious and vital difference between the two remissions is—in one you give the advantage to the consumers of paper, and in the other you confer it on the consumers of tea and sugar. Putting aside the fact that the latter class are paying a war tax, of which the remission has been promised, I ask the House which has the better claim? The consumers of paper are generally a richer class, and the remission of a million is not, after all, a benefit to them to that amount, for paper to them has been artificially cheapened, and they pay the duty in another form, being the payers of the income tax which has been substituted for it. But the consumers of tea and sugar are the labouring classes; and the reduction to them is a clear boon—first, in the gift of a million directly to them; and, secondly, in the increased demand for labour to produce the commodities which are to be exported in return. There is another consideration of the utmost moment connected with this question—namely, that it is of great social, moral, and political importance that the operative classes should receive the best wages they can command for their labour. We know that wages can be increased either by larger money payments or by a diminution in the cost of living. Money payments are, of course, regulated by the cost of labour, but you may reduce the cost of living by a reduction of taxation; and if you remit a million of taxes to the consumers of tea and sugar, you enrich them to that amount, and you enable them either, according to the principle of Sir Robert Peel, to increase the revenue by a larger expenditure on these very articles, or you enable them to spend more in improving their houses, or their clothing, and in educating their children. You elevate them in the social scale; the State becomes safer and rests on a sounder basis. I agree with what was stated by the Chancellor of the Exchequer, that the operative classes should contribute their share to the burdens of the country, but that is not the question raised by this Bill. The question is—assuming that the object is to benefit the labouring class, by which remission do we most benefit them?—and on that point the Chancellor of the Exchequer put forth a fallacy which I do not think he will venture to repeat. I have to apologize for detaining the House with a dry treatise of political economy; but I think the fallacies which the right hon. Gentleman has propounded deserved to be refuted. When he prefers the abolition of the duty on paper to the remission of that on tea and sugar, I say it is a deliberate and flagrant abandonment of the principle of Sir Robert Peel, which was, by the reduction of duties to get a larger consumption and a consequent increase of revenue. If he had reduced the duties on tea and sugar he would have acted consistently with that principle; but what does he do? He takes the paper trade, a most flourishing branch, and one in which the consumption has enormously increased, which would be a prolific source of revenue for future years, and, instead of reducing it, according to Sir Robert Peel's principle, he abolishes the duty altogether. At the very moment when it is most expanding, at a time when the Exchequer most requires replenishing, and when an enormous deficit is already in existence, he abolishes altogether a most flourishing, prolific, and increasing source of revenue. And how does he supply the deficit? By an increase in the income tax. The remission of the paper duty has within the last ten years been frequently proposed; all its evils have been stated, and all the arguments with reference to the increase of labour which may be expected to ensue from its abolition have been so often brought forward, that on the present occasion there was nothing for the House either to learn or to acknowledge on the subject. On every occasion, excepting in 1858, the circumstances of which were so exceptional as hardly to have rendered it worth quoting,—in 1850, in 1852, and in 1853, the Minister of the day, supported by the present Chancellor of the Exchequer, admitted the evils of the tax, but refused to repeal it, on the ground that there was no less objectionable tax which could be proposed, and if it were removed there was no alternative but to substitute direct taxation. On every occasion the House supported the Minister in the conclusion at which he had arrived. What, I ask, is your justification for doing in 1860 that which you refused to do in 1850, in 1852, and in 1853? Is your Exchequer more flourishing? On the contrary, you have told us there is an unexampled deficit. Does the income tax press lighter on the country? It was 7*d.* in those days, and, even without the addition of the 1*d.*, it is 9*d.* now. I want to know, when all the circumstances which usually justify the remission of taxation are so much less favourable now than in previous years, why you venture to do what was not politic and not safe on former occasions? We must all remember that in the interim between the debates which ended in decisions against the change Reports were issued from the Commissioners of Inland Revenue condemning such a change, and showing that the evils complained of had been gradually removed. The hon. Baronet who moved the Amendment has read a paragraph in the Report of 1858, which was previously quoted by my right hon. Friend the Member for Cambridge. When that paragraph was quoted the Chancellor of the Exchequer said it was an "old Report." He has since given us a new Report, and the hon. Baronet who moved the Amendment commented upon it, and the noble

Lord who spoke at the other side characterized it as a Report "made to order." That phrase created some sensation on the Treasury Bench, but I must say that I believe it to be a just description of the Report. I am very sorry, under the circumstances, that it should have been asked for, or produced to this House. It is dated the 1st of March—a date subsequent to the speech and quotation of my right hon. Friend. And what does that Report say? Why it tells against the Chancellor of the Exchequer, although it was produced in his favour. The concluding paragraph says,—

> "Such inequality of pressure as we have mentioned appears to afford more valid ground of objection than the mere amount of pressure that is insisted on with so much earnestness and ability by proprietors and publishers of newspapers."

They admit, therefore, that the pressure is *nil*, but that the inequality is all that is to be complained of; and my right hon. Friend admits that these inequalities can be done away with at any moment when the Government think fit to exercise the power which they possess of introducing and passing a measure on this subject. I repeat, Sir, that I extremely regret that the Report has been produced under such circumstances. The Commissioners of Inland Revenue are gentlemen of capacity and character and the independence of one branch of our civil establishments is intrusted to them; and I say it was not dignified nor becoming in the supreme chief of that department to call on them to furnish a Report in direct contradiction to all they had said before; and the furnishing a Report so opposed to their known and recorded opinions, is not, I think, creditable to them; and in the direction that my right hon. Friend has desired it, will certainly not influence the deliberations of the House of Commons. They say now, Sir, that it is a question of inequality; but is it to be pretended for a moment that the inequalities of the paper duty can compare with the inequalities of the income tax? Who has painted this inequality so effectively, so eloquently, as the Chancellor of the Exchequer himself, when he stated that the tax could not be retained because, more than any other tax, it corrupted and demoralized the community? But then you are told that you get rid of the paper duty altogether, and you only add 1*d.*—one-tenth—to the income tax. Now, do you increase its evils only by one-tenth? As the tax rises higher, as the payment becomes more difficult, do not the temptations to evasion and fraud, and the inquisition and the irritation by which they are to be counteracted, increase? Are not the evils of the tax multiplied in a greater ratio? But, says the Chancellor of the Exchequer, it is only continued for one year; you shall reconsider it next year. But is he not making it impossible for us to reconsider it next year? You cannot reimpose the paper duty. And if, with a deficit of £9,000,000 to be made up by an income tax of 9*d.*, you think you are justified in repealing a prolific source of indirect revenue, and substituting an addition to the income tax, I want to know what are the circumstances in which you anticipate that you will ever discontinue that tax, or, rather, what is the point at which its increase is to be arrested? For, observe the false principle you are following and the vicious precedent you are establishing. A very important interest, with plausible arguments in their favour, put a pressure on the Chancellor of the Exchequer, and get him to repeal the paper duty by increasing the income tax. You thus set a precedent from which previous Chancellors of the Exchequer have shrunk, and which the House of Commons have hitherto repudiated. How long do you think you will be allowed to rest on it? You say the income tax is established for this year only. Remember there are representations made to the operative classes that the taxation of the country weighs disproportionately upon them, and favours the rich. If that injustice exists, or is believed in, what are you now doing? You have already repealed the taxes on French wines, silks, and other luxuries of the rich. You are abolishing the duty on paper, which is also paid by the rich. ["No, no!"] Well, it is not paid by the poor. Why, Sir, I will not condescend to squabble about phrases. I do not say that every farthing of the duty is paid by the rich; but I put it to the candour and common sense of every man in this House whether, speaking generally, paper is not an article of which far more is consumed among the monied than among the operative classes? And I am drawing a distinction between the operative classes and those above them. Well, at the very time you are doing this there is one tax upon a commodity in general consumption among the poor of which the remission has been promised, it being a war tax, but which you leave still untouched. And, while you are acting thus, you are, as we were reminded by the Chancellor of the Exchequer, by a change in the constitution of the country, admitting the operative classes to a large increase of political power. When we meet next year to discuss questions of finance under our new constitution, do you think the new representatives of these intelligent men will not remind you of your broken promise? Will they not tell you that the case of tea and sugar is much stronger than that of paper? Will not they quote this precedent againt you? Will not their claim be irresistible? Will not you be compelled to remit these £2,000,000 on tea and sugar, the addition put on in time of war, and does not your temporary income tax at once leap up to the Chancellor of the Exchequer's "neat shilling?" And how long will it stop there? Next year comes and then you have a deputation waiting upon the Chancellor of the Exchequer to tell him that the £2,000,000 of war taxes have certainly been remitted, but that still there are no less than £9,000,000 levied from these articles of prime necessity to the poor. They will tell him that this is a heavy tax on temperance—that the workman's wife complains that her husband is driven to the public-house because his tea and sugar are taxed at home. As a friend of temperance, the Chancellor of the Exchequer, they are sure, cannot wish that; of course he cannot—especially with his own precedent to smooth the way. Let us see— £9,000,000 divided by £3 —only £3,000,000 more— and the 1*s.* rises to 15*d.* But this will not be done without a murmur. The towns now begin to cry out. They will say, "Why is the industry of the country to bear so much of our direct taxation? Let it be put upon property." Aye, and you will and must lay it on property. And thus this small precedent of increasing a deficit by repealing an indirect tax, and substituting in time of peace an augmented income tax leads, by a smooth, direct, natural, and inevitable process, to a complete fiscal revolution. It is here, then, that I join issue with the Chancellor of the Exchequer, and challenge him to vindicate the course he is pursuing. The question between direct and indirect taxation is the great problem of the day. It is full of the most dangerous difficulties. No one felt that more strongly or expressed it more emphatically than Sir Robert Peel. And I say that a great financier, with the ability and authority of the Chancellor of the Exchequer, professing to review our whole financial system and place it on a new and solid basis, ought to have gone into an inquiry on all the great principles involved, into the proportion in which the taxes of the country are paid by each class of the community, and the ability of each class to pay them. He should have done this openly, in broad daylight, and after full notice of what he was doing, and ought not to have arbitrarily assumed that the pressure of indirect taxation was too heavy, the pressure of direct taxation too light, and shifted the burden from one class to another without a single word of inquiry or explanation. Observe how you are placing the whole of your indirect revenue at the mercy of those who pay it, and giving a premium to agitation to class interests. The Chancellor of the Exchequer cannot plead that he has no surplus. A surplus is not required. There stands your beast of burden. Place your load on him. He has a broad back, which cannot easily be broken; and thus, Sir, not avowedly and publicly, but stealthily and by a side-wind, the whole of our taxation is transferred to the shoulders of one class, and being so transferred without any investigation as to its justice, it becomes arbitrary and tyrannical class legislation of the worst description and, ultimately, confiscation. I say, do not let us mince matters. Let us give honour to whom honour is due. This is not the Budget of the Government, it is the Budget of my hon. Friend the Member for Birmingham (Mr. Bright). During the autumn my hon. Friend made a most able and frank exposition of his financial policy, and I can well imagine the Chancellor of the Exchequer receiving the report of that oration. I can imagine him writing to the hon. Member for Birmingham, and in these terms:—"I have read with great interest your speech at Liverpool. You have made a convert of me. I beg you to come by an early train to Downing Street and help me to frame my Budget." And can we not imagine, Sir, that when the twain financiers were closeted in council, my sagacious Friend the Member for Birmingham may have said to the right hon. Gentleman, "Don't go too fast—you are too impetuous?" (Converts always are.) "Be advised by me. There are the tea and sugar duties, yielding £11,000,000—don't touch them; there is the tobacco duty, bringing in £5,000,000 from another comfort of the poor—don't touch that. Begin with paper —it is of only a penny tax; ring the changes on that penny. That penny will get in the point of the wedge. Trust me, that once in, all the rest must soon follow. And when in process of time we are enabled to table our whole financial scheme, my revolutionary projects of finance, embellished and disguised by your rhetoric, we will astonish the world by the production of what in Manchester we should term a prime article—the last and best sample of the Oxford mixture." Well, Sir, we have had two samples—first, we had the Treaty, which my hon. Friend the Member for Birmingham told us was the object of his warmest affections; but we know that it was also a child of the Chancellor of the Exchequer. But, however, as all progenies must have two parents, we may assume that while the Member for Birmingham enjoys the pride of paternity, it was on the Chancellor of the Exchequer that there devolved the pains of labour. The firstborn was "Master Treaty," and in fulness of time appears "Miss Budget," with every prospect of a numerous progeny. We have already had timely notice of a third approaching birth. I hold in my hand a letter, signed with the right hon. Gentleman's name, addressed to a clergyman in Wales who had written to him, complaining as clergymen may well complain, of the burden of the increased income tax, and who complained also of the grievous burden of the rating to the poor. The Chancellor of the Exchequer replies, and in reference to the rating to the poor he begins of course by knocking down the poor Clergyman, as he knocks everybody down who attempts to dispute with him; but as to the income tax he really has the courage to write and publish this reply. He says, "I must remind you that the increase of the income-tax is not in the will of the Ministry, but in the will of the nation, which a few years ago was content with an expenditure for military services of—" I can't read the figures exactly, but say of so many millions.

THE CHANCELLOR OF THE EXCHEQUER: Pray read what I wrote.

MR. HORSMAN: It runs, I think—"The nation, which a few years ago was content with a Supply service of £21,000,000, [The CHANCELLOR of the EXCHEQUER: Hear, hear!] but which now thinks fit to spend on the same service £21,000,000" —[*Cries of* "Oh!"] I cannot read the figures, but I understand my right hon. Friend to contend that the increase was in the military service.

THE CHANCELLOR OF THE EXCHEQUER: I wrote nothing of the kind.

MR. HORSMAN: Well, I cannot read the extract clearly, so I will not press the point. So far I have stated frankly, in strong language I own, but not stronger than the opinions which I hold demand, my views of the proposals of the right hon. Gentleman. Perhaps he may meet me tonight, as he met me on Friday night, by telling me that on this, as on previous occasions, Her Majesty's Government, to use his own words, "have not been so fortunate as to find favour" with me. Perhaps he may meet me, as, departing from his usual good taste, he met me on Friday night, when he endeavoured to catch a cheer—which I am sorry to say—an aberration from the usual good taste of the hon. Gentleman who sat behind him—he succeeded in catching—by telling me that, in reference to my proceeding, my "sense of duty had better remain inscrutable." There have been, I confess, three great occasions during this Session on which I have thought it my duty to criticise the measures of the Government. Two of them were involved in the measure before us—the third was the Reform Bill. If my right hon. Friend inquires why I criticise the measures of the Government I will tell him that I do so because—to use a vulgar expression, for which, perhaps, I ought to apologize, as I remember the right hon. Member for Bucks once rebuked us for using it here, because, he said, it was not English—I am an enemy to all "shams." When the Government proclaimed their Treaty as a proof of confidence in France, I looked on that as a sham, and said so at the time. Again, when the Reform Bill was put off for a whole month, there being no business before the House, I considered it was a sham, and, if I may say so without offence to my right hon. Friend, who himself has set the example of diverging into these personal matters, in the estimation of most people probably his presence on that bench as a leading member of a Reform Government was the greatest "sham" of all. Having voted for the Reform Bill of the previous Government, with an eloquent protest against its having gone too far, that he should be the keystone of a new Administration, of which the great measure was to be a much larger reform, was enough to startle any one. Well, Sir, I thought the same description was applicable to the Treaty and to the Budget, and I have stated my opinions in regard to them, and vindicated them in the face even of so formidable an antagonist as my right hon. Friend; but I must appeal to the House whether I have on any one occasion exceeded the bounds of fair Parliamentary discussion. I think, therefore, the expression of the Chancellor of the Exchequer with which he gained a cheer when he told me my sense of duty "had better remain inscrutable" was entirely uncalled for. Now, Sir, let me give my right hon. Friend a word of advice. He is the last man in the House, I say, who should diverge from political questions to invite a war of personalities, because within the four corners of the British Empire there lives not a politician so vulnerable as my right hon. Friend. No man has owed so much to the forbearance of the House of Commons. No man has been so largely indebted to the generous indulgence of the country. No man has ever insulted him by asking whether the epithet inscrutable was applicable to any of his political eccentricities. Can any man describe those eccentricities? Shall I endeavour to describe them? I will treat my right hon. Friend with more generosity than he has treated me, and I will set him an example in this respect which it would have been better had he set me. No one, Sir, knows better than he—no one has had cause to feel more acutely, that when in our wars of parties and political strifes any public man in this House chooses to separate himself from the intrigues of cliques and the manœuvres of faction, he is sure to be assailed with petty personal aspersions, which coming from an ordinary quarter no man of sense or character will trouble himself about, but which are very different when they proceed from one in the elevated position of a Minister of the Crown. It is the character of this House, it is the independence of every man in it, which is struck at when a Minister of the Crown condescends to make himself the mouthpiece of personalities like these. I will not pursue this point further—I will trust to my right hon. Friend not again to diverge to a course on which he ought never to have entered. I wish now to draw the attention of the House to the position in which this question now stands. This Bill is pregnant with principles of the most dangerous character. Now, what I want to warn the House against is this:—The Chancellor of the Exchequer is claiming the confidence and support of the country in the new career upon which he has entered, on the ground that he is following in the footsteps of Sir Robert Peel. I maintain, and am ready to prove, that he has in every respect abandoned the principles of that great statesman; that he has left the school of Sir Robert Peel, and attached himself to a newer and bolder one. With the exception of that little chasm in his financial proposal which he himself described, which he made and filled up, there is not one feature of his scheme which is not a plain and flagrant abandonment of the principles of Sir Robert Peel. ["Oh, oh!"] I will show you that it is so in a few words. The great guiding principle of Sir Robert Peel's policy was, to carry the country over future years by establishing its finances on an intelligible and sound basis, and to secure it against frequently recurring deficits. The Chancellor of the Exchequer begins by clouding and embarrassing the future with inevitable deficits. By anticipating the revenue of future years he creates a deficit, which he knows must be repaired by an increase of direct taxation—which must in its turn be the precursor of further deficit and embarrassment. Sir Robert Peel so operated on the national finance as to facilitate the discontinuance of the income tax. The Chancellor of the Exchequer throws additional impediments in the way of that discontinuance by employing it as a substitute for a flourishing branch of the indirect revenue. Again, with respect to the measure before us, Sir Robert Peel's principle was to reduce taxes, and by increasing consumption to enlarge the revenue; but once more in this Bill the Chancellor of the Exchequer tramples upon that principle, by abolishing a flourishing source of indirect revenue, and substituting for it a war tax. Sir Robert Peel denounced class legislation, and his Budgets were wise and just boons to the operative classes, but the Chancellor of the Exchequer's is a middle-class proposal; it enriches the manufacturing employer, and withholds from the operative the promised remission. Sir Robert Peel, again, most carefully, most cautiously approached the apportionment of direct and indirect taxation, in order that he might arrive at just conclusions after full inquiry and public discussion; but on the present occasion the Chancellor of the Exchequer avoids that discussion, ignores the difficulties, and seduces us into a precedent which in succeeding years may serve as the basis of further fatal operations. Above all, and with this I shall conclude, Sir Robert Peel admonished his countrymen and his disciples that they should treasure the income tax as a great national resource, in order that foreign nations might know that we had for emergencies a great expansive force, which as it was a mighty engine for war, soit might also be a guarantee for peace. The Chancellor of the Exchequer prostitutes that great element of national strength into a relief fund for agitating class interests. The paper-makers get it to-day, the sugar-dealers will scramble for it to-morrow, the licensed victuallers may coerce him in a future year, until year after year, the principle violated and this great reserve broken down, when the hour of trial comes—a bad harvest, a commercial pressure, or a war, we shall awake to the magnitude of our folly, and to the reality and extent of that financial disorganization which history warns us is too often the precursor of national convulsion.

The CHANCELLOR of the EXCHEQUER: Sir, at any period of the evening, but especially at the late hour at which we have now arrived (twenty minutes after 12 o'clock), I should endeavour to be very short in my reply to that part of the speech of my right hon. Friend of which I was myself the subject. If really, of which I was not aware before, I gave occasion to that terrific attack by an unhappy and casual expression which dropped from me in the rapidity of debate on Friday night, and if that expression has wounded the feelings of the right hon. Gentleman, I can only say that I am extremely sorry for having used it. The right hon. Gentleman is not, I think, quite right in supposing, as he appears to do, that he has always been remarkable for moderation of speech. It was not in my mind on Friday night—I had entirely forgotten it until I heard something of the same sort again this evening—but I do recollect that on a former evening he stated, with a blandness of manner not quite in harmony with the words, that, while Sir Robert Peel conducted the finances of this country in the spirit of a statesman, the present Chancellor of the Exchequer commenced as a spendthrift and finished as a footpad. And, Sir, vivid as has been the contrast which the right hon. Gentleman has drawn to-night between the policy of Sir Robert Peel and that of the present Government, I do not think that any of the touches which he gave to the picture succeeded in producing a sharper antithesis than his very first effort after the Budget had been brought forward. Now I pass entirely from that subject to what is more important, because it stands in some relation, at any rate, to the question which we have to decide to-night; and here I cordially agree with the right hon. Gentleman that he has not minced the matter, for he has drawn such a picture as would be perfectly wonderful from any hand but his. The abolition of a duty of excise—that is the proposal which is before the House, and in it he sees—what does he not see? He sees the triumph of the hon. Member for Birmingham, and he imagines the letter which the Chancellor of the Exchequer has written to that hon. Member. Observe how much more easily he deals with his imaginings than with his facts. Although he could not make out the letter which he had extracted from a newspaper, and which, I believe, was really a letter of mine, although he entirely failed to decipher that, the letter which was written only on the tablet of his own brain he read *verbum verbo* to the House, and never stickled at a point or a passage. A predominance of this faculty is necessary to my right hon. Friend. Is this really the first proposal that has been made to repeal a duty of Excise? Why is my hon. Friend to imagine that a series of horrors are to follow this beginning, each one of which, as he enunciated it, drew increasing cheers from a small but enraptured band, and which he led up to its climax by deliberately asserting that the natural consummation of the Budget of the present year would be in a system of general confiscation! There may be here and there an hon. Member of this House who shares that opinion, but, for my own part, I frankly own that, rather than waste the time of the House in dealing with statements of that kind, I should prefer to leave sentiments so extreme and so extravagant to stand confuted in the public view by what I must venture to call their own absurdity. In the course of those portions of my right hon. Friend's speech where his flight was less high, I felt inclined to ask, "How does he mean to vote to-night?" because the Motion of the hon. Member for Somersetshire is not merely a declaration that the repeal of the paper duty is inexpedient—it is, as far as I can understand it, also a declaration that this House is determined not to vote the income tax at the rate at which it was proposed by Her Majesty's Government. But that is not the sense of the speech of the right hon. Gentleman. The speech of the right hon. Gentleman consisted almost throughout of an ingeniously reasoned contrast between the claims for the repeal of the paper duty on the one side and of the tea and sugar duties on the other. All the horrors of which we are guilty, at least at the present moment—the rest remain locked in our breasts—but at present the great horror which we have committed, according to his speech, is, not that we have proposed the repeal of an indirect tax, but that we have made a bad choice and are going to repeal the paper duty instead of the tea and sugar duties. Well, I want to know what is the real view of my right hon. Friend. Does he agree with us that this million of money which is in question ought to be bestowed upon the repeal of an indirect tax? Because, if he does not, what was the meaning of all those appeals to the feeling of the House respecting the claims for the repeal of the tea and sugar duties? I must say that if he did not mean that, if while taking credit for the humanity and wisdom of giving that relief to the consumers of tea and sugar, who are the mass of the population, he had in his own mind the intention of giving them no relief, and was merely playing off that part of the question against the repeal of the paper duty, then I really must say that I think his speech, undoubtedly without any intention of his own, could only tend to bewilder and delude the House. If, on the other hand, the right hon. Gentleman thinks that we are right in proposing to grant the benefit of this remission to the trade and industry and to the commercial classes of the country, but only thinks that we have made an error in the choice of the subject, that I must confess is, in my opinion, a very immaterial difference. We carefully examined the case between the tea and sugar duties, or rather the tea and sugar duties on the one side, and the paper duty on the other, and we came to the conclusion that the repeal of the paper duty would be far more beneficial to the community at large. I never denied, as my right hon. Friend seems to imagine, that the repeal of the sugar duty would cause a considerable increase of trade. That proposition is perfectly clear; but he says that whether we repeal one tax or repeal another tax we shall produce an exactly equal increase of trade. That was the doctrine propounded by him in the lectures on political economy, which he delivered to the House; but I entirely differ from him upon that point. I dissent from the doctrine that all our taxes are equally beneficial or equally injurious. The reasons which induced us to propose the repeal of the paper duty in preference to that of any other tax were founded, as I have said, upon a careful examination. By repealing the war tax upon sugar you would undoubtedly cheapen a most important commodity of almost universal consumption, and give rise to a considerable trade, through the exchange of British labour in one form or other for the additional sugar you would consume; but when we looked at the paper duty, it seemed recommended to us by peculiar and powerful considerations. There is no commodity of more universal use than paper. It is a great error to suppose, as my right hon. Friend has supposed, that paper is consumed exclusively by the rich. The rich, no doubt, are the largest consumers for mere writing purposes, but paper is consumed to an enormous extent by the poor, who can scarcely purchase a single article of daily consumption, or of the small comforts of their lives, which is not wrapped in paper that enhances its price. [*A laugh.*] Yes, I repeat, that enhances its price—not in the same degree, I admit, as the paper consumed by the rich, who use the better sorts of writing paper and finely-printed books, that are taxed at the rate of three, four, or five per cent. But the poor are large consumers of paper that is taxed at the rate of twenty, thirty, forty, and even fifty per cent, and the paper duty, therefore, is no light matter to them. Again, my right hon. Friend seems to forget that there is another great use of paper, which is this—that it is a most important raw material of your manufactures, in the sense of its being a necessary accessory of your export trade. Of the £1,200,000 which the paper duty yields, a very considerable proportion is nothing more nor less than a charge upon the export of manufactured goods. The quantity of paper used for packing manufactured goods is so large as to form a large portion of the whole supply. But that is not the whole case with respect to the paper duty. I am sure my right hon. Friend has taken no pains—otherwise, with his sagacity, he would have arrived at a different result—to examine into the real condition of the paper trade. It is perfectly true that as regards the known, usual, and ordinary qualities of paper the duty is easily levied; but the great facts of the case lie beyond the bounds of that proposition. We are really dealing with an almost unlimited mass of raw material which is applicable, not only to the known uses of paper, but to an almost unbounded diversity of uses, but which is arrested on its way to those uses by the operation of your Excise duty. That is a view of the case which my right hon. Friend has never had before him at all, but it is one which Her Majesty's Government took into consideration when they came to the conclusion that by repealing the paper duty you would be removing not simply a duty levied at a certain stage upon certain goods, but that which operates with the power and effect of a prohibition upon a number of trades that, but for its existence, would spring up and flourish. I hold in my hand a material which is as rigid as corrugated iron. It weighs about a fourth of what the same bulk of corrugated iron would weigh. It costs a very small fraction of what corrugated iron would cost. It is entirely uninflammable. It is not in any degree acted upon by temperature; it is made entirely impervious to moisture by a coating of pitch. It is a sheet of corrugated paper made for the roofing of houses, and I venture to tell my right hon. Friend that if we had been in possession of this material in the winter of 1854, when shelter was wanted for our troops in the Crimea, and when the best expedient we could devise was to send out thousands upon thousands of tents and wooden huts, which, when they arrived at Balaklava, could not, on account of their weight, be taken up to the camp, we might have saved not only a vast amount of treasure, but many thousand valuable lives. The inventor of this article writes to me that he invented it nearly four years ago; that he took out a patent for it, and that the material is admirably adapted for emigrants' houses and military huts, but that in consequence of the existing excise regulations he is unable to manufacture it. He adds that, if those regulations are removed, there are hundreds of thousands of tons of raw material, now considered perfectly useless, which can be employed in the manufacture of corrugated paper. If it were earlier I should enter more at large into this part of the subject, but I must pass by many interesting questions connected with the operation of the paper duty, especially with respect to the enormous scope there is in so many directions, not for the mere relief of existing manufacturers from the burden they now bear, but for the removal of what operates as a positive prohibition to the creation of a multitude of new trades, which you might as well prohibit by your law as prohibit by excise regulations. I hope I have shown more clearly why it is the Government have thought they acted wisely in proposing the repeal of the paper duty in preference to the repeal of the duty on tea or sugar. It is because we felt that in all likelihood through the repeal of the paper duty you may call into existence twice or thrice as much trade as you would call into existence by a corresponding sacrifice in the shape of a reduction of the tea or sugar duty. My right hon. Friend says we know nothing about the principles of Sir Robert Peel. He has got exclusive knowledge of them. Sir Robert Peel's grand principle, it seems, was to reduce duties, but not to abolish them. My right hon. Friend, before he undertook to instruct us in the policy and principles of Sir Robert Peel, ought at least to have made himself acquainted with the subject. Who abolished the duties on exports? Who abolished the duty on wool? Who abolished the duty on cotton? Who abolished the duty on glass? It was Sir Robert Peel; and I do not hesitate to say that taking the paper duty question, not in the state in which it was ten years ago, when much less was known, but in the state in which it now is, there is a far stronger case for repeal than there ever was for the repeal of the duty on glass, the duty on soap, or any of those excise duties which we have abolished within the last quarter of a century. It is true that the paper duty is an increasing duty, which, *primâ facie*, is a presumption that it is not one of those which have the greatest claim for repeal. But the duty was an increasing duty at the time this House condemned it, when my right hon. Friend joined in the condemnation, and when he said the duty ought to be abolished as soon as possible. Here has now come a year in which £2,000,000 of annuities are falling in, when there is some claim for the revision of indirect taxation arising out of the state of the tea and sugar duties, and when

£1,400,000 of casual receipts are going to be applied to the expenditure of the year. When could we find a better opportunity for redeeming the pledge given by the House, that the duty on an article of such universal use should be repealed. The other policy simply means that you will take whatever you can and throw it into the gulf of expenditure, and that, while compelled to maintain a high income tax, you will depart from the principle upon which renewals of the income tax have hitherto been proposed, namely, that of associating the income tax with a further prosecution of reforms in your commercial law. My hon. Friend brought forward his Motion in a manner to connect as far as he could the question of income tax with the question of the paper duty. He has done it without any notice, which I much regret. It is only a few days ago that the Government were accused by the right hon. Baronet (Sir John Pakington) who sits below him of a desire to stifle discussion because the hon. Member for Middlesex (Mr. Byng) only gave two or three days' notice of an important Motion. I will not retort that charge. I am sure my hon. Friend had no such intention. All I regret is that the Motion, as it stands, is untrue. It states as an undoubted truth that which is not only disputable, but the exact reverse of the truth, and it tends to mix up together questions which ought to be kept quite distinct. I will notice, first, what my hon. Friend said, that the paper duty is an increasing duty. Why is it an increasing duty? For this reason, that paper is in most cases an accessory, and, being only an accessory, it is subject to causes which act powerfully on things which are accessories. Not long ago we surrendered large revenues from advertisement duties and newspaper stamps. That gave a great impetus to newspapers, but the increased demand for newspapers is no proof that the paper duty is a good duty. We have set free, generally speaking, the whole commerce of the country. You cannot export manufactured goods without paper to wrap them up. Your exports have nearly trebled. How is it possible that the paper duty should not increase? Supposing you were to lay a heavy tax on mustard, that would not materially check the consumption of roast beef, and paper is in much the same relation to exported articles as mustard is to roast beef. I say that you can draw no argument from the increase of the paper duty in favour of the duty. The duty is burdensome in varying degrees, but on the whole it presses heavily, and by far the most heavily on common descriptions of paper, which, whether in literature, furnishing, or the wrapping of commodities, are used by the lower classes. Perhaps the House will permit me to observe to them the very singular state of things generated by the paper duty. In the book trade and the production of books, the effect is the creation of one chain of monopolies. The whole way, from the maker of paper to the reader of books is occupied by a succession of monopolies. I speak of monopolies not offensively, but as bad and exclusive trade which is the result of bad laws. In the first place the publisher cannot deal with the paper-maker. He must deal with the wholesale stationer. The stationers stand, as a body, between the paper-makers and all who use paper, and they have a complete monopoly of the market. Next to them come the publishers, and we know that, notwithstanding the cheapness of all other manufactured goods, for the best class of books this country is still the dearest in the world. France with her protective system and many disadvantages, produces books of the same value at a half or at a third less than we do. Take the railway library of England and compare it with the railway library of France. It is most unworthy of England, who prides herself on pre-eminence in manufacture. The monopoly of the publishers is so rigid that only a few years ago the general body refused to supply books to any retail bookseller unless he would covenant not to take off more than a certain amount of discount in selling to the public. But that is not all. Besides the publishers' and stationers', there is the printers' monopoly—the printers' combination, of the most formidable kind, which proceeds on the proposition, as first and foremost, that no woman shall be employed in printing. Perhaps some hon. Gentleman, on hearing that, may be inclined to laugh, but I believe, on consideration, it will be obvious enough—or, at least, probable—that women are admirably adapted for that particular trade, because they are endowed with a niceness and a smallness of finger which handles types far preferably to that of a man. Notwithstanding this, women are absolutely excluded from the trade by the printers' combination. The result of the paper duty is that, beginning by restraining the trades which can be carried on, it ends in producing a group and cluster of monopolies at every point in the progress of the trade between the making of the paper and the selling of a book. But the great reason of all against the duty is undoubtedly the enormous expansion of trade which appears to be prevented by its operation. And here I come to a reason which was made very light of to-night, and handled in a manner which I could not listen to without pain. My hon. Friend referred to the report recently made by the Board of Inland Revenue. I only wish that those who followed him in the debate had followed his example in the tone in which he alluded to that Report. He most properly, with that feeling which always distinguishes him, and has made him the object of universal respect, criticised the proceedings of the Government and my proceedings in producing that Report, but he cast no aspersions on the able, independent, and honourable men who conduct the Board of Inland Revenue, that vast department, with its vast public interests, officered, as it is, in a manner which makes it a credit to the country. But the noble Lord (Lord R. Cecil) who followed was not so generous, for he rose and said it was a Report made to order. Sir, he had no right to cast that slur. I cheered the noble Lord at the time, and I did so as a warning of the ground on which he was treading. It is an abuse of the privileges of a Member of Parliament to use language concerning men employed in the public service whose feelings are as acute and whose honour is as high as ours, and to allow it to go forth that they are capable, in contradiction of their deliberately expressed opinion, of sending us Reports to order. I hope the noble Lord is sorry for having used that expression. At any rate, I am persuaded he did not see its force when he employed it. This is no Report made to order. My hon. Friend the Member for Somerset said we had improperly produced the Report, and he hoped we should never do such a thing again. Certainly, if fault has been committed by the Government, it is impossible to let us off more easily. But my hon. Friend was guilty of that error in reasoning which may be called, to use an agricultural simile, putting the cart before the horse, for he said the Chancellor of the Exchequer formed his opinion that the paper duty should be abolished, and having done that he brings out the Inland Revenue and requires them to support his opinion. He puts the cart before the horse. It was the Board of Inland Revenue who formed this opinion first, and the Chancellor of the Exchequer and the Government in coming to that opinion were mainly influenced by the opinion of the Board of Inland Revenue. And surely my hon. Friend will not tell me that if that was the case we were wrong in acquainting the House that those who are responsible for the protection of the revenue had given us fair notice that the revenue from paper, from causes beyond their control, was rapidly approaching an end. It would be a breach of duty if they shrank from informing the Government, and a suppression of truth on our part if we shrank from stating it to the House. This House thought proper to pass a vote promising the repeal of the paper duty in 1858. In 1858 the difficulties were not found insurmountable, nor even very serious. They were increasing, but were not very serious; but since the vote of the House proceedings have taken place which have reduced the Board of Inland Revenue almost to despair. Does my hon. Friend consider what will be the effect of carrying his Motion? There must be a new set of laws for enforcing this excise, with a new set of restrictions on trade and a new set of penalties to enforce them. All this must be done to enforce a duty which has been condemned two years ago by the unanimous vote of the House of Commons; and I want to know of my hon. Friend whether, as a practical and sensible man, he thinks it very likely any Government can be found to propose to carry such laws through the House of Commons. I will not pretend to say what is possible or impossible, but that is a task most undesirable to undertake. The case of the paper duty and of the sugar duty is one which had to be decided on practical considerations. I am very sorry to see that my hon. Friend gave no weight to the argument that the repeal of the paper duty bears directly on rural labour and the disposal of rural commodities. Those are two branches. If I take the disposal of rural commodities, I understand there is a highly hon. Person, much given to the cause of protection even now in its decline, who has lately taken an active part in establishing a society for promoting the growth of flax, when the duty is taken off, on the ground that, although the production of flax, when grown for the linen manufacture alone, will not pay, yet if the refuse fibre can be applied to paper manufacture flax will become a profitable crop. With regard to rural labour, my hon. Friend will feel that his argument is a very weak one when he said, "For Heaven's sake do not bring mills into my neighbourhood. It is extremely well adapted for them, but they are the last things I wish to see, because even now there is hardly labour enough to get in the harvest." That is a very good argument for my hon. Friend, but for the labourers in his neighbourhood it is the worst in the world, because it shows that my hon. Friend has to pay dear for getting in his harvest, and that if paper mills came into his neighbourhood he would have to pay dearer still. I am sure that he will willingly do so for the good of his country; but, however that might be, the Government are bound to make a proposition which would give an increased impetus to the labour of the country, and, above all, to the rural labour. The best object that attention could be directed to was, in parts of the country where wages were low to endeavour to multiply the means of employment. Without saying a word more on the paper duty, I will beg the attention of the House to the fact that we have got to dispose of two very different questions. My hon. Friend wants to dispose of the repeal of the paper duty, and also wants the House to vote at the same moment that there should be no further remission of indirect taxation. Those two things are combined in his mind, but they are not so combined in the mind of the Government, and I think I shall be able to show that they ought not to be so combined in the mind of the House. This question, whether we should stop in the course of the remission of indirect taxation, is not altogether a new one; but what was the announcement with which the financial statement was introduced to the House? It was this, that we had considered the position in which we stood—where we should stop in our remission of indirect taxation—and that we had come to the conclusion that under all the circumstances of the time, viewing the state of the expenditure and of the revenue, the lapse of the annuities, the lapse of the war tea and sugar duties—taking all these circumstances into consideration, and adding to them the fact that we were going to apply £1,500,000 of casual monies to the service of the year, we had come to the conclusion that at least £2,000,000 of indirect taxation ought to be repealed. I may say with truth, that that was understood by the House and the country to be the principal announcement contained in the financial plan of the year. The matter, however, did not rest there, for the hon. Member for Essex (Mr. Du Cane) made a Motion condemning the remission of indirect taxation at the present time, and that Motion was rejected by a large majority. I ask, then, whether the country did not understand by the rejection of that Motion that the House accepted the principle that £2,000,000 of indirect taxation were to be repealed. That is our belief, and that is the belief on which we propose to act. I do not think my hon. Friend the Member for Somersetshire will succeed in his Motion; but if he does, our first duty would be to remind the House of the claims so eloquently put forward to-night by the right hon. Gentleman (Mr. Horsman) in favour of the remission of indirect taxation, and to invite it to take it into consideratien with the view to reduction of the war duty on sugar. Besides this there are the claims of the holders of the Exchequer bonds to be paid off. It is not therefore a question between the acceptance or the repeal of the paper duty on the one hand and an escape from the tenpenny income tax on the other. I do not see how you can escape from that tenpenny income tax, because if you do not accept of the repeal of the paper duty we should take the earliest opportunity—within a few days probably—of inviting the House to repeal the war tea and sugar duties. But as the tea duty is unfavourably circumstanced at present, in consequence of our relations with China, I should probably invite them to repeal the sugar duty. And, let me ask, what security will you have for your revenue if you do that? We should have given away the sugar duty, which at all events is a perfectly intelligible and tenable duty, and one which the people are content to pay as long as they are satisfied that it is required for the public service. But if we give up the sugar duty, which we can keep this year, the next year we should be asked to give the paper duties, in accordance with the expressed Resolution of the House and the opinions of the Commissioners of Inland Revenue. That, I apprehend, would not be a profitable or safe course to adopt. It is better, in my opinion, to adopt the course we now propose—a course which will stimulate the trade of the country and obviate the inextricable difficulties of levying the paper duty. The question, then, which we have to consider really is, not whether £1,000,000 of indirect taxation shall be repealed, but simply in what manner it shall be repealed? That is the principle on which we shall act. I believe that the House will adopt the proposal of the Government, and I have the more assurance of that from the fact that I have not been able to understand from the speakers on the other side what duties they would propose to repeal. My hon. Friend the Member for Somersetshire did not quite see the inconvenience of introducing the income tax as he introduced it in this debate. He founded his appeal on its hardship as applied to the lowest class of payers of income tax; but it is not a question as to them; no one proposes to add a penny to their income tax—the addition to it is, as far as they are concerned, only a halfpenny; but let me remind the House that the question as to what exemption from income tax shall be allowed still remains to be dealt with. The hon. Member for Lancashire has given notice of a Motion for the partial exemption of all incomes up to £500. I do not think that such a change will be adopted by the House, because it would be beyond precedent, and not only inconvenient but dangerous. But the question what amount of exemption shall be given to persons of very small means is a question entirely open, and with respect to which latitude may be allowed to the House in perfect conformity with precedent derived from the history of the income tax in former years; but let me ask my hon. Friend if it is a fair test of the income tax to take only its incidence on the very lowest class who pay it? The income tax is a grievous tax in its incidence to that body of persons, and for my own part I should neither be astonished nor should I complain if the House were disposed to increase the partial remission which it makes on their behalf now or at some future time. It is impossible to deny that it is a grievous tax as it affects persons of small incomes, and especially of small fixed incomes. I have heard it said that I have given a full account of all the vices of the income tax. I have described them, and my opinion remains now very much what it was before upon that subject. I think the vices of the income tax are many, great, and manifold; but I said that why you retain it, in my opinion, was because it was essential to assist in giving those great benefits to the people which alone made it endurable, and caused it to be endured. It has many vices, but it has one great virtue, which is this—that in the main, without any injustice in its general scope, without any of those idle dreams of plunder and confiscation which we have heard to-night, it does make the property of the country subservient to the uses of the State within limits which are safe and for purposes which are beneficial. The income tax, as administered, has no tendency to unsettle the foundations of property. What it might be in the hands of those who seek to give it a more speculative perfection I will not undertake to say. The position of the Government, then, with respect to the paper duties is this: We think it part of our public duty, part of the pledge we gave to the country which has given such a general and warm support to our financial measures, that we should redeem the pledge which we gave a month ago—namely, that under the existing circumstances of the present year, we should ask for such a repeal of indirect taxation as should not exceed two millions of money. We desire the House to exercise an impartial judgment on the question—what is the best mode of applying that sum; but for all the reasons I have stated, we submit that the wisest and most prudent choice we can make is to determine to repeal the paper duty, and to give freedom to a great branch of industry, which we have great reason to hope will develop itself in a thousand directions, and add to the demand for labour, and through the demand for labour to the prosperity of the country, in a degree out of all proportion to even the considerable amount of revenue which the duty now represents.

SIR JOHN PAKINGTON: Sir, I hope even at this late hour I may appeal to the House for a very few moments to listen to one of that small and enraptured body to which the right hon. Gentleman alluded, and of which I avow myself to be one. I understood the Chancellor of the Exchequer to insinuate, and the President of the Board of Trade more distinctly to affirm, that the House had entered into some engagement upon the falling in of the Long Annuities to apply that amount to the repeal of the indirect taxation of the country. I utterly deny that any such understanding or engagement was ever come to by this House. On the contrary, if there was any understanding more clear than another, it was that that amount was to be applied to the reduction of the income tax. The Chancellor of the Exchequer was a party to that arrangement, and in my opinion there never was a Minister more pledged to any point of policy than the right hon. Gentleman to the repeal of the income tax in the present year. I implore the House not to proceed to a division without considering the condition of that class to which the Chancellor of the Exchequer has just adverted, but for which his Budget does nothing, or worse than nothing—I mean the working classes of the country, and the holders of small fixed incomes. The Budget deals liberally with the holders of coals and iron, with the large manufacturers of Lancashire, with the rich generally in reducing the duty on the wine they drink; but what does it do for the working classes? It maintains a high duty on tea and sugar, and on the holders of small incomes, it inflicts the grievous hardship of increasing the income tax. I should like further to know from the Chancellor of the Exchequer what is the amount of duty we are now going to abandon. The right hon. Gentleman has not been quite candid in the matter. He has more than once spoken of the receipts from the paper duty as about £1,000,000; but I believe that in 1861 it will amount to £2,000,000, the repeal, of course, not commencing till July. The repeal will be permanent, and therefore we ought to deal with the gross amount of the duty. Last year it yielded nearly £1,300,000, and there is a rumour that in the current year that ends at the close of this month it will be about £1,500,000. I want to know whether that is true or not; and if not, whether there is any advance on the £1,300,000 of last year? That is a most important question when we are about to abandon so large an amount of revenue in the face of a deficit of £9,000,000, and under the necessity of imposing an increased income tax on the country. Most of us on both sides of the House were supporters of the Resolution of 1858, and we are not disposed to recede from that Resolution; but the question we have now to decide is, not whether the paper duty shall come off, but whether this is the proper moment for abandoning it. As to the corrugated paper which the right hon. Gentleman produced, I may remind him that the soldiers in the Crimea had a preparation of felt which was quite as light and valuable. The ground upon which we are going to divide is not that the duty is a good impost, but that the Budget bears hardly on the poor and industrious classes. Is there any man in this House who believes that Mr. Pitt or Sir Robert Peel would have sacrificed £1,500,000 of revenue in the face of a deficit of £9,000,000. At this moment it is unwise and improvident to make such a sacrifice, and I shall oppose it by giving my support to the Motion of my hon. Friend.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Baronet had asked him to explain his reference to the amount of revenue to be lost by the repeal of the paper duty. He had not stated the details that night, but on the first night, when he made his financial statement, he spoke of a million, because that was precisely the sum which he found, by the estimates of the Board of Inland Revenue, would be lost by the repeal of the duty during the next financial year, supposing that repeal to take place on the 1st of July; of course, if the repeal were postponed, it would be somewhat less; but the further amount which would take place in the next financial year would be £230,000 more, in addition to the £1,000,000, making for the next financial year, according to the estimates with which he had been furnished, £1,230,000. Against that, there were three direct sets-off to be made —one being for the savings in the Inland Revenue establishments, a second for the savings on the whole of the paper used for Government purposes and in the Government establishments, and the third being the saving by the abolition of the impressed stamp and by the changes in the regulations, the amount of which would be altogether, he supposed, £100,000 or £150,000 a year. He knew nothing whatever of the rumour which the right hon. Gentleman had mentioned about the million and a half.

Question put,

The House *divided*:—Ayes 245; Noes 192:—Majority 53.

List of the AYES.

Acton, Sir J. D.
Adam, W. P.
Agnew, Sir A.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Arnott, Sir J.
Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.

Baring, T. G.
Baxter, W. E.
Bazley, T.
Beale, S.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Biggs, J.
Black, A.
Blake, J.
Blencowe, J. G.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Bruce, Lord E.
Buchanan, W.
Buller, J. W.
Buller, Sir A. W.
Butt, I.
Buxton, C.
Byng, hon. G.
Caird, J.
Calthorpe, hon. F. H.G.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, hon. W.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clinton, Lord R.
Clive, G.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Cross, R. A.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Deasy, rt. hon. R.
Dent, J. D.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dundas, F.
Dunlop, A. M.
Ennis, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Fermoy, Lord
Finlay, A. S.
Fitzwilliam, hn. W.W.
Foley, J. H.
Foley, H. W.
Forster, C.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Gaskell, J. M.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gordon, C. W.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Gregson, S.
Greville, Col. F.
Gray, Capt.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Harcourt, G. G.
Hardcastle, J. A.
Headlam, rt. hon. T. E.
Heneage, G. F.
Henley, Lord
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Howard, Lord E.
Humberstone, P. S.
Hutt, rt. hon. W.
Ingham, R.
Ingram, H.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, J. J. H.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E.
Laing, S.
Langston, J. H.
Lanigan, J.
Lawson, W.
Lee, W.
Lennox, Lord H. G.
Lever, J. O.
Lewis, rt. hon. Sir G.C.
Locke, Joseph
Locke, John
Lowe, rt. hon. R.
Lysley, W. J.
Lytton, rt. hon. Sir G. E. L. B.
M‘Cann, J.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
Mackinnon, Wm. Alex. (Rye)
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Mellor, J.
Merry, J.
Mildmay, H. F.
Mills, T.
Mitchell, T. A.
Moncreiff rt. hon. J.
Monson, hon. W. J.
Montgomery, Sir G.
Morris, D.
Mostyn, hon. T. E. M L.
Napier, Sir C.
Noble, J. W.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Onslow, G.
Paget, C.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Peel, rt. hon. F.
Peto, Sir S. M.
Pilkington, J.
Ponsonby, hon. A.
Portman, hon. W. H. B.
Pritchard, J.
Proby, Lord
Pugh, D. (Carmarthen)
Puller, C. W. G.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L.de
Roupell, W.
Russell, H.
Russell, A.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, Titus
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Seymour, Sir M.
Seymour, H. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Slaney, R. A.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Smith, Sir F.
Smollett, P. B.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Stansfeld, J.
Steel, J.
Stuart, Col.
Sykes, Col. W. H.
Thompson, H. S.
Tomline, G.
Traill, G.
Trelawny, Sir J. S.
Turner, J. A.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waldron, L.
Walter, J.
Watkins, Col. L.
Wemyss, J. H. E.
Westhead, J. P. B.
Whitbread, S.
White, Col. L.
Willcox, B. M‘G.
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Wyvill, M.

TELLERS.

Brand, hon. H.
Dunbar, Sir W.

List of the NOES.

Adderley, rt. hon. C. B.
Archdall, Capt. M.
Astell, J. H.
Baring, A. H.
Baring, T.
Bass, M. T.
Bathurst, A. A.
Beach, W. W. B.
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Beresford, rt. hon. W.
Bernard, hon. Col.
Bernard, T. T.
Blackburn, P.
Bond, J. W. M‘G.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Bulkeley, Sir R.
Burghley, Lord
Burrell, Sir C. M.
Cairns, Sir H. M‘C.
Carnac, Sir J. R.
Cartwright, Col.
Cave, S.
Cayley, E. S.
Cecil, Lord R.
Close, M. C.
Cobbett, J. M.
Cochrane, A. D. R.W.B.
Codrington, Sir W.
Coke, hon. Col.
Cole, hon. H.
Cole, hon. J. L.
Colebrooke, Sir T. E.
Corry, rt. hon. H.L.
Cubitt, G.
Damer, S. D.
Dawson, R. P.
Dickson, Col.

Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunn, J.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elmley, Visct.
Elphinstone, Sir J. D.
Euston, Earl of
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Forester, rt. hon. Col.
Franklyn, G. W.
Galwey, Sir W. P.
Gard, R. S.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gore, J. R. O.
Graham, Lord W.
Grey de Wilton, Visct.
Grogan, Sir E.
Gurdon, B.
Gurney, J. H.
Hanbury, hon. Capt.
Hardy, G.
Hartopp, E. B.
Hassard, M.
Hayes, Sir E.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, rt. hon. H. A.
Herbert, Col. P.
Heygate, Sir F. W.
Hill, Lord E.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Hunt, G. W.
Jermyn, Earl
Johnstone, hon. H. B.
Jolliffe, rt. hon. Sir W. G. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Lacon, Sir E.
Leeke, Sir H.
Legh, Major C.

Legh, W. J.
Liddell, hon. H. G.
Lindsay, hon. Col.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, hon. Col.
Miller, T. J.
Mills, A.
Milnes, R. M.
Mitford, W. T.
Mordaunt, Sir C.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mure, D.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
O'Donoghue, The
Packe, C. W.
Packe, G. H.
Pakenham, Col.
Pakington, right. hon. Sir J.
Palmer, R. W.
Papillon, P. O.
Parker, Major W.
Patten, Col. W.
Peacocke, G. M. W.
Pevensey, Visct.
Potts, G.
Powys, P. L.
Ramsden, Sir J. W.
Ridley, Sir M. W.
Rogers, J. J.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Smith, Abel
Smith, S. G.
Smyth, Col.
Somes, J.
Spooner, R.
Steuart, A.
Sturt, H. G.
Sturt, N.
Stracey, Sir H.
Sullivan, M.
Taylor, Col.
Thynne, Lord E.
Tollemache, J.
Trefusis, hon. C. H. R.
Valletort, Visct.
Vance, J.
Vandeleur, Col.
Vansittart, W.
Vernon, L. V.
Walcott, Admiral
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Whiteside, rt. hon. J.

Whitmore, H.
Williams, Col.
Wyndham, hon. H.
Wynn, Col.
Wynne, C. G.

Wynne, W. W. E.

TELLERS.
Miles, Sir W.
Stanhope, J. B.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, March 13, 1860.

MINUTES.] PUBLIC BILL.—1^{a} Selling and Hawking Goods on Sunday.
2^{a} Benefit Societies Rules Amendment; Valuation of Rateable Property (Ireland); Packet Service (Transfer of Contracts).
3^{a} Administering of Poison.

SELLING AND HAWKING GOODS ON SUNDAY BILL.

BILL PRESENTED. READ 1^{a}.

Lord CHELMSFORD said, that their Lordships would recollect that he had a few evenings before *presented* a petition signed by no less than 20,000 tradesmen engaged in business in various parts of the metropolis, praying that there might be an amendment in the law as regarded Sunday trading; and that on a previous evening he had presented a petition from Bermondsey to the same effect. In pursuance of a pledge which he gave to their Lordships on that occasion he now asked leave to introduce a Bill on the subject. He would briefly explain to their Lordships the extent to which he proposed to legislate on the matter. He would do so in as clear terms as possible, because he believed that previous Bills which proposed to deal with Sunday trading had failed in consequence of their not having been properly understood. It was no wonder that the consideration of Parliament should have been engaged by this subject. When they considered the enormous extent of the evil to be remedied, the generally pernicious consequences that resulted from it, and the numbers of persons who would be relieved by any change in the law, and who were most anxious for such change, he ventured to think that it might be deemed a matter of reproach that all their previous attempts at legislation of this character had been entire failures. Select Committees had been appointed to investigate this subject in 1832, in 1847, and in 1850; and the results of the labours of those Committees were contained in three or four large volumes; but the extent to which the evidence went was of such magnitude as almost to deter any one from perusing it, however anxious he might be to inform himself on the question. After the Report of the Committee of 1847 a Bill on the subject was introduced in the other House, and in 1850 their Lordships' attention was directed to the subject by a Bill introduced by a noble Friend of his (the Earl of Harrowby), and that measure, after having passed through their Lordships' House, was sent down to the House of Commons, but unfortunately at too late a period of the Session for it to be passed. In 1852 his noble Friend Lord Ebury, at that time Lord Robert Grosvenor, introduced in the House of Commons a Bill very much, though not entirely, to the same effect as that which he (Lord Chelmsford) now asked their Lordships' permission to read a first time. That Bill of his noble Friend was almost unanimously approved of by the House of Commons; was read a second time, and several of its clauses were passed. But it unfortunately happened that in the previous Session an Act for limiting the hours during which public-houses should be kept open had been passed. That measure had excited a good deal of dissatisfaction, and it was supposed that the Bill of his noble Friend was intended to impose further restraints; agitation was consequently excited, a great deal of misrepresentation took place; and ultimately the Bill was abandoned. The difficulty of passing any moderate Bill on the subject had been very much increased by injudicious attempts at leglislation on both sides. On the one side, Bills had been introduced to enforce a better observance of the Sabbath—Bills which, from their nature, were calculated to affect only the lower classes, and which certainly were open to the objection that it was sought to render people religious by Act of Parliament. On the other hand, proposals had from time to time been made for the opening of the British Museum and other such places on Sunday, which attempts had induced many religious and conscientious persons to evince hostility to any relaxation in the matter of Sabbath observance. He did not sympathize with either view. He should regret any legislative interference with the poor man's Sunday, which should convert a day of rest and cheerfulness into one of irksomeness and gloom; and on the other, he thought it was not desirable that the Legislature should set the example of countenancing the opening of places of public resort on Sunday, if for no other reason, because the precedent would be likely to be extended in every direction, and Sunday would become a day of licence and riot. What he desired by his Bill was to give persons, who really had a sense of duty and religious obligation, an opportunity of paying to the Sabbath that observance which all must desire, but which they were now prevented from doing in consequence of the system of Sunday trading which prevailed, and prevailed to an enormous extent, in all the populous suburbs of the metropolis. Their Lordships could not have the least idea of the extent of this Sunday trading. The neighbourhoods in which it was carried on were crowded as though so many fairs were being held; not only articles of a perishable and necessary character, but other articles, which might be purchased any day in the week, were exposed for sale, and a most brisk and stirring trade went on. Many shopkeepers who objected to Sunday trading were obliged to open their shops in self-defence, as the petitions laid on the table satisfactorily proved, and the consequence was that the observance of the Sunday was entirely neglected. A gentleman who had written a letter to *The Times* on the subject, described in very forcible language the hindrance which this Sunday trading was to the efforts of those who were endeavouring to bring about a better observance of the Sabbath among the poorer classes. The shopkeepers, he said, cried out against it, and the very publicans strongly condemned a system which deprived them of a day of rest; but they were obliged to keep their shops open, unless they were prepared to give up the principal profits of their business, as their sales were larger on that day. He need not picture to their Lordships what must be the inevitable effect of this system in depriving the people of the enjoyment of the blessings of the Sabbath. As for the children of these people, they must of course be brought up in habits of neglect of the religious observance of the Lord's Day. As it at present stood the law was entirely powerless to redress the evil. The Act which was in force on the subject was the 29th Charles II., which was partly positive and partly negative. The positive part was directed to compelling a due observance of the Sabbath. It directed that all persons on every Sunday "should apply themselves to the observance of the same, and the exercise of the duties of piety and true religion." And it provided that any person exposing for sale any article on that day should be liable to a fine of 5*s*. From the construction put upon this Act it had become a perfect dead letter. It had been held that the mere opening of a shop, was not an exposure for sale sufficient for the purposes of the Act, there must be an actual sale; and the magistrates thought that they could only issue their warrant of distress against the particular article sold. Of course the attempt to follow it would be fruitless. Then the penalty of 5*s*. could only be imposed once for one day, no matter how many the articles sold. Looking at the profit derived from this Sunday trading, it was easy to conceive that a penalty of 5*s*. for an entire day would be utterly ineffectual for its suppression. Indeed, he understood that some of those Sunday traders had jeered the authorities and offered to pay six months' fines in advance. To a very great extent the evil had been promoted by the practice, which was almost general, of paying workmen's wages on Saturday night, the consequence of which was that the working people were unable to procure on Saturday the necessaries which they required, and were driven to make their little purchases on Sunday morning. He was happy to say that there had, within a recent period, been a great improvement in that respect. An example was being set which might ultimately lead to what was most earnestly to be desired, which was that Saturday should become the labouring man's market day. An excellent example was set in the Royal establishments, in the whole of which, with one exception, the wages were paid on Friday. In that one they were paid early on Saturday. The efforts of the Early Closing Association were likely to effect much good in this direction; but much still remained to be done in order to put an end to the Sunday traffic. The Bill he now presented to their Lordships was intended to forbid the sale, within the City of London and the Metropolitan Police District, of any wares or merchandise whatever on Sunday; but as to meat, fish, or poultry, the dealer might deliver it before nine o'clock on Sunday morning. The penalty for each breach of the law was to be not exceeding 20*s*., nor less than 5*s*. It was not a Bill of coercion, but of protection. It was not a Bill of restraint, but of liberty. It was for the protection and advantage of those who were compelled by the hard necessity of the existing system to carry on trade on Sunday, and all he feared was that it would be objected that he had conceded too much in that direction. He believed that the Bill, if passed, would confer the greatest benefit upon society, and put a stop to that wholesale traffic on the Lord's-day which had caused so much scandal and dissatisfaction.

Bill to amend the Laws relating to the Selling and Hawking Goods on Sunday within the Metropolitan Police District and City of London and Liberties thereof, *presented*, and read 1^{a}.

House adjourned at Half-past Six o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 13, 1860.

MINUTES.] NEW MEMBER SWORN.—For Worcester City, Richard Padmore, esquire.

THE TREATY WITH FRANCE.

QUESTION.

Mr. NEWDEGATE said, perhaps he might be allowed to call the attention of the House, by way of explanation, to the fact that during the discussion of the Committee on Customs, a question was raised as to the interpretation of Article 5 in the Treaty with France, which expressed the obligation which Her Majesty incurred towards the Emperor of the French, with the consent of Parliament. The question was almost explanatory by itself; and he did not think that he could deal more fairly with the hon. and learned Attorney General than by asking it precisely in the terms in which it stood on the Paper. The Attorney General would remember that a somewhat protracted discussion [*cries of* "Order, order!"].

MR. SPEAKER: The hon. Gentleman has not asked his Question.

MR. NEWDEGATE said, he would then beg to ask Mr. Attorney General, Whether Article 5 of the Treaty with France applies to goods imported from France only, or from all countries; and whether to French produce only, or to the produce of all countries?

The ATTORNEY GENERAL said, it was no doubt the intention of Her Majesty's Government, as one of the contracting parties to the Treaty, that productions of all descriptions mentioned in the 5th Article should be admitted into our ports, as otherwise there would be a differential duty in favour of French produce. So far as the rights of France as the other contracting party were concerned, he was of opinion that she could require the admission of those productions only when brought from France proper or Algeria—that was to say, that so far as the contract involved in the Treaty was capable of being enforced by France, she could only demand that it should be carried out to the extent of goods imported from France itself or from Algeria. The effect of the Resolution of the House, he thought, would be to admit the productions of all countries coming within the description contained in the Article.

INDIA.—STATE OF DHAR.

QUESTION.

Lord STANLEY said, the House would perhaps recollect that one of the last acts of the Court of Directors was to send out to India a Despatch disallowing the annexation of the State of Dhar, and desiring that it might be restored to the Native Owners. No reply having been received to that communication, like directions were again sent out in April, and that communication remained unanswered up to the time of his leaving office. He understood that some steps had since been taken in the matter; and he wished to know what they were. In the words of his notice, he wished to ask the Secretary of State for India what steps have been taken by Lord Canning for the restoration of the State of Dhar to its Native Rulers?

Sir CHARLES WOOD said, the noble Lord was quite right in stating that during the period of his continuance in office no answer had been received to the communication to which he referred. Late in the autumn, however, a Despatch had reached the India Office from Lord Canning, in which he justified the course he had pursued in reference to the annexation, and pointed out the future steps which he recommended to be taken. Having considered the subject fully, Her Majesty's Government had determined to adhere in the main to the advice which was contained in the Despatch which the noble Lord (Lord Stanley) had addressed to the Government of India, and Lord Canning had accordingly been directed to retain possession of the State of Dhar only until the heir to it should come of age, when he was to be restored to the territory which belonged to him. The only exception which had been made in the case was that of an outlying district which we had administered for many years, and which had paid to the Native Ruler a much larger sum than that which we had received from it. It had been deemed to be only right that when we were taxing our own loyal subjects in India for the expenses of the war some contribution should be made by those whose misconduct had entailed that expense. Her Majesty's Government had therefore directed that the payment on account of the outlying district to which he referred should no longer be made to the Chief of Dhar, by which the revenues of India would be saved from a charge of between £2,000 and £3,000 per annum.

THE "ACCRINGTON" TRANSPORT.

QUESTION.

Mr. Alderman SALOMONS said, he would beg to ask the President of the Board of Trade if he has received from our Consul at Pernambuco any account that can be laid before the House of the lamentable occurrences which have taken place on board the *Accrington* transport ship; and if he can state the total number of deaths, according to the latest advices, among the women and children who were embarked in that unfortunate vessel?

Mr. MILNER GIBSON said, that a long report had been received from our Consul at Pernambuco giving an account of the lamentable occurrences which had taken place on board the *Accrington*. The papers on the subject had been sent to the Home Office for the purposes of the prosecution which was about to be instituted in the matter, but he did not know that there was any objection to their being laid on the Table of the House if such a course should be deemed expedient. With respect to the number of deaths which had taken place on board the *Accrington*, he might state that he had ascertained that sixty-seven persons had died on the passage out, sixty of whom were children of three years of age and under, and one an adult. It appeared, also, that after the passengers had landed, twenty persons more had died, of whom six were adults and nine children of three years of age and under. The causes of the deaths which had taken place on the voyage were, he believed, mainly measles and scarlatina.

WAKEFIELD COMMISSION.—QUESTION.

MAJOR EDWARDS said, he would beg to ask the Secretary of State for the Home Department, Whether there is any objection to lay before the House a Return of the expenses of the late Commission appointed to inquire into Corrupt Practices in the Borough of Wakefield, including the amount paid to Mr. Dew, one of the Committee Clerks of this House, for acting as Secretary; the amount paid for information; and the names of the agents employed and paid by order of the Commissioners?

SIR GEORGE LEWIS said, a Return had been already moved for in reference to the expenses of the Commissioners for both Wakefield and Gloucester, which, if not already laid on the Table of the House, would be presented in the course of that evening. That Return would, he believed, be found to contain all the information which the hon. and gallant Gentleman required. With respect to the amount which had been paid to Mr. Dew, he might state that that gentleman had received at the rate of three guineas per diem, which was the rate fixed by a Treasury Minute in reference to the Secretaries of such Commissions. No sum whatever had, he might add, been paid to agents, nor had any agents been employed by order of the Commissioners.

CAVALRY CHARGERS.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for War, Whether, under the operation of the General Order of his Royal Highness the General Commanding-in-Chief, with the sanction of the Secretary of State for War, of date of the 23rd day of February last, by which Cavalry Officers below the rank of Field Officers are enabled to obtain their chargers from the remount or other horses on the effective strength of the regiment, it will be the duty of the Inspecting Generals of Cavalry to pass such horses, as fulfilling the obligation of Officers to provide themselves with Chargers adequate to the Service; or whether the Inspecting Generals are to continue to estimate the efficiency of Officers' chargers by the same standard of excellence as has been the usage under the former system, by which Officers had to provide themselves with horses of a much more expensive description, on their own responsibility?

MR. SIDNEY HERBERT said, that of course care would be taken that in the selection of the horses the best would be provided for the Officers and Troops. His Royal Highness the General Commanding-in-Chief would make such regulations so that the object of the general order should not be defeated.

BRITISH SHIPPING.—QUESTION.

MR. LIDDELL said, he rose to ask the First Lord of the Treasury on what day Her Majesty's Government, in accordance with a pledge recently given to that effect, propose to afford to this House an opportunity of fully considering the present condition of British Shipping, in so far as the same is affected by the operation of certain provisions of the French Navigation Laws; and what course Her Majesty's Government are prepared to recommend this House to adopt in order to induce the Government of France to make such alterations or modifications in those Laws as may be thought just and necessary?

VISCOUNT PALMERSTON: Sir, the hon. Gentleman and the House will no doubt recollect that I appealed to my hon. Friend the Member for Sunderland (Mr. Lindsay), to separate from the Address on the Treaty that addition which he was originally desirous to make to it with respect to the navigation arrangements subsisting between this country and France. I, upon the occasion on which that appeal was made, informed the hon. Gentleman that if he were to make his proposal on the point, the subject of a substantive Motion—the terms of it being agreed upon between him and Her Majesty's Government—I should be disposed to support such a Resolution, and that in point of fact such a course would be likely to strengthen Her Majesty's Government in any negotiations on the matter into which they might enter with France. Of course, the hon. Member for Sunderland will take his own course, but Her Majesty's Government are disposed to give him every facility for bringing forward the subject consistent with the progress of the public business.

THE AFFAIRS OF ITALY.

CORRESPONDENCE PRESENTED.

Lord JOHN RUSSELL, having brought up further Correspondence relating to the affairs of Italy, said:—Mr. Speaker, in moving that these papers do lie on the table, I wish to answer the inquiry which was made yesterday by the right hon. Member for Buckinghamshire. The right hon. Gentleman, as I understood, complained that during the debate on the Commercial Treaty, I did not answer various questions which he had put—questions relating to the conduct of foreign affairs by Her Majesty's Ministers. I did not deem it at all advisable to enter upon the conduct of foreign affairs during the discussion of the Commercial Treaty, or to prevent the progress of that debate, which was properly directed to the merits of that Treaty; but, although I did not take part in that debate, and although I cannot refer regularly to what took place in a former debate, I have no objection to answer the charges which are made the subject of complaint against us. And, in the first place, I should say that I should be very sorry if I were thought to have misrepresented the conduct of the Earl of Malmesbury, as I understood was stated by the noble Lord opposite, the Member for Leicestershire (Lord J. Manners). I said, that so far as I could make out, that the Earl of Malmesbury had not obtained any very satisfactory assurance on the subject of Savoy from the French Government. Now, it is of some importance to see in what state the question was left when the present Government came into office. I find on the first page of the correspondence regarding Savoy and Nice in Captain Harris's despatch that he says:—

> "I pointed out to the President the despatches Nos. 480 and 507 in the blue-book on the Affairs of Italy, showing the steps which Her Majesty's Government had taken, through Lord Cowley, to ascertain the truth of this report, which had, however, not led to a very distinct refutation of it on the part of the French Minister."

Now, I do not think that Captain Harris is a person likely to view unfavourably the conduct of the Earl of Malmesbury, and if he had thought that the Earl of Malmesbury had obtained a satisfactory assurance, and a distinct refutation of this report, no doubt he would have said so in the despatch. But, looking to the despatches which are referred to—480 and 507, I find that 480 is a despatch from the Earl of Malmesbury to Earl Cowley, dated the 30th of April, 1859, in which he says:—

> "I have received this afternoon an account of a treaty which, it is said, was concluded between France and Sardinia on the 18th of January, and which is said to provide for the cession of Savoy, and to certain arrangements for the future government of Italy. Your Excellency will endeavour to ascertain whether any such treaty has been concluded."

Earl Cowley's answer to the Earl of Malmesbury is dated May 1, in which he says:—

> "Count Walewski replied that all he could assure me was, that up to this moment there was no treaty whatever between France and Sardinia; but he said that under present circumstances an offensive and defensive one would become necessary. He made no allusion to the territorial question."

Now, if that was understood by the noble Lord as a satisfactory answer on the subject of Savoy, all I can say is, that it appears to me, on the other hand, that it certainly left room for further inquiry. It stated that up to that moment there was no treaty, but it gave no assurance whatever that there was not an understanding between the two Governments, and that Savoy was not to be ceded in the event of certain conquests or arrangements being made. Well, then, it was in that state of affairs that Her Majesty's present Government came into office and found this question. I think the first of the accusations brought against us is to this effect, that the Government have pursued a policy of promoting the annexation of Tuscany and Romagna to Sardinia, and that thereby they have been laying the ground for that annexation of Savoy to France which it ought to have been their business to prevent. I think this accusation founded on an entire misapprehension of the policy which the Government have pursued. The policy of the Government was not a policy which required the annexation of Tuscany and Romagna to Sardinia, or required them to be a separate government. Their policy was to endeavour, by negotiation and representing their views to the different Governments of Europe to secure to the Italian people a power of managing their own affairs. Now, that object, which is in fact the independence of Italy, was to be accompanied, if possible, by such an arrangement as would be recognized as the *de facto* Government by the various Powers of Europe, and especially by France. Well, Sir, I had a message from Count Walewski, through Earl Cowley, that he hoped I would endeavour to persuade the Tuscan official agent, when he came here after the war, to induce the Provisional Government of Tuscany to be content with the recall of the son of the Grand Duke Leopold, with the establishment of a liberal constitution, an Italian Ministry, and the Tuscan colours. I found the agent who came here on behalf of the Government of Tuscany—the Marquis of Lajatico—a person as highminded, of as much integrity, of as much disinterestedness as I ever knew. When he came to speak to me on the subject I represented to him that the son of the Grand Duke was said to be a prince of cultivated mind, of liberal disposition in politics, and that he was likely, if called to be the ruler of Tuscany, to govern that country according to constitutional principles. He told me it was not possible that the Tuscans could receive the son of the Grand Duke. I said, "Why, you yourself were the person who, when called upon by the Grand Duke Leopold to form a Ministry, recommended that the Archduke Ferdinand should succeed and be the Grand Duke of Tuscany." He said, "That is perfectly true, but his conduct since then has been of a nature to alienate from him entirely the affections of the people. He went to Modena at the time of the battle of Magenta, when it was arranged that if the battle of Magenta should be decided in favour of the Austrians he was to march with a portion of the Austrian army and take possession of Florence and Tuscany in virtue of his command of that Austrian force. Again, at Solferino he accompanied the Emperor of Austria, and he has thus decided to take part with Austria and against Italy, while we are determined to fight the battle of Italy against Austria." That seemed to me to be a reasonable objection to the restoration of the Archduke Ferdinand. At a later period there was a question of another combination, and I was informed by Earl Cowley that he thought that combination might be one with which the Emperor of the French would be content, and that he would propose it to Austria. On the other hand, it was stated to me by Lord Loftus that it was not possible, if such a proposition were made, that Austria would be content with it. That proposition was to form a kingdom of Central Italy. There is a despatch on the table relating to this subject. But, although I might entertain such a proposition, although I might say that Great Britain would be content with it, it was quite impossible for me to be bound to assent to any proposition with which the people of Italy themselves should not be content. I took means to ascertain what were the opinions of the leading people of Italy in relation to that proposition, and I was informed by those who knew them intimately, both Italians and English, that they would not agree to the formation of a kingdom of Central Italy; in fact, their position was this,—they said it was quite allowable to the Emperor of the French, if he did not wish to carry on the war any further, to make peace at Villafranca, and confirm that peace afterwards at Zurich; but we on our side are bound to consider in what state Italy would have been left if the conquests of the French had proceeded as far as the Adriatic. If the King of Sardinia had agreed with France not only for Lombardy but Venetia, we should have been content that the Grand Duke Ferdinand should be received in Tuscany and that the Pope should hold the Romagna; but in our present position it is obvious that the kingdom of Sardinia, divided from the Romagna and from Tuscany, would be so weak, with the forts on the Mincio constantly frowning on and menacing her, it would be impossible to continue independent. And, therefore, we were of opinion that nothing but the strengthening of Sardinia by the addition of the Romagna, Tuscany, Parma, and Modena, would be sufficient to maintain the independence of Italy. There, again, as Her Majesty's Government have not been hostile to the restoration of the Grand Duke, so likewise they have not been hostile to the formation of a kingdom of Central Italy. But the whole of our conduct was based, not, as has been represented, on such an annexation, but on a wish to allow the people of Central Italy to form their Governments for themselves, and after three centuries of oppression and servitude to assert their independence whether of Austria, of France, or any other Power whatsoever. Therefore, when we found that neither restoration nor a kingdom of Central Italy would be accepted as an arrangement,—when we knew likewise that the Emperor of the French had declared over and over again that no force should be employed to impose a form of Government on the people of Tuscany, we could not but come to the conclusion that if the people of Central Italy were to have their own way—if they were to constitute their Government as pleased themselves, annexation to Sardinia was the plan on which they would certainly act. Accordingly it was our wish, desirous that the independence of Italy should be secured, that they should be allowed, if they thought proper, by a vote or otherwise, to assert again their annexation to Sardinia, and, if the King of Sardinia should accept them, that that country thus enlarged should become one of the recognized Powers of Europe. Well, the next accusation brought against us is that for a long time I was acquainted, by private letters and otherwise, that the intention of the Emperor of the French, if a kingdom of Northern and Central Italy thus strengthened were constituted, to ask for the annexation of Savoy to France, and that I made no objection against that course till the end of January. That accusation rests merely on a confusion of dates, because, if any one consults the papers about the annexation of Savoy, he will find that the strongest objections which I made, pushing them, perhaps, to an extreme, were made on the 5th of July. I stated on the 5th of July what I conceived might be the consequences to the Emperor of the French from a persistence in any plan for the annexation of Savoy, and what distrust such perseverance would occasion. No doubt Count Walewski said to Earl Cowley, and repeated it three or four times, that in the first place the annexation of Tuscany to Sardinia was impossible—that was an arrangement which could never be permitted; and he hinted more than once, as appears from the despatches, that there was a probability, if that plan was persisted in, although the French army might not march into Tuscany, that there would be no opposition made by France to an Austrian army entering that province in order to restore the Archduke. Therefore, in his view of the case no such event was likely to occur. At another time he said, I believe, that a kingdom of Central Italy might possibly be formed; but at no period was he willing to agree to the annexation which the people of Central Italy desired. Thus, it will appear to every one that this question of the annexation of Savoy was in his eyes an improbable contingency, and it certainly seemed to me quite unnecessary to write to Earl Cowley saying, "Supposing the Grand Duke is not restored, supposing no kingdom of Central Italy is formed, supposing the annexation which Count Walewski states is impossible should be accomplished, then I desire you to repeat in November the objections and the protest which you made in July." It appears to me that such a course would not only have been quite unnecessary, but quite absurd. If Earl Cowley had wished for further instructions, he would no doubt by a despatch have asked for them. But we did not think that what might be regarded as mere threats to prevent the people of Italy from going by their own way to their own ends of independence called upon us to write or volunteer despatches. In January again the quest in assumed another shape. We were asked by Switzerland what we intended to do. There appeared in some of the French newspapers articles indicating that the project was again on foot for the annexation of Savoy; and again at the end of January we reiterated, in terms as strong but not stronger than those we used in July, the objections we felt to this annexation, and our fears of the distrust it would create. We have never on this question, in fact, concealed our opinions from the Emperor of the French—we have never left him to believe this was a project that would not meet with objection, but we have stated in a plain and straightforward manner what our objections were. Then we are also blamed because, in making our communications to Vienna, Berlin, and St. Petersburg, with respect to the four propositions, we did not say that if Sardinia annexed Tuscany and the Romagna, in that case the Emperor of the French proposed to annex Savoy. Why, Sir, we could not properly do that, because on the part of France that proposition was never made. The agreement of those different Courts was never asked in any way; and Prince Gortschakoff, on the part of Russia, said, "I am glad to find that I need not make any objections to this proposition because our assent to it was never proposed in any way." It would, therefore, not only have been improper, but absurd for us to say that if this annexation to Sardinia takes place there is a proposition on the part of France which may possibly be brought forward, but which we do not know will be brought forward, and we warn you against it even now. It was for the French Government, if they had a proposition of that kind, to make it to the various Powers, and not for us to suggest it as an objection. What we did was to make the proposal to the French Government that, if the Italian people by a new vote in these provinces should declare in favour of annexation, the King of Sardinia should not be asked to abstain any longer from sending his troops into them. We made that proposition to France; and France knew perfectly well what she intended to do. There was no mistake on her part as to what would be the consequences of her proceedings. These, Sir, are the explanations I have to give as to these various points. But there is another accusation which is an aggravation of all the rest, and my noble Friend who sits near me is liable to the same reproach. It is said that we have been so zealous for the independence of Italy and so intent on carrying out chimerical views of our own with respect to that country that we have neglected other and important objects to secure that end. I confess, Sir, I do not feel that to be a very heavy accusation. I recollect that in 1856 the Earl of Clarendon and Count Walewski at the Paris Conference brought forward the question of Italy. It should be remembered that that was a Conference assembled for a totally different purpose, namely, to settle the terms of peace between Russia on the one side, and France, Great Britain, Sardinia, and Turkey on the other. Italy had no immediate connection with that Conference. Yet the Earl of Clarendon thought the question of such pressing importance, so menacing to the tranquillity of Europe, that he stated his views upon it in that Conference. He pointed out that the continued occupation of Rome and of Bologna by foreign troops was a thing unprecedented, that it destroyed the independence of those countries, threatened revolution, and thereby imperilled the general peace of Europe. He pointed out also the condition of the Government of the Two Sicilies, its maladministration of justice, and asked the Conference—consisting of all the various Powers—to take measures to secure a remedy for that state of affairs. It would have been happy for the Austrian Government had they listened to that warning; but they determined to continue their occupation of Bologna, and to govern Lombardy in the same manner as before. We all know the consequences. We know that after three years the two great Powers which occupied different points in Italy not only broke out into dissensions, but appeared in arms in the field to contend which should be supreme. We know, likewise, that after the conclusion of the peace of Zurich the state of Italy was still threatening. We were informed, as the world generally was informed, that from time to time the Austrians threatened to march against the troops of the King of Sardinia, in which case the French said that they would assist the Sardinians. We could not think that any settlement of Italy which restored by force of arms the power of the Grand Duke of Tuscany or the authority of the Pope could be a lasting one; and we therefore felt that it was an European interest, and as an European it was a British interest to lay, as the preamble of the Treaty of Zurich calls it, "a large and solid basis for the external and internal independence of Italy." It was, therefore, for an European object that we employed the influence of Great Britain. We employed it peacefully; we employed it with a view to reconcile differences, to prevent war, and to lay the foundations of peace between the great Powers of Europe. But, Sir, if, consulting at once the interests of Great Britain and those of Europe, it should have been our fate at the same time to contribute in any way, even in the smallest degree, to the permanent independence of Italy, to the raising up a people who have been long sunk, and enabling men of the most cultivated intellect, and possessed of every gift of knowledge, to exercise their minds free from the prohibitions of a censor,—if we should be enabled again to see that country, which has been for three centuries sunk and degraded, once more taking rank amongst the great Powers of Europe, and the people of Italy, with their great abilities and honest hearts, one of the most distinguished among the families of the world, so far from being ashamed of having contributed to that result, so far from shrinking from any responsibility, I shall, on the contrary, take pride to myself that I have been able, in any degree, to contribute to that result.

Mr. WHITESIDE: Sir, I quite agreed with an observation of the noble Viscount at the head of the Government on a previous night, when he said that in discussing this question, we ought to avoid personalities, and endeavour to speak upon it with the gravity and caution which its importance deserves; but I cannot help thinking that he had inadvertently fallen into error, when he said that the House of Commons ought not to raise a discussion on such a subject, except upon a Motion for a Vote of Censure. I have always understood that the noble Viscount was a pupil of that popular and brilliant Minister, Mr. Canning, who, when Prince Metternich pressed him, through the Austrian Ambassador, to prevent the House of Commons from expressing its opinion upon the affairs of Spain, replied that the House of Commons was not a clog upon the Executive Government, but a part of the great council of the nation, sharing the authority of the State; that it was the right of Members of Parliament to participate in the deliberations of that Council, and that no Minister could conduct the Foreign Affairs of this country by throwing dust in the eyes of the House of Commons. The noble Lord, who has just spoken himself, by moving for papers, gave rise to a very instructive debate in Parliament, in the year 1823, on the subject of the intervention of France in the affairs of Spain; but he did not, nor did any person at that time contend, that before you can venture to examine or attempt to understand the conduct of a Ministry, you must propose a vote of censure. There is no such doctrine known to the Constitution, and against it I beg to enter my protest. In discussing the matter before the House, I have not the slightest intention of making any personal attack upon the French Emperor, or of uttering a single word which should be provocative of war; because I quite agree with the noble Lord, who has just sat down, that it should be the object of the Ministry to promote peace. I subscribe as readily as any Gentleman in this House does to the doctrine, that it is not our business to encourage a busy, officious practice of intermeddling in the internal affairs of other States; and for that reason I never was able to understand why our Ambassador was withdrawn from Naples, because the internal Government of that country was not to our mind. I asked an eminent statesman why it was done, and he said that he was as ignorant of the reason as I was myself. But when we come to consider a question touching the public law of Europe, it is a totally different matter; and from what is that public law to be collected? As I understand it, from the public treaties which govern the affairs of Europe, and from those important State Papers, which, formally and deliberately communicated by one State to another, are accepted as the expositions of that land. If public law is not respected where a small State is concerned, it will be violated with impunity by a great and powerful one, and therefore I appeal to those Gentlemen who prefer peace to war, to encourage a fair reference to the principles of that law, which will tend to the repression of aggression upon the territories of foreign States, without in the slightest degree touching the question of their internal administration. There is no subject more interesting than that which we are now discussing; and I have founded that opinion upon the statements of the noble Lord contained in his despatches, that the question concerns the independence of Switzerland, the safety of Italy, the tranquillity of Europe, and the character of the French Emperor. When I found those statements in the despatches of the noble Lord, I was convinced of the importance of the question. I pray the House to observe the conduct of the statesmen of Switzerland. From the first moment the statesmen of Switzerland have never wavered in their opinions, or ceased to give the most decided and unequivocal warnings to the noble Lord representing the Government presided over by the noble Viscount—and here let me say a word about three members of that Government. The mind of the right hon. Gentleman, the Chancellor of the Exchequer, is locked up in his Budget, the noble Lord the Member for London has spoken occasionally on this subject, but the Prime Minister has held his tongue. He has never, that I can recollect, uttered a single intelligible sentence upon the important question before us. What may be his policy, whether he gathered it from Imperial lips at Compiègne, I cannot say. I have learnt something from the noble Lord, the Member for London, but nothing from the noble Viscount. In the month of July the Swiss Government communicated to the Secretary of State for Foreign Affairs, "We are of opinion that a bargain has been struck between France and Sardinia"—(we shall see presently who was right about that fact; for myself, I believe that the Emperor of the French was)—"that in certain events Savoy and Nice shall be handed over to the French Government, and the opinion of our country is that it is of vital importance to the independence of Switzerland that such a transfer should not take place." Therefore, in the opinion of the rulers of Switzerland, the question was not one merely of boundary, but one which concerned the safety and independence of their own country. That statement was communicated to the noble Lord early in July, and was touched upon by Earl Cowley, whose words, in his despatch of the 5th of that month, were very emphatic. He wrote :—

> "The French Minister said, that he could give me the positive assurance that there was no understanding between France and Sardinia, but he did not deny that the question had been more than once discussed, and that the Emperor entertained the idea, if Sardinia was to become a large Italian kingdom, that it was not unreasonable to expect she should make territorial concessions to him elsewhere."

Nothing could be more distinct, therefore, than the statement made to the noble Lord that in the event of Sardinia not being satisfied with Lombardy, which the Emperor had conquered and given to her, and in the event of her appeal to popular feeling against the plan propounded by the French Emperor, in short, if the duchies were united to Sardinia he must have compensation for that elsewhere. In the month of July the noble Lord stated to the House that the French Emperor did not contemplate encroachment upon Savoy, and on the 8th of July Count Walewski informs Earl Cowley that he might give to his Lordship the assurance that the Emperor had abandoned all idea of annexing Savoy to France. What follows? There is nothing done in July or August. But I find that, on the 26th of September the Swiss Government, being always, as it appears, better informed than our own, make another communication to our Ministry, praying them to remonstrate against or to interfere to prevent the annexation of Savoy, which they alleged would be fatal to the independence of Switzerland. The noble Lord did not pay the smallest respect to that remonstrance. We now come to December 9. On that day we find the Swiss Minister in Paris representing exactly what he had represented in July. He calls upon Earl Cowley, and informs him that it was the opinion of the Swiss Government that something was about to happen which would be fatal to the safety and independence of Switzerland by exposing its frontiers to be invaded at any moment by a French army. Again, nothing is done consequent upon that statement. On the 22nd of December Captain Harris writes to the noble Lord that he had been informed by the President of the Confederation that the Federal Council had received from the Austrian Government an answer to their despatch and memorial respecting the neutral territory of Savoy, and that the Austrian Government had promised that in the event of the question of annexation being mooted in the Congress they would use their utmost endeavours to maintain the arrangements which protected the independence and neutrality of Switzerland. Such was the declaration of the Austrian Government, but I find no response to that despatch on the part of the British Government. Nothing whatever was done by the noble Lord, notwithstanding the pressing appeal of the Swiss Minister, and notwithstanding the fact that the Austrian Government had promised to maintain the cause of Switzerland in the Congress. On the 9th of January the noble Lord for the first time tells Captain Harris that Her Majesty's Government were anxious, as they had ever been, to do all in their power to maintain the security and independence of Switzerland. What did the noble Lord do? Nothing. Did he submit to the different Powers of Europe a statement of the communications which had been addressed to him by the Government of Switzerland, and did he ask those Powers to come to a common conclusion upon that important statement? He did nothing of the kind. We are now in January, and I admit that in that month the noble Lord did something. He wrote a despatch; but in my simple innocence the other night I fell into a slight mistake. I was not aware that there was one set of despatches printed and laid on our table, and another set in the shape of private letters which passed between the noble Lord and our Ambassador at Paris; and that most important facts might be contained in those private letters, which facts, if stated in public documents, might change altogether the character of the despatches which have been published to the world. On the 9th of January I find Mr. Grey writing to the noble Lord from Paris. He says that Dr. Kern, the Swiss Minister, appeared to have been alarmed by one of his colleagues, who had reported to him that he was sure the cession of Savoy to France was already determined upon by Sardinia, in return for which France was to sanction the annexation of the Duchies and Romagna to Sardinia.

That is a very important statement. It means that kingdoms are to be handed about according to the interests of the makers of a bargain, which, I say, is in flat contradiction to the treaties of 1815, which Mr. Canning, though he did not like them, insisted were to be acted upon by every statesman in Europe, and to be upheld by England. When such a transaction was communicated to the noble Lord he ought to have submitted it to every great Power in Europe, and to have protested against it at the earliest moment. He did neither the one thing nor the other. Mr. Grey in the same letter says:—"The question, Dr. Kern repeated again and again, was so serious and so materially affected, not only the independence, but the very existence of Switzerland, that he hoped Her Majesty's Government would give it their earnest consideration." I find no reply whatever to that letter, notwithstanding the moving appeal of the Swiss Minister. On the 25th of January, Earl Cowley writes two letters to the noble Lord. In the first he says that the indefatigable Swiss Minister had been with him again, and had expressed an earnest hope that Her Majesty's Government would see fit to remonstrate against the supposed intentions of the Emperor of the French. In his second letter he states that a rumour prevailed in Paris that there existed a secret treaty between France and Sardinia, by which the latter bound herself, in case her territory should be considerably increased in Italy, to hand over Savoy and Nice to France. The noble Lord does not reply to either of these important letters. I suppose the noble Viscount at the head of the Government was of opinion that the less that was said on the subject the better. In a despatch written at the same time I find Earl Cowley making the following statement:—

> "Dr. Kern observed that Switzerland would not be satisfied, should Savoy be transferred to France, by the mere renewal on the part of France of the engagements respecting the neutral territory; and he showed me, by a reference to a map of Switzerland and the adjacent territory of France, that, were France to obtain possession of Savoy, she might pour her legions into Switzerland without difficulty or natural hindrance."

Here we have the whole case stated. But now it is said by the noble Lord the Secretary for Foreign Affairs, that Earl Cowley did not ask him for instructions. In justice to Earl Cowley it ought to be stated that the noble Lord appears to labour under some misapprehension on that point, for, on the 27th of January, Earl Cowley distinctly says:—

> "I should be glad to receive your Lordship's instructions as to the language which I am to use with regard to the annexation of Savoy and of the county of Nice to France."

It appears, then, that up to that date the noble Lord had given no instructions whatever to our Ambassador in Paris as to what he was to say or to do with respect to a matter which, according to previous Despatches, touched not merely the safety and independence of Switzerland, but menaced Italy, and which, according to the noble Lord himself, imperilled the tranquillity of Europe. In fact, there is nothing done on their part from July up to the 28th of January to show what the Government thought on the subject. On that day the noble Lord wrote a formidable Despatch, in which he says:—

> "The question of the annexation of Savoy would be regarded not so much as composing past troubles, as raising the elements for new storms. Natural frontiers—the Alps and the Rhine—the repetition of the history of long and bloody wars—the commencement of a new struggle between France and Europe; such are the ideas which would pass through men's minds at the announcement of such an acquisition."

It is a solemn and awful thought which the noble Lord suggests, and I am not disposed to say that he overrated the importance of the subject. But what did he do? Nothing. He wrote that despatch, which is good as far as it goes, expressed a hope that the French Emperor would not think of territorial aggrandizement, and there left the matter. I confess I am surprised that after the language made use of by the noble Lord, no action was taken by him in the way of obtaining such a general remonstrance founded upon the international law of Europe as should check the aggrandizement which he so strongly deprecated. On the 6th of February, however, he desires our Minister at Turin to tell Count Cavour that it would be a blot on the escutcheon of the House of Savoy if the King of Sardinia were to yield to France the cradle of his illustrious family. My own private opinion is that the King of Sardinia is about to submit to that blot. That was all the noble Lord did so far as Sardinia was concerned. But I find a strange despatch which I cannot reconcile with the account given by the French Emperor of the same transaction. It is dated the 3rd of February, and is written by Sir James Hudson to the noble Lord. Our Minister at Turin states that he had been informed by Count Cavour that the Sardinian Government had not the slightest intention of "ceding, exchanging, or selling Savoy." I ask myself is that true? because the French Emperor tells a very different tale, and I am rather inclined to accept his statement. The Swiss Minister insists, from the beginning there was a contract, or call it what you will—an understanding, an arrangement, a bargain—that Sardinia should give up Savoy and Nice for a consideration. He never deserts that point. Count Cavour denies the existence of any such contract, and this brings me to the 5th of February, and to the Despatch which raises the whole question against Her Majesty's Government. On that day Earl Cowley writes to the noble Lord:—

> "I have had an opportunity of ascertaining from Count Walewski that he recognizes the accuracy of the report which I had sent to your Lordship of his declaration to me in July last; but he reminded me that he had made that declaration in view of the strict accomplishment of the Treaty of Zurich, and that he had more than once afterwards maintained that if Sardinia was to be aggrandized by the annexation of the Duchies, it must be at the cost of Savoy and the county of Nice, which must pass to France."

That is very decided language; there can be no mistake about it. After such a statement it is useless to indulge in idle fancies. The matter is one of business. Let us see what it is that Count Walewski says and that Earl Cowley admits. Count Walewski says in effect:—"What is the meaning of these reports in England that France is pursuing a new and unexpected policy? I have told you repeatedly, beginning in July last, that if Piedmont was not satisfied with Lombardy, conquered by the blood and treasure of France, but aimed at the Duchies and Tuscany, then we must have Savoy and Nice." Was that communicated to the British Government? I understand that these important matters were communicated by private letters; but what has Count Walewski or the French Government to do with that? Count Walewski stands before the world fairly and honourably, as distinctly stating to the British Ambassador:—"If the Sardinian Government claim the Duchies, we must have Savoy." I want to know at what time Count Walewski made this communication to Earl Cowley. I understand that Count Walewski retired from office on the 2nd of January; therefore, his communication must have been made as early as the month of December; consequently these private letters, containing matters of fact relating to the safety and independence of Switzerland, to the peace of Italy and the tranquillity of Europe, are thus sent to the noble Lord; and what does he do? Nothing. What does the noble Viscount at the head of the Government, who is very bellicose when a small country is in hand like Greece, and who is very ready to go to war with a country like China against every principle of humanity and reason, do? Nothing. Therefore, we have established the all-important facts that these two provinces would in certain eventualities be annexed to France, and that the knowledge of that circumstance was in the possession of the Government. Yet, when my right hon. Friend asked the rational question, "What did the noble Lord do?" The answer is, "I did nothing till the 28th of January, and then I wrote a despatch." I at first believed that there had been no despatches but those laid on the table; but, ascertaining afterwards that important facts were known a long time before anything was done by our Minister, I concluded that the whole Government, being aware of those facts, must bear the blame. Earl Cowley, in his despatch of the 5th of February, states the case of the Emperor of the French as already quoted; and in reference to Count Wallewski's assertion, adds—

> "This is perfectly true, and on more than one occasion I alluded to these observations in my private correspondence with your Lordship."

M. Thouvenel, it appears, then promises to go to the Emperor and to make a statement of his views, to prevent the possibility of mistakes. Accordingly, M. Thouvenel afterwards read an official answer, in which the following passage occurs:—

> "It was true that among the possible arrangements discussed between the French and Sardinian Governments, when they found themselves likely to be engaged side by side in war with Austria, was the cession to France, under certain contingencies, of Savoy and the county of Nice."

Therefore, Count Cavour and the Emperor were opposed to each other as to this statement of fact; but, looking at the whole of the evidence, I am bound to say I believe the French Emperor. I should like to know what passed between Count Cavour and the French Emperor at Plombières before the latter marched his army into Italy. Did that sagacious Emperor say nothing? It appears, indeed, that the Swiss Minister understood the question, and appreciated the truth from the beginning. The real fact is that the policy of the Emperor is stated in that despatch I have referred to, and whoever pursued a course which led to those contingencies alluded to are responsible for the confusion of Europe at the present moment. Earl Cowley reports, M. Thouvenel stated to him:—

> "The Emperor had thought that if the chances of war had given such a large accession of territory to Sardinia as would have altered the relative proportions of the military strength of the two countries, he might with justice have demanded such territorial concessions of Sardinia as would have preserved those relative proportions. But so long as the sole addition made to Sardinia was the province of Lombardy there was no sufficient reason, in the Emperor's opinion, for asking of Sardinia, the sacrifice of any part of her ancient territory, and therefore Count Walewski had made the declaration referred to by me."

Nothing could be more clear than that statement. So long, then, as the arrangements stood which were come to at Zurich the Emperor would not claim any territory, but he had before the war and all throughout informed the Sardinia Minister, and the French Minister informed Earl Cowley, that in case Sardinia claimed any further aggrandizement, France would then insist on the enlargement of her territory. It is true that the British Government made four propositions, which have been stated to this House; but they were then intermeddling in affairs in which they had no concern, for such were the complications and difficulty in dealing with the Italian question, that it would have been wiser to let the Italians settle their affairs themselves, instead of contriving propositions. M. Thouvenel added:—

> "The Preliminaries of Villafranca, and subsequently the treaty of Zurich, left the territorial distribution of Italy, with the exception of Lombardy, as it had been before the war. The different States were to form a Confederation of a purely defensive character. The French Government desires no better than that this plan should be realized, and there will be no motive for raising the question of any territorial concessions in regard to France."

Nothing could be more plain than that statement. "But," the French Minister proceeded,—

> "The aspect of the whole matter has completely changed, and Her Majesty's Government have themselves made proposals, which must lead to one of two results. Either the people of the States of Central Italy will pronounce themselves in favour of a Central Kingdom, or they will persist in asking to be annexed to Sardinia. In the former case, the French Government, considering that the solution would partake of the nature of the arrangements made at Zurich, will not think it necessary to look to the more immediate safety of the French frontier. But the French Government could not consent to the formation of a kingdom of above 10,000,000 souls in the south of Europe without taking precautions for the future security of France."

Therefore, the whole matter comes to this:—The French Emperor says, and says very truly—The aspect of affairs is totally changed; the British Government has made four propositions, the last of which may lead to the annexation of Tuscany to Sardinia, and that annexation fulfils the condition on which I stated I would take Savoy and Nice. Consequently the British Government have led to this state of things, and it is necessary that we should hear something more than we have yet heard from the noble Viscount opposite. The noble Viscount, relying on a blind majority, tells us, when we ask for information, that we ought to propose a vote of censure; but the noble Viscount should remember that a majority is but a doubtful element of strength. It is one that has failed him ere this, and may fail him again. And even were the minority less than it is, it is but fair that they should seek for information, and it is the duty of the Ministers to give it. I find that subsequently the noble Lord the Foreign Secretary receives a despatch from Earl Cowley, dated the 10th of February. In that despatch Earl Cowley states:—

> "I had an opportunity of seeing the Emperor yesterday, and I had the honour of having some conversation with His Majesty on the subject of the annexation of Savoy to France. His Majesty did not deny that, under certain eventualities, and on the grounds stated in my despatch of the 5th inst., he might think it right to claim a proper frontier for France; that he believed that the wish of the Savoyards was to be united to France; and that he could not understand why in the case of the Duchies the wishes of the populations were to be attended to, and that the same principle should not prevail with respect to Savoy."

Very good. The noble Lord opposite, with the assent of the Cabinet, writes out and says:—"The will of the populations of Italy must determine their form of Government;" and now this policy had been carried to a singular pitch, when Kings and Queens move off like sentries when the time was up, and people voted by universal suffrage what form of Government they would have, whether republican or monarchical, according to their caprices. The noble Lord could not have been aware how his own proposition would be so retorted upon him. The noble Lord is the advocate of a popular form of Government, but he inspires me with terror when he says that whether there are to be Dukes, Kings, Emperors, or Popes, must depend upon universal suffrage and the number of votes deposited in an urn. The Emperor of the French, however, accepts the principle, and hopes that it will be applied to his own case. He thus fairly retorts their argument of universal suffrage on Her Majesty's Ministers; and I shall be glad to learn from the noble Viscount at the head of the Government what case they have to make. Admitting that the noble Lord, in July, made a statement in this House, yet he was immediately after informed by the Swiss Minister of what was about to happen. He was also informed of it by Earl Cowley; but from that time up to the present hour there has been no appeal to the parties who, according to the noble Lord, ought to be consulted before the Treaty of Vienna is subverted. This, then, is one of the most important questions which the House has had before it for a considerable time. Gentlemen who are in favour of reduced Estimates and of peace should never object to a right understanding of the foreign policy of this country, because it is in vain that they seek for a reduction in expenditure, while, according to the noble Lord, the tranquillity of Europe is threatened by a policy which they themselves encouraged and, indeed, created. I do not censure the French Emperor. He is an able man, avows his policy and seems inclined to revive the traditions of the Empire. At present he is an Emperor without an empire, and would like to furnish himself with one in the easiest way possible. His are not peddling, but great designs. "The people of Savoy," he says, "would rather live under my Government." But then he objects in their case to universal suffrage. The mayors, if they choose, may let him know how they wish the thing to be done, and he has a corps ready to march in and settle the dispute. Meanwhile this able man has an interview with Mr. Cobden on the 24th of December, in which he says:—"Territorial aggrandizement is far from my thoughts. By the way, your coal is the only fuel suited to the consumption of my navy; but there is a race of men in England called Tories, who will have it I have some ulterior designs, and want to prevent me from getting that coal." Then you have a treaty of peace and commerce agreed to. Earl Cowley writes that two kingdoms are about to be annexed, and you write back to Mr. Cobden about the introduction of cotton twist into France on easier terms. Now, I do not blame those who wish for a great market for their manufactures; but I would put it to their good sense whether they have any doubt as to the ultimate intentions of the French Emperor. His Majesty knows this country well. He is the ablest Sovereign on the Continent of Europe, and he probably said, "I will give free trade to gratify one party in England, and I will take Savoy and Nice for myself." That is a very intelligible policy, but, if anything spoken by so humble a person as myself can ever reach the ears of so great a potentate, I would venture to remind him of an interesting anecdote told in a recent work (*Canning and his Times*) as having occurred during the voyage of the great Emperor to St. Helena. Some conversation about a camp library took place when the ship was in sight of the rocky island which was to be his grave. He called for this library, took out a book, and in a clear voice read the story of the benevolent fairy:—A farmer asked a fairy to give him what would be most suitable to his condition. She consented. First he asked for health for himself and his family; next fruitful crops; then an additional farm. The fairy granted all these petitions. He wished then for another farm, for a park, and a castle, and was denied none of these. But in a corner of the park was a strip of land which belonged to a neighbour who would neither sell nor exchange it. The fairy had warned him never to ask for what was unreasonable, but his evil genius prompted him to seek for his neighbour's land; and, as a punishment for his inordinate ambition he found himself remitted to his original state of destitution and poverty. There the Emperor closed the book. "This, likewise, has befallen me," he said, "and behold I am at St. Helena." A picture of a great man moralizing on his fallen condition! I believe, with the noble Lord, that the policy which has been pursued in this particular matter is one of the last importance to the peace of Europe. I do not think he has been judicious in following that policy, and therefore I say that the inquiry for information has been a reasonable and a just one.

MR. MONCKTON MILNES said, he should rejoice if the Motion should have the effect which it was intended it should, of inducing Her Majesty's Government to bring this question forward in a proper manner. The relations between France and Savoy and Nice depended upon several historical circumstances, and were connected with important historical events. The right hon. and learned Gentleman had given a picture of negotiations, to which he had stated he could see no valid conclusion. But he had omitted one point. When he stated that Count Cavour made one statement and the Emperor another, and that the Emperor was right, his right hon. Friend had attacked the veracity of one of the greatest of European statesmen. He (Mr. Milnes) did not believe that Count Cavour had been guilty of any misrepresentation of the agreement between himself and the Emperor. No doubt what was said in the conversation at Plombières or elsewhere was, that if by any process of annexation Sardinia should assume an important position in Europe in a military sense, if she obtained the Quadrilateral and Venetia, then it would become necessary that France should be at liberty to demand a rectification of her frontier, and that in such circumstances Sardinia should not refuse to entertain the question. That was, no doubt, the agreement, if any, between the French Emperor and Count Cavour. But the condition had not been carried out. Venetia was not annexed to Sardinia but remained to Austria, and the Quadrilateral was still a menace for Sardinia and for Italy. Count Cavour, therefore, was perfectly right in the position he had taken up. To that moment he had asserted that if Savoy and Nice were given up, it could only be by an act of *force majeure* on the part of France, and not in consequence of any agreement between the Emperor and himself. This supposition rendered entirely explicable the difficulties and inconsistencies which the right hon. and learned Gentleman had perceived, and had been unable to solve in recent diplomacy. The Emperor of the French contended that the annexation of Tuscany and the Duchies was equal for all the purposes of the agreement to the annexation at first contemplated, and therefore he claimed the cession of Savoy and Nice. In making that assertion the Emperor placed himself in a totally fresh position towards Sardinia, which Count Cavour never recognized. He admitted that if the kingdom of Sardinia extended from sea to sea, the rectification of the French frontier on the side of Savoy would then come legitimately before Europe; but Count Cavour had never recognized the claims of France, so far as they were founded on the present position of Sardinia. If, therefore, Savoy and Nice were given to France, it would only be because Sardinia was not in a position to resist, and because having received from France the magnificent possession of Lombardy, it was impossible she could hold any other language except that almost of a dependent. The annexation of Savoy and Nice to France was one of those historical traditions that sunk deep into the heart of one nation, though it was almost impossible to make another nation understand it. The moment the question of the annexation of Savoy to France was started it ceased to be a question between "this man" or "that man;" it became purely a question of French national feeling, on which a prisoner in Cayenne might take as deep an interest as any one in the Imperial Court. Nor was the question new to French history. An Italian Confederation, the honorary presidency of the Pope, the exclusion of the Spaniards, who then occupied the position of the Austrians in Italy, were all proposed by Henry IV. to Queen Elizabeth, and that great Sovereign acceded to all these propositions. In the partition of Italy in the reign of William III. the cession of Savoy to France was acceded to by that monarch, who fully understood the foreign interests of England, and was by no means disposed to view with complacency an accession to the power of France. With their traditions it was natural that the French would not readily let slip the opportunity of strengthening their frontier, and obtaining the possession of the watersheds of their own rivers, when a railway carried under Mont Cenis might enable a foreign nation in twenty-four hours to cut off the communication between Paris and Toulon. Sardinia had ceased to be a petty state, and become a great Italian power, competent to form alliances and to enter into confederations with other powers, and she might possibly, in the event of an European war, join in a coalition against France herself. If Sardinia had opposed the propositions, then the question of the annexation of Savoy was a question that might well be proposed to an European Congress. He did not think, even if Lombardy and the Romagna were annexed to Sardinia, that the new Italian State would, as a military Power, be dangerous to France. At the same time she might be entitled to a rectification of her frontiers, and he repeated he should be glad to see the question of the annexation of Savoy referred to an European Congress. The other question was a different one. He had no desire to wrest from Austria any part of her dominions, but he had for many years resided in Italy, and he felt it was impossible Lombardy could continue to form part of the Austrian Empire. He could not regret to see it form part of an Italian State. And it was desirable that by some arrangement Venetia should be restored to Italy; an enormous expense and difficulty would be saved to Austria in the present embarrassed condition of her empire. Her Majesty's Government had been blamed for the course it had taken on this question. The present system of transacting the business of the Foreign Office by private letters rendered it almost impossible to pass any fair criticism on its proceedings. He did not suppose the communications laid on the table were all that had passed; but he was willing to believe that any other documents were in conformity with those that had been published. Her Majesty's Government had been blamed for not taking a more open and distinct course on this question. It was said that England should have hounded on the other Powers of Europe to terrify France from this annexation of Savoy. For the peace of Europe and the world he believed this course would have been most disastrous, and it would have entirely failed of its purpose, while it would have placed England almost in a position of ignominy. The other Powers would have found no difficulty in giving a satisfactory, but perhaps insulting reply to the demand. Austria might reply, "You allowed me to be deprived of one of my richest provinces, to be despoiled of the Iron Crown of Lombardy without a word of remonstrance; but now, on this petty question, because it may tend to aggrandize France, you ask me to raise a clamour against her, and place myself in a position of extreme peril by interposing." That was the language Austria might have held, and been justified in holding. He was glad the noble Lord the Secretary for Foreign Affairs did not attempt to take this course. It would be better now to be content with taking the English position, and protest against the measure of French aggrandizement, leaving any further interference till the time when the difference between France and Sardinia may be brought before an European Congress. But as long as Austria retains possession of Venetia and the fortified Quadrilateral, Sardinia must be insecure, and ought not to be called on to give up an inch of territory, and Savoy would be justified in maintaining the position it has hitherto preserved. They had lived to see districts of the world hitherto believed to be barren and worthless filled with population and rich in productions of the utmost benefit to mankind. He hoped they might see a still greater improvement; to see a population hitherto supposed to be servile and weak rise up and become an independent nation. This, he believed, was the future prospect of Italy. He trusted every point connected with Italy would be considered with reference to her great future prospects. And, if France should acquire some increase of territory by the cession of Savoy, if the people of both countries were not unwilling to consent to exchange rulers, the world might be a great gainer, even though France herself might have gained something also.

Mr. BAILLIE COCHRANE said, he rose to enter his protest against some of the opinions he found in the correspondence, and which had been announced by the noble Lord the Foreign Secretary. It was stated in these despatches that countries had the right to choose their own rulers. Now, would the noble Lord admit that principle if the people of the Ionian Islands petitioned, as he understood was the intention of the inhabitants of Zante, to be annexed to the kingdom of Greece? He should wish to ask the noble Lord whether he was prepared to extend the doctrine which he had thus laid down to the Ionian Islands; for if the principle that a people might assemble together and choose their own Sovereign were good in one case he saw no reason why it might not be resorted to in another. For his own part, he deemed such a doctrine to be calculated to subvert alike order and good government. But the noble Lord asked, Why discuss the question of the annexation of Savoy to France unless the House of Commons was prepared to enforce its opinions by having recourse to arms? The simple answer was that it was desirable to enter into such a discussion in order to show the unsoundness of arguments such as those which were advanced by the Emperor of the French. The question was not simply a question of annexation, it was one rather of a future annexation policy, and the arguments on which it was supported, and if they were allowed to pass as unanswerable, the annexation of Savoy might be brought forward with greater force as a precedent hereafter. Now, the Emperor of the French, in his address to the Chambers, had made use of three arguments in support on the view of the subject which he entertained. The first of those arguments was that he deemed it to be his duty to annex Savoy to France, but that could only mean that he felt himself called upon to add to the territories of the French Empire on whatsoever side it should seem to him desirable. The second argument was that Savoy was so small a country that no objection could reasonably be offered to the course with respect to it which he proposed to take; but Switzerland was small also, and in close proximity to Savoy. Let Savoy be annexed because it was so small, and in process of time Switzerland would be annexed also, and so on with other territories to whose frontiers the establishment of this principle would shortly bring the aggrandizing power of France. But then the Emperor went on to contend that the limit which he was about to fix to France on the side of Piedmont formed the natural geographical boundary of his dominions in that direction. If that were so, what, he (Mr. B. Cochrane) should like to know, was to be the boundary of the province of Nice? Was it to be Nice or that spur of the Alps which extended down to the Mediterranean at St. Remo? Or might it not come to pass that the geographical boundary of France in that quarter might be regarded as capable of being extended with still greater advantage to Genoa? In fact, he saw no limits which could be set, if such arguments were to have weight, to the march of Imperial policy. He had given on a former occasion full credit to the noble Lord the Secretary for Foreign Affairs for the language which he had employed in those despatches, copies of which then lay on the table; but additional despatches had since been produced in which he thought he could trace precisely the same spirit by which the policy of the noble Lord had been animated as represented by the noble Viscount at the head of the Government in 1848—a policy by which, in his opinion, much of the suffering of Italy had been occasioned. And what, let him ask, had Sardinia gained by her intercourse with France? What advantage had she reaped from it? What would be the result to her if the proposed annexation took place? Would the monument of Charles Emmanuel—would the magnificent statues at Turin illustrative of the ancient House of Savoy all be borne away to France when the King of Sardinia had given up the oldest inheritance of his family—that country which had afforded them a safe and secure shelter in the days of their difficulties and dangers? They might talk of the bleak and barren mountains of Savoy as unworthy of consideration, but the history of Savoy was the greatest and most illustrious in existence. But it was said that the people of Savoy themselves were anxious for the proposed annexation. If that were the case, if they preferred to live under the despotism of France to being subjects of the constitutional King of Sardinia, it would not say much for the Government of Piedmont. But it was not so. Every act proved the affection entertained by the people for the House of Savoy. For his own part, he earnestly hoped the noble Lord the Secretary for Foreign Affairs, as he had already interfered so much in the affairs of Italy, would, without any menace of war, so far interfere again, as to use all the weight attaching to Her Majesty's Government to prevent the accomplishment of an annexation which, if carried out, would be an act that could only bring disgrace upon its perpetrators.

MR. HORSMAN: Sir, I am very glad the Government have afforded the House an opportunity of discussing this question, for we have thereby presented to us the means of removing misconceptions as to the policy of the Government, and also as to the views of private Members. I am, of course, aware of the great difficulties by which the noble Lord the Secretary for Foreign Affairs is beset in dealing with a subject so important, and I, for one, have no wish to say a word by which those difficulties might be increased. I trust, however, it is not too late to dissuade Her Majesty's Ministers from setting before us the alternative of open war or silent acquiescence in the annexation of Savoy as the only one within our reach. I for one am not prepared to accept that alternative, and I trust the House will be of the same opinion. The notice which my hon. and learned Friend the Member for Bridgwater (Mr. Kinglake) gave on this question had its origin, I believe, in the language which was used by the noble Lord himself, when he stated in this House that if Russia, Prussia, and Austria were all to protest against the proposed annexation, that measure would not, in his opinion, be carried into effect. Upon that statement the hon. and learned Member for Bridgwater acted, with the view, I have no doubt, of strengthening the hands of the Government. Last night, however, the noble Lord seemed to interpret this proceeding of my hon. and learned Friend into a desire to promote a war with France; but, for my part, I think that, although there are very few subjects on which the 600 and odd Members of which this House is composed could completely concur, yet that, in condemning the Minister who should make the annexation of Savoy a cause of war with France we should all be unanimous. But I may be asked what alternative I propose. I find in a despatch written by the noble Lord, which has been deservedly applauded, and of which I have on a previous occasion expressed my warm approval, there is this paragraph:—

> "But the question of the annexation of Savoy would be regarded not so much as composing past troubles as raising the elements for new storms. Natural frontiers—the Alps and the Rhine—the repetition of the history of long and bloody wars—the commencement of a new struggle between France and Europe,—such are the ideas which would pass through men's minds at the announcement of such an acquisition."

It appeared to me last night that there was a contrast between the spirited despatch which treated the annexation of Savoy as a European question, and the language of the noble Lord, who seems now inclined to reduce the matter to a simple question between Savoy and France, and the cession of a few mountain-tops and half-a million of subjects. But that is not the question. It is whether France, a great military Power, shall acquire a new military frontier. France at present has no pass into Italy fit for artillery. She is about to get one, and she attaches great importance to it. The gain to France we must look at from a French point of view, while the danger to Europe must be considered in the spirit of the noble Lord's despatch. For the last forty-five years France has been complaining of the treaties of 1815, which she regards as humiliating and unjust to her. The Emperor of France, upon whose policy it is our duty to comment, although I admit we should abstain from remarks of a merely personal character—has encouraged the belief of France that he is destined to relieve her from that wrong and humiliation. But what were those treaties? The nations which had been for a series of years trampled under the heel of France at last succeeded in overthrowing her dominion, and then determined that, while France should continue in future to be a great Power, she should have a defined frontier. A proposal was made for the dismemberment of France, but was prevented from being carried out by the Duke of Wellington, who said that two things were necessary for the good of Europe—that France should remain a great Power, and that she should have a defined frontier. He wished France to be great, but not too great, and those treaties were securities taken by the other Powers of Europe against what had been for 200 years the traditional policy of France—a policy of war, aggression, and aggrandizement. I ask, under those circumstances, what right has Sardinia or any other Power to liberate France from the restrictions that were placed upon her for the general protection of Europe? I ask, too, what right has any party in this country—still more what right has any Government to allow this question, which is a great European question, to become a mere question of a few mountain-tops, and the transfer of a small population? It will be said, What are we to do? Have our statesmen no alternative but war or acquiescence? There cannot be such blindness, such political cowardice, as to abstain from interference, because Savoy is so distant. When the Italian war broke out last year the oldest diplomatists predicted that France was about to enter upon a new career. France now considers herself as liberated from the treaties, and enters upon that new career. The noble Lord in the despatch I have referred to says that any alteration of existing arrangements would create great distrust. Now, what does distrust mean? It means increased Estimates in England, preparations for war in Europe, and the confusion, embarrassments, and interruption to commerce which we all deprecate. Peace to the mind of a statesman does not mean the simple absence of actual war, but an absence of the aggression that leads to war, and it is for a statesmen to say "I must secure peace by taking those securities which will alone preserve it." Then, I shall be asked, What are we to do? In that spirited despatch of the noble Lord he refers to the Rhine, and in a speech which he made last year to his constituents, he referred to Belgium, and said that if Belgium was attacked, we should be obliged to go to war. I say the natural policy of this country, if we would provide for dangers which we see approaching, is to take precautions and to make alliances with those Powers which, like ourselves, might be threatened by the danger. That is the traditional policy of England and the policy we ought to adopt. The taste for aggrandizement will only be increased by indulgence, and sooner or later we shall be compelled to confront the danger. During the reigns of our greatest monarchs, in the times of Elizabeth, of William, of Anne, and in the time of the two Pitts, the policy of England has ever been to form alliances in order to check the aggressive tendencies of any single European power. And I say I think the Government would have done well now if they had entered into an alliance with Prussia as a protest that could not be mistaken against this aggression—this challenge to Europe making that alliance prospective in its operation; but, instead of doing that which would have been a wise policy, they are hugging a Commercial Treaty, thinking that from that we shall get the security against the aggressive attitude of France which we can alone obtain from continental alliances. I rose to vindicate my hon. and learned Friend and myself from the insinuation that because we disapproved the annexation of Savoy we therefore were in favour of war. I do not believe there is a man in the House who would advocate such a policy; but I do say that a tame acquiescence would be a dangerous policy, an unworthy policy, and I think the noble Lord would have done well to have followed up his despatch, and to have frankly told the Emperor that as in former times the aggressive disposition of France had provoked combinations against her, so, similar conduct in the present time, might lead to similar combinations in Europe. That would have been a dignified course; it would have placed the Government in a proper position before the country and in the eyes of the world, and if my hon. and learned Friend should renew his Motion at some future day, I hope we may then be able to extract from the Government a declaration that that is a course which they have felt it due to the character and honour of the nation to pursue.

Lord HARRY VANE said, that as the hon. and learned Member for Bridgwater intended to bring the subject before the House at some future day, it was not desirable on the present occasion to continue a discussion which might possibly prove of an irritating character upon the mere question of a production of papers. At the same time it was desirable that the House should express an opinion, for, although he would not indulge in vituperation of the French Emperor, he felt there were great principles involved which at the present time made it expedient that the House of Commons should pronounce a deliberate opinion. He quite agreed that those who desired discussion did not desire war, but rather to make a protest for the future, more than for the present. No opportunity should be thrown away of making alliances with other powers, as it was impossible to say where such proceedings as those contemplated by the Emperor of the French would end, if no check were put upon them. He had risen, however, principally to express his regret that so much of the correspondence relative to the annexation of Savoy and Nice had been carried on in private letters. There could be no doubt that the attention of the Government had been directed at a very early period to this project of the Emperor of the French, which had never been finally abandoned. He hoped the Government would in future take care that there should be a record preserved of every important conversation that took place between the Foreign Minister of France and our Ambassador in Paris. There was no other way in which the House of Commons could be kept duly informed of the events which took place. He had often heard accusations made by foreigners against our diplomacy, not of falsehood, but of something very like it, grounded principally on the fact that a very large proportion of the correspondence produced before the House of Commons did not give the real narration of the affairs to which they related. Many questions were thus wrapt in mystery, and no fair view of transactions could be obtained. As notice of a distinct Motion on this subject had been given by the hon. and learned Member for Bridgwater, he would not take up the time of the House further at present. He would only repeat that he hoped means would be taken to prevent Parliament being kept for the future so much in the dark with reference to important conversations and negotiations that were taking place between our representatives abroad and the Ministers of foreign countries.

Mr. DARBY GRIFFITH said, he rose to correct a fallacy which appeared to have run through the whole discussion. It had been assumed that the King of Sardinia had been exciting the national feelings of the people of Central Italy, and urging them to clamour for annexation to his Government. He would venture to assert that the very reverse was the fact, and to express his opinion that the Government of Sardinia had been by no means the *primum mobile* of the sentiment of liberty in Italy. He believed that for a long time the King of Sardinia, in the exercise of a judicious prudence and reserve in the treatment of such important events, connected with so many elements of danger and disturbance; had shown himself extremely unwilling to be mixed up more than was necessary with the affairs of Central Italy. Indeed, the people rather considered him as hanging back, and not so ready to undertake direct responsibility in their favour as they wished him to be. The feeling throughout Central Italy in favour of annexation to Sardinia was entirely spontaneous, and printed placards might be seen in September last, affixed to every house of Bologna calling for annexation. He made full allowance for the difficulties of the Emperor of the French, and he had no doubt the two Emperors, when they concluded the Treaty of Villafranca, *bonâ fide* believed that there would be no difficulty in restoring the Dukes to their position. But the feeling of the people of Central Italy had never varied; it was for nationality, as far as they could realize it. They saw that before them in the Constitutional Government of Sardinia; they very sensibly determined to look no further, and their annexation was now being submitted to the test of universal suffrage. He denied that the noble Lord by any intervention of his had promoted a policy which must eventuate in the annexation of Savoy to France. He had, on the contrary, faithfully adhered to the principle of non-intervention, which the people of this country were so anxious to see fully carried out. The difficulty with regard to Savoy arose from the changing course of events. It was no imputation upon Count Cavour if, for the sake of what had been held out as the liberation of Italy from the Adriatic to the Alps, he had been ready to make some small sacrifice of Sardinian territory. But, that magnificent programme not having been fulfilled, France was not entitled to regard the proposed annexation of Central Italy to Sardinia as an equivalent for Venetia, and to demand Savoy for herself. Central Italy had never been at the disposal of the French Emperor, and therefore he could not fairly ask for any compensation for it. It was a fundamental error to ascribe the aspirations of the Central Italians for national independence to the instigation of Sardinia. They had been determined, at whatever sacrifice, to shake off foreign thraldom, and he could testify from personal observation, that they were one and all ready to undergo the greatest extremities of human endurance rather than fail in that patriotic object. The lust of dominion was a passion of human nature which the Emperor of the French had kept in abeyance during the war in Northern Italy; but it seemed to have returned when the illusion as to a Kingdom of Etruria for an Imperial Prince had been wholly dispelled. By refusing to participate in the recent struggle, but by enunciating and maintaining by peaceful means the principle of non-intervention, England had secured for herself one of the greatest moral triumphs the world had ever seen.

Mr. KINNAIRD said, that in his very able speech the right hon. and learned Member for the University of Dublin had attributed the proposed annexation of Savoy to our Government having made its four propositions on behalf of Central Italy. That opinion, he thought, would not be borne out by the official papers. The right hon. and learned Gentleman had made an attack upon Count Cavour. Having himself the honour of that distinguished man's acquaintance, he must say that he could not believe that Count Cavour was open to the charge of dishonesty attempted to be cast upon him. If Italy obtained her independence, it would, humanly speaking, be owing to the eminent ability, indefatigable energy, and untiring zeal which had rendered this statesman the most prominent, as well as the most popular man in Italy. The substance of the attack made upon Count Cavour was, that in the despatch dated Turin, the 3rd of February, it was said that the Sardinian

Government had not the slightest intention to cede, exchange, or sell Savoy. Now, he believed that that was the determination of Count Cavour at this very moment; but it should be remembered that Count Cavour had a very difficult part to play. His first object, it was true, was the interest of his own country, Italy; but, at the same time, he had rejected the proposal which had been mentioned of taking the sense of the country by mayors, and within the last few days it had been announced that the sense of Savoy would be taken by universal voting. It could be proved that in the interest of his Sovereign Count Cavour had done all in his power to secure the independence of the Savoyards. In the debates in that House on this subject, hon. Gentlemen had all along spoken as if the annexation of Savoy was to be received as an accomplished fact. He, however, thought that if we had wished honestly to support the King of Sardinia in resisting this measure, it should not have been by holding the tame and lukewarm language that had been held in that House, treating the annexation as a thing that would be done. It would have been well if Her Majesty's Government had taken a stronger and bolder line from the beginning, which would have encouraged the other Powers of Europe to make a stand on that question. The opportunity had, however, been lost. Still, he should not willingly believe that the annexation would be executed; but if, unfortunately, it should be persevered in, he agreed with the right hon. and learned Member for Dublin University that the Emperor of the French would never have committed a greater political error, or one that would produce throughout Europe greater distrust as to further projects of aggression. He wished, before sitting down, to ask, whether, in the event of this annexation taking place, any security had been obtained for the independence and neutrality of Switzerland, which would be vitally affected by the step which it was currently stated was about to be adopted.

Viscount PALMERSTON: Sir, I am anxious to say a few words in reply to what has passed in the course of this debate. The right hon. and learned Gentleman who spoke after my noble Friend, misunderstood, I think, what was stated by me on a former occasion. He said that I, without reason, had laid down the principle that if these questions were debated in the House at all, it must be with a view of censuring either the Emperor of the French or Her Majesty's Government; and that, as far as an expression of opinion could go, I wished to preclude the House from discussing the matter, except on the ground of a formal censure. My observations related solely to what fell from the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) who I understood to have said that he thought the conduct of the Government open to considerable animadversion, and that it was one of the points which ought to be brought under the consideration of the House. But it never could enter into my mind to lay down a doctrine so much at variance with the proper functions of Parliament, as that a matter of European interest, connected with the foreign relations of this country, was not to be discussed unless it was brought forward by a direct Motion of censure on the Government. Now, Sir, I think the course which Her Majesty's Government have pursued in this matter is much more clear and consistent than would appear from the observations of the right hon. and learned Gentleman. When first the possible cession of Savoy and Nice to France was made known, as a matter which was still in doubt, my noble Friend immediately instructed our Ambassador at Paris to ask the French Minister whether there was any foundation for the report, and he was told by Count Walewski that the notion, if it ever were entertained, had been abandoned. Rumours doubtless existed that the plan was still in contemplation; but it was settled at that time, as is well known, that whenever the Peace of Zurich should be signed and concluded, a Congress was to assemble for the purpose, not only of taking cognizance of the Treaty, but also of considering the settlement of the affairs of Italy. And in that Congress the objections which England or any other Power might feel to any arrangement that might be dependent or consequent on the treaty of Zurich, or on the settlement of the affairs of Italy would naturally have been stated. There was, therefore, no great use in entering into an animated correspondence with the French Government in reference to a contingent event which was to depend on the discussions that would take place only when this Congress assembled; but as the House is aware, the treaty of Zurich was delayed for a considerable time, and it was not till very late in the year—indeed, I think it was not till the beginning of the present year—that it became known that the Congress would not be assembled. When we became aware of that fact my noble Friend, as will appear by the papers which have been laid before Parliament, did express a very strong opinion with regard to the contemplated Cession of Savoy and Nice to France. I cannot quite understand the opinion which the right hon. and learned Gentleman entertains on this subject: at one moment he seemed to censure my noble Friend for not having expressed the opinions of the English Government with sufficient firmness and vigour, and at another time he criticised a despatch as being too strong and energetic. In my opinion considerable judgment and discretion were required in determining the course which Her Majesty's Government ought to pursue. In the first place, as was stated by my right hon. Friend, the Member for Stroud (Mr. Horsman), it was quite clear this was not a question on which the issue of peace or war would depend. Whatever objections we might entertain to the proposed cession of Savoy and Nice to France, nobody could maintain that it involved the interests of this country to so great and direct an extent as to justify the Government in calling on the country to go to war with France in order to prevent that cession. As far as England is concerned, France—possessing Savoy and Nice—would not be a more formidable enemy in war than she would be without them. Any interference on our part, therefore, ought not to be viewed by the French Government, or by the French nation, as arising from jealousy of the power of France; it is not from apprehension of the power of France that we object to the annexation, nor is the case one in which, if our representations were unsuccessful we should think it right to take up arms to prevent the cession of territory from being completed. If that be admitted, then I think it is clear that some of the propositions which have been started in the course of this discussion would not have been expedient. We are told that we ought to have applied to the great Powers of Europe, and that we should have entered into an alliance with Prussia, Austria, and Russia, for the purpose of preventing this annexation. The only mode of preventing it, I think, was to represent to the Government of France the objections which presented themselves to our minds in relation to the transaction; and, unless we were of opinion that the matter was of sufficient importance to justify a resort to warlike measures, my own opinion is, that to array a hostile confederacy against France on this point would be a most injudicious method of endeavouring to accomplish our purpose. It would have roused the national feeling of the French people, it would have stimulated the sense of dignity in the French Government, and it would have borne an appearance of compulsion when we were not prepared to exercise the reality, which would have been more calculated to prevent the accomplishment of our wishes than to forward their attainment. There was one course which it was expedient to adopt when it was ascertained that the Congress would not take place, and when it was, therefore, evident that there would not be any opportunity of bringing this matter under discussion in the assembled Councils of Europe; what remained to be done was to state fairly and distinctly to the French Government the objections which we entertained to the fulfilment of this project, and to communicate those objections to the other Powers of Europe, in order that they, knowing what we had done, might, if they thought fit, take corresponding steps to urge further objections on the Government of France. Now, this is what was done by my noble Friend; and it is the course which appears to me to have been best adapted for the accomplishment of our purpose, without wounding the dignity of France or without placing the French Government in a position in which they could not have yielded without a sacrifice of dignity or of honour. The right hon. and learned Gentleman (Mr. Whiteside) says he does not yet know what my opinions on this subject are—that I have not yet stated them to the House. My opinions agree entirely with those of my noble Friend. I perfectly subscribe to every word in those despatches which he has laid on the table of the House, and which I think—with the exception of the right hon. and learned Gentleman—have obtained the assent and approbation of almost everybody who has expressed any opinion in reference to them. Indeed, I rather think, if my memory does not deceive me, that the right hon. Gentleman himself, on a former occasion, did justice to the spirit in which my noble Friend represented the Government of England in that correspondence. I consider that it would be a great mistake on the part of the French Government if they were to persist in this plan. When first the present Emperor mounted the throne—or rather when he first acceded to power in France—apprehension was no doubt excited in many of the Continental Governments that he might adopt the policy of his uncle, which was one that we know involved the whole of Europe in the calamities of war. The Emperor took an early opportunity of declaring that the Empire meant peace—a declaration which was received with the greatest pleasure and satisfaction by the whole of Europe, and which inspired confidence in the new policy which it was supposed he intended to pursue. I do not hold that in what took place last year in Italy there was any departure from that principle. France undertook a noble enterprise—that of freeing Italy from foreign domination—aye, and from French domination included, for it was part of the scheme of Italian liberty that France as well as Austria should retire from any future interference in the internal affairs of that country. It would have been—and should it so turn out, it will be—a most honourable, a most glorious result to the Government of France, if, after restoring to Italy the freedom and independence of which she has been so long deprived, France was content with the glory of that achievement, and abstained from mixing up with a generous enterprise any small or petty objects of selfish and local aggrandizement. Many reasons have been assigned for the cession of Savoy and Nice, but I cannot admit that any of them have any force or value. It is said that so long as Piedmont remains a small Power she continues to be the harmless neighbour of France, but that if she becomes so large as to contain a population of eight, ten, or eleven millions, she will become a Power formidable as a neighbour, and therefore one which in the nature of things requires that the French frontier should be made additionally secure. I must say that when a country containing about thirty-six millions of people, the most warlike on the earth in its character, full of resources, and compact in territory, holds such language as that, and asserts that it is in danger from a State having a population of only eight or ten millions, it is an argument which cannot, I think, be gravely and seriously maintained, and which is not founded on truth or in reason. It is also said that France ought to have her natural boundaries, and that the population of Savoy speaks the French language. Why, Sir, in the first place, history tells us that natural boundaries are no defence whatever. What instance is there on record in which an army of sufficient amount determined to invade a country has been stopped either by rivers or by mountains? Therefore, whether the watershed of the Alps is in the possession of France or of Sardinia, France, as long as she continues to be the stronger Power, will be able to enter Italy; and should the Sardinians be insane enough to attempt to invade France, the French armies would give such an account of the invading force as would not encourage a repetition of the attempt. But it is said that Sardinia might be a member of a confederation. and might open the passage to the troops of other countries. The answer to that is plain. Such a confederation must, if it exist at all, consist of Powers north of the Alps, and those Powers, if they meant to invade France, would not descend to the Tyrol, pass along northern Italy, and go back again over the Alps, but would take the more direct and natural course of attacking France on her eastern frontier. Another answer is, that I do not think it enters into the imagination of any Government in the world to attack France without some great and adequate provocation, and therefore, if the Empire is peace and means peace, which I believe was a sincere declaration on the part of the Emperor, it is not in the nature of things conceivable that there should be any confederation to join Sardinia in an invasion of France. But, Sir, the objection which we feel to the cession is not, as I have said, an objection founded upon any direct British interest, because danger to England from the annexation of Savoy and Nice to France there would be none. It is founded upon the danger to Europe which would rise from the precedent—from the principle which such an annexation would establish. For, Sir, if you come to natural boundaries, and if the country which claims them is to be the judge of where they are, it is very easy to see that Europe would find it very difficult to decide where danger would begin and where resistance upon a grand scale ought to be undertaken. If language were to be the measure of aggrandizement, it is plain that it would be difficult for many countries to show that they had a good title to possessions which they now hold. Therefore, these two principles of natural boundaries and of community of language are principles the establishment of which would be very dangerous to Europe, however small, comparatively speaking, might be the instance in which they were carried into effect. There is one case in which the cession of Savoy to France would be attended with direct danger to a country whose independence it is the interest of all Europe—aye, I will say of France herself to maintain—I mean Switzerland. We are asked whether any steps have been taken to provide for the security of Switzerland in the event of this cession taking place. We have not taken any such steps, and I will tell the House why. Because, if you begin to talk about the modification of a measure which you want to prevent in its entirety, you weaken the ground upon which you stand. It will be time enough to talk of that when, if it ever happens, the cession shall become inevitable; and therefore I think it would not have been prudent to talk to France about the conditions on which the cession of Savoy should take place, so long as it was the opinion of the Government that events might occur which would prevent that annexation being carried into effect at all. On what grounds, then, I may be asked, can the Government, can this House entertain the opinion that that cession may not take place? In the first place, the French Emperor has stated that Savoy shall not be taken by force of arms; in the next, that it shall not be taken without the consent of its own Sovereign and people; and again, that it shall not be taken without consulting the great Powers of Europe. And when you say "consulting the great Powers of Europe," it seems to me to follow as a natural consequence that it will not be taken without their assent. Well, then, if these conditions are laid down and adhered to—abstinence from force, the consent of the Sovereign and people of Savoy, and the assent of the great Powers of Europe—I think we are not yet come to that point at which we are justified in holding that reason and reflection, and a due regard to the honour of France, may not induce the French Government to abandon the project which they have hitherto entertained. Now, we are told by an hon. Member opposite (Mr. B. Cochrane) that with regard to Tuscany we have been laying down a principle which might be applied to the Ionian Islands; and we have been asked why, as we have said that the Tuscans should decide by universal suffrage what should be their condition, we do not apply the same rule to the Ionian Islands. The answer is obvious. In the first place, we did not propose universal suffrage to the people of Tuscany. We said that it was not part of our habits or constitution, but that they were the best judges of what suffrage it became them to adopt. More than that, it happens that in the case of Tuscany—and this distinction applies to Savoy as well as to the Ionian Islands—that in the case of Modena, and in the case of Parma, the Sovereigns had fled; they had done that which James II. did in England, they had left their countries without Governments, and the countries so left had established provisional Governments, and had determined that they would not permit these runaway Sovereigns to return. But we are not the Sovereigns of the Ionian Islands, but only the protecting Power, and we have not yet run away from them, therefore, until that happens, the parallel cannot be drawn. Again, with regard to Savoy. The King of Sardinia still reigns in Savoy, and therefore it is not to be maintained that, because the people of Tuscany are to be left to determine their own condition, therefore for the same reason the people of Savoy should, upon their own authority, without the consent of their Sovereign, without the consideration of the other Powers of Europe, be invited to go to the poll and say to whom they will belong. It appears to me that we did on the whole pursue the course which was best adapted to the purpose which we had in view. We inquired of the French Government whether a certain intention was entertained, and we were told that it was abandoned. We knew that if it were resumed, and if the event upon which it hinged were to occur, the proper place for making our representations would be at the Congress at which it was to be settled. When it was apparent that no Congress was to meet, we communicated our strong objections to the French Government; and when we had done so, not endeavouring to array the other Powers of Europe in hostile confederacy against France, we informed them of our objections, and of the grounds on which they are founded. It is for them to determine whether they will state their objections to the Government of France; but that Government has announced its intention to consult them, and therefore they will be obliged in reply to state the views which they take of this subject. In our opinion it is a question of European interest. I cannot help thinking that the great Powers of Europe will take the same view of it as we do—a view devoid of passion, not tinctured by jealousy, not founded upon any feeling that can be offensive to France, or at which she can justly take umbrage, but a view founded upon considerations of general European interest, which, I hold, are of as much importance to France as to any of the other Powers concerned. If these European Governments, when consulted by France, state in a calm, temperate, and friendly manner the reasons which induce them to think that this measure would be unadvisable, I cannot divest myself of the impression that the Government of France. will see that it would gain more advantage by preserving the good opinion and confidence of Europe, by disabusing the Powers of Europe of any feelings of jealousy or suspicion as to ulterior designs on the part of France, than it could derive from the acquisition, not as my right hon. Friend supposed my noble Friend to have said, of a few mountain tops and half a million of people, but of a district which, whatever its value may be, is really comparatively unimportant to France as a territory that would give her any addition of military or physical strength. With regard to the other point adverted to, I cannot but congratulate the Government, the House, and the country upon the prospect which the accounts received this evening seem to hold out that by a quiet manifestation of public determination Tuscany is likely to aggregate herself to Sardinia, and that there wil be created in northern and central Italy a State which, by the freedom of its institutions, by the independence which it will have acquired, may hold out a fair prospect that Italy may a third time rise to the eminence in the civilized world which she occupied in the days of the Roman Emperors, and again during those periods when the revival of arts and literature placed her States—though she was not then, as in the former period, a great military Power—in a position of honour and glory which as long as history endures will be looked back to by Italians with just satisfaction and pride. If such an arrangement be accomplished, we shall see a development of talents, public spirit, and civilization which England may be proud of having contributed by its moral weight and influence to bring about. I must say that if we contrast the judgment, moderation, temper, and statesmanlike qualities which the Italians have shown during the last twelve months with that less laudable spirit which was displayed in 1848, we may entertain the strongest hopes for the future. With regard to one Italian statesman, who has been somewhat unfavourably mentioned during this debate—Count Cavour—whatever may be thought of him by those whose policy he has thwarted, and whose views he has defeated, I can only say that Italy, both present and future, will regard him as one of the most distinguished patriots who have adorned the history of any country. She will owe to him as great obligations as any nation ever owed to any of its members; and with the conviction of what he has done for Italy he need not be dispirited by any aspersions by which he may be assailed in any country.

MR. DISRAELI: As some observations of mine have given rise to this discussion, I would make a few remarks before it closes In the first place, I am glad to find that the noble Viscount the first Minister has recalled that unconstitutional dogma which he apparently laid down last night—that, in case the Opposition in the House of Commons were not satisfied altogether with the conduct of foreign affairs by the Government, it was their duty to originate immediately a vote of censure. The noble Viscount now says that he understood that I had indulged in language of animadversion on the conduct of the Government, and that I was bound in consequence to make such a Motion; but what I said was simply that their conduct was involved in so much mystery that it required explanation. I particularly guarded myself against any other object than a desire to obtain upon some points that information which it appeared to me the general wish of the House to possess. Indeed, it was clear, from the subsequent discussion, that the Government, and especially the noble Secretary for Foreign Affairs, felt that this was a rational desire, and that it was the duty of the Government to take measures to furnish that information, and it was with that impression that the noble Lord gave notice of a Motion to present papers in order to afford an opportunity for offering a defence of the Government on those points which appeared to require explanation. The noble Lord the First

Minister has spoken of some hon. Gentlemen in this House who would make the annexation of Savoy and Nice to France a cause for declaring war against France. He has never heard from me any expression of that kind. He has spoken, also, of some who would make the annexation of these Sardinian provinces to France a reason for England forming a league with the great Powers of Europe in opposition to such annexations. Again, I say, he has heard no expression of that kind from me. Nay more, he will allow that even the modest proposal of some hon. Gentlemen, that a protest should be presented, has received no sanction from me. At the same time, as this last point has given rise to so much misconception, and especially in the case of an hon. Gentleman who has sometimes taken a part in these discussions, but not always with the ability and information which he displays on other subjects—I mean the hon. Member for Birmingham—I may be permitted to inform the hon. Gentlemen that when he accuses Gentleman on this side of the House of a desire to involve this country in war with France because they recommend a protest in case the annexation of Savoy takes place, he would seem not aware that the very fact of having recourse to a protest is *primâ facie* evidence that a country is not going to war. He would seem not aware that a protest is a diplomatic instrument as formal as a treaty or a convention—not a mere burst of rhetoric; it is an instrument which expresses and records the feelings of a nation when they do not think it advisable or politic to have recourse to extreme measures. The present Government is not the Government, and especially the noble Secretary for Foreign Affairs is not the Minister who should take any objection to a course of this kind, or who should hold it as one of a hostile character, because, in the case of Cracow —where, by the bye, great doubts were entertained even by eminent jurists whether the Treaty of Vienna had really been violated, but where the English Government thought otherwise—we did not go to war, but we did protest; we recorded a formal protest, and sent it round to the different Courts of Europe. Who was our Prime Minister then? The noble Lord who now sits opposite to me as Minister for Foreign Affairs. I now come to the information which the noble Lord has afforded us to-night in presenting the papers, after giving formal notice, in order to explain the policy of the Government with respect to this impending annexation of Savoy to France. But the noble Secretary, in fact, forgot to make any remarks at all upon the annexation of Savoy. His whole speech was entirely upon the settlement of Italy. So far as the case is concerned which I put before the House very imperfectly at the end of a late debate, but which was reproduced to-night with brilliant and logical precision by my right hon. and learned Friend the Member for Dublin University (Mr. Whiteside), we have obtained from the noble Lord no information. He never denied the statement which I made the other night, not so confidently as I might make it now, with the evidence before us, because I thought that something lurked behind which the papers did not explain; he never denied that he had ample, complete, and repeated warnings of the policy of the French Government. Indeed, his whole observations—meagre and limited as they were with regard to the annexation of Savoy — started unfortunately from the very beginning. What was his first observation? As if he thought he would silence this side of the House at the outset, he made an observation which completely weakened his own case. He said, that whatever could be known with respect to the possible annexation of Savoy was known to the late Government, who were, in fact, more responsible for the affair; that it was known to the Earl of Malmesbury; and that the records in the Foreign Office did not prove that the Earl of Malmesbury had received any very satisfactory reply upon the subject. At another time I might argue and might prove that the Earl of Malmesbury did receive a very satisfactory reply; but I will take the noble Lord's own statement, and on his own showing I say that if, when he acceded to office he found that his predecessor had not received a satisfactory reply, his first duty obviously was to have pressed for one. I remember being told, when I sat on those benches, that we had taken office with all the responsibilities and the engagements of our predecessors; and if that were true in our case, it is as true and just in that of the noble Lord. The very fact, that according to the interpretation of the noble Lord, the answer of the French Government was not satisfactory, was a reason why he should have pricked up his ears and said, "The first thing I must have is satisfactory information on this matter of Savoy." However, there is no doubt from the evidence before us that totally independent of the late Government the noble Lord was obliged to make some inquiries. He received then that information which appears in the papers, dated in the early part of July, announcing that the Imperial Government had given up all intention of annexing Savoy. But the noble Lord has not contradicted my statement that during the interval between July and his Despatch of January he received frequent intimations from our own Ambassador at Paris, of the intention of the French Government to revert to their original policy in contemplation of events in Italy; and there is no doubt now, that, besides this information from our own Ambassador, the Swiss Government, deeply interested in this question, on which their existence and independence as a free people entirely depend, had impressed in every way, directly and indirectly, upon the representatives of the Queen, both here and abroad, the great anxiety which they felt upon it. The noble Lord does not contradict this statement, but rather confirms it. And what is his defence? The very weakest ever made by a Minister, but especially by a Minister invested with such great responsibilities as the noble Lord. "It is true," he says in his defence, "that I received these representations, but I thought nothing of them. I thought they were mere threats, and I treated them with indifference." But have they turned out to be mere threats? On the contrary, they have turned out to be grave and serious warnings of events which, notwithstanding the sanguine anticipations in which the noble Viscount has just indulged, I must express my conviction are on the eve of accomplishment. What are we to think then of a Minister who treats intimations which turn out to be grave and serious warnings on a subject of high policy as mere casual unimportant observations? To my mind, it argues a great want of perception in the noble Lord; and, surely, perception is a faculty eminently necessary in a Minister for Foreign Affairs. It appears, then, that from the month of July until the end of January only one solitary despatch—so far as a despatch expressing the policy of the Government is concerned—was written by the Foreign Secretary, although the noble Lord was aware, or ought to have been aware, that if Sardinia were aggrandized by the annexation of the Duchies and Tuscany, as a matter of course France would demand Savoy and Nice. I say, therefore, that if with that information in his possession, the noble Lord pursued a policy in Italy which greatly favoured and assisted the aggrandizement of Sardinia, to that degree and in that manner, he inevitably favoured and assisted the policy of France by affording her a pretext for carrying out her views with respect to the expansion of her present frontiers. That appears to me quite unanswerable; at any rate, it has not received an answer tonight, either from the noble Lord the Secretary of State or from the First Minister. The other charge, as the Foreign Minister calls it, or the other question upon which I wish to have an explanation, is why, when the noble Lord devised the plan for the settlement of Italy at the commencement of January, which was embodied in the four propositions, and when these propositions were communicated to the great Powers, did the noble Lord not communicate at the same time the cognizance he had of the inevitable policy of the French Government in the event of his scheme being successfully carried out? Upon that point we have had no satisfactory answer. The great Powers, our Allies, appear, as far as England is concerned, to have been left completely in the dark; and, indeed, on this head there is one despatch, which had not been mentioned in our discussion to-night, but which should be noticed. I allude to one dated the 16th of February, from Lord Bloomfield, to the noble Lord, in which he says that the Prussian Minister, who seemed to be in a state of some anxiety, doubtless in consequence of information he had received from the Swiss Minister, had asked him whether our Government had heard anything of the proposed annexation of Savoy and Nice to France, and what they intended to do with respect to it. Lord Bloomfield was obliged to reply that he had no instructions from the noble Lord opposite, except that the English Government had received no official communication on the subject, and I think he added that, as they had received no official communication, they thought the best plan would be to leave the matter alone. We now know what the noble Lord meant by saying that the Government had received no official communication. The communication was conveyed in those private letters of which we have heard, and with respect to which I urged upon the House the other night the importance of expressing some opinion. Private letters are perfectly legitimate as long as they are private, but it is quite against all rule, and will bring the utmost confusion upon public affairs, to allow any public functionary when his public despatches are produced and subjected to criticism to fall back upon his private letters. I say, then, that upon the second point which I wish to be inquired into—namely, why the noble Lord, when he communicated with the great Powers on the subject of Italy, did not frankly inform them what would be the inevitable consequence as regards the extension of the frontiers of France if his policy were successful—we have received no explanation whatever from the Secretary of State. What explanation, however, have we had from the noble Viscount the First Minister? The noble Secretary gave us a dissertation upon the settlement of Italy instead of the annexation of Savoy; but, so far as he touched upon the latter subject, he took a totally different view of the case from the First Minister. The First Minister did not think that the rumours concerning the annexation were utterly idle and indifferent, and were not to be regarded for a moment; on the contrary, the reason, according to him, of their course was, that they expected everything would be settled at the Congress. As the Congress was expected to meet in a short time, and as the supposed project of annexation could not be carried into effect until the Congress met, the Government thought it unnecessary for them to express their opinion to the French Government, to communicate with their Allies, or, in fact, to take any step to counteract or prevent a policy which, whatever may be the opinion of the House, is at least in the opinion of Her Majesty's Ministers pernicious and perilous. That is the statement of the First Lord of the Treasury. Let us see whether there is any weight in this difference between the noble Lords, and if there is any excuse in that view of the case for the unparalleled negligence of the noble Viscount and his colleagues. When did the difficulties arise which made the French Government recur to their original policy of annexation, and when did the notion first become prevalent that the Congress would not take place? There is no doubt that it was towards the end of November when the difficulties connected with the carrying into effect of the Treaty of Zurich came to be generally felt among practical statesmen, and when Count Walewski intimated to the English Government that, in consequence of those difficulties, in consequence of the preliminaries of Villafranca not being carried out in their spirit, it would be necessary for the French Government to reconsider their position, and that if the result of not carrying the Treaty of Zurich into effect should be the aggrandizement of Sardinia by the annexation of several Italian provinces, France then must—"must," not "might"—look to the annexation of Savoy and Nice as necessary to the completion of her military frontiers. The project of a Congress was not, I believe, formally abandoned till the beginning of January, but among statesmen I do not think there was one who was not of opinion towards the end of the year that the idea of a Congress was relinquished as impracticable. What steps were taken then by our Government? The First Minister dwells upon the Congress as the cause to absolve his Government from the charge of negligence, or, at least of indifference; but I ask what course was adopted after the plan of a Congress was given up? We know by the records before us that at the end of December, or early in January, the greatest anxiety existed in Europe on this subject. We know that the Swiss Government did everything they could to bring the anxiety they felt on the subject of Savoy under the consideration of Her Majesty's Ministers. I do not find, however, that our Government took any steps to reassure Switzerland, to influence France, or to lay before her those considerations of high and pure morality in which the noble Viscount has been so exuberant to-night. I want to know whether the Ambassador of the Queen, the noble Lord the Secretary for Foreign Affairs, or any other public functionary of authority and influence was authorized to lay before the French Emperor those considerations militating against his intended policy which the noble Viscount has expressed to-night, and which received the sympathy and approbation of the House. We have no evidence of it. Not a single thing was done during the six weeks preceding the 28th of January. Yet we know from private letters that Count Walewski was frank and straightforward in his explanations of French policy to our Government, although the noble Secretary of State treated the whole affair as rumour, pretence, or menace. We know that the Swiss Government took every possible means, with great energy, and with that perseverance which is a characteristic of the race, to bring the possible fate of their country before our Government. We know that our Ambassador at Paris was not wanting to his duty. Even when Earl Cowley was absent we have a despatch from the *Chargé d'Affaires*—not a common despatch, but one of the greatest importance and to which an answer ought to have been given in twenty-four hours in a manner to have influenced the Court at which he was resident. Nevertheless, nothing was done till a few days before Parliament assembled, and then we find a despatch from Earl Cowley in which the noble Earl predicting the storm that was rising, alluded to what he calls the interpellations which might be made in both Houses of Parliament, and knowing that, although he had warned the Minister frequently, his warnings had been expressed in documents which it would not be parliamentary to refer to, absolutely did that which, as far as my experience goes, is without example in the history of diplomacy—referred for his vindication to his private letters in his public despatches. An Ambassador must be hard pressed, a Minister must be in a peculiar position, when he pursues such a course. Parliament meets, and we are presented with a high-sounding despatch. We have had a high-sounding despatch before. Remember the Russian war. We now know the secret of the circumstances which led to that war. It was a grave secret. An accident revealed it. Fifty years might have passed before the secret cause of the Russian war—the communications which took place between the Emperor, Sir Hamilton Seymour, and Her Majesty's Government—could be discovered; but it was accidentally discovered. What happened then? We had a high-sounding despatch, recounting the history of the last of the Medici and the War of Succession; but that despatch, though written with so much literary ability, did not prevent the Russian war. Let us remember, then, that a rhetorical despatch is not a specific against an impending war, if causes exist in Europe calculated to bring it about. I sum up, therefore, in this way, so far as this discussion is concerned, the points upon which I require information—namely, why, with ample information as to the intentions of the French Government, in the event of the aggrandizement of Sardinia, to annex Savoy, Her Majesty's Government took no step whatever to influence the French Government to a contrary policy, while they pursued a policy in Italy which must necessarily lead to that aggrandizement? Why, also, when Her Majesty's Government communicated formally their plan for the settlement of Italy to foreign Courts, they made no simultaneous communication that the adoption of their Italian policy must necessarily bring about the annexation of Savoy and Nice to France? We have had no answer on these points, although we have been replied to by the two most eminent members of the Ministry. Let us now see what has been the conduct of France. Whenever we have made inquiries of the Government as to their foreign policy in this matter, the noble Lord has told us that questions might have a very pernicious effect upon our relations with our near neighbour. He has denounced these inquiries as irritating, as unstatesmanlike. He has told us that information of this kind, if sought for, should be sought for in a more formal manner; and of late—only of late—he has deprecated altogether any discussion. If, when the first inquiry was made about this business of Savoy, the noble Lord had got up in his place, and had said that communications upon the subject at the moment could not be made without serious injury to the public service, and had appealed to the patriotic forbearance of the House of Commons and of the Opposition, as far as I am concerned—and I can answer for every hon. Gentleman who sits on these benches—not a word from that time would have ever issued from our lips. But the noble Lord laid papers on the table, informed us of what had passed, and solicited our opinion. There may be hon. Gentlemen in this House who consider the conduct of the Emperor of the French highly alarming to Europe, and that it ought to be arrested at once by a decided course. But, as they sit on the same side of the House as the noble Lord, he has naturally as much influence upon them as upon us. I say that, so far from irritating conversations in Parliament, dangerous to the public interests, annoying and enfeebling the course of a Government, no British Minister has ever had any real cause for complaint of that kind. The noble Lord has himself placed papers on the table of the House. Why are these papers on the question of the annexation of Savoy laid upon our table if not to invite inquiry—not censure, and probably not confidence? The tastes of the Government are always in the extreme. Nothing seems to suit them but confidence or censure. But, Sir, there is a middle course. The House of Commons has the constitutional right to be made fairly acquainted with public affairs. But they have more than that right. They have a duty to fulfil when a Minister places papers on the table. They must consider those papers, and form an opinion upon them. If on reading those papers their opinion is that the information is imperfect, that it is obscure or involved in mystery, that the narrative requires explanation, short of the expression of confidence or censure, they are bound to take the usual Parliamentary means to make the information sufficient. And I am not aware, as far as I am myself concerned, that I have taken any other means than those which the custom of Parliament recognizes in endeavouring to obtain more ample and more accurate information than has yet been placed upon the table. But let us look at this point of our relations with France, and the danger to those relations in consequence of discussing this question of the annexation of Savoy, because that is why the noble Lord deprecates discussion. I said the other night, and I repeat it, that as far as the conduct of the French Government to the English Government—and therefore, of course, to the English nation—is concerned, it has been a frank, candid, sincere, and straightforward policy. I see nothing that we have to complain of as regards France. I do not see where our quarrel can be with France. France, according to my interpretation of these documents—and I doubt whether after this debate that interpretation can be successfully impugned—France has given timely and repeated notice of her policy. She has told us that if Sardinia be excessively aggrandized she must annex Savoy and Nice; and when there was a notion prevalent that by the Treaty of Zurich or by some arrangement in the spirit of the Treaty of Zurich, the ultra-aggrandizement of Sardinia would not take place, France informed us that she had renounced her policy; and among the latest documents on the table we find again the willingness of France expressed, if the Duchies only, irrespective of Tuscany, were added to Sardinia, although that would be a considerable aggrandizement, not to insist on her policy of annexing Savoy and Nice. I want to know then what quarrel, as far as the announcement of her intentions is concerned, we have with France? None. May all Powers always behave with the same frankness and candour. But this is not all. France told us fairly that if Sardinia were aggrandized, and became a considerable Italian Power, she must inevitably take this course of reconstructing her military frontier. And with that knowledge, Her Majesty's Government favoured a policy which, he knew, must necessarily lead to annexation. I do not want to enter into the merits of the Italian policy of Her Majesty's Government on this occasion, as it would only render confused the clear point to which I wish to confine this discussion. For the sake of argument, I will grant that it may be better for England that Sardinia should be a powerful State, and France should have her frontier extended. That may be the best policy for England; but we cannot turn round and denounce France for annexing the Sardinian provinces, when for months and months she has told us it would be the inevitable consequence and absolute condition of the policy which we were favouring in Italy. Therefore, I say, these are not discussions which tend to irritate and injure the French Emperor and the French nation. They are discussions which may irritate and injure somebody else. The French Government is not the Government which will be ultimately affected by a fair discussion and debate on this policy, and therefore I think we may remove that bugbear from our minds, and not allow ourselves to be thwarted in an expression of opinion upon the conduct of the Government at a moment of interest and importance. My hon. Friend the Member for Devizes (Mr. D. Griffith) in one of those entertaining and eccentric speeches with which he enlivens our debates, seemed to me to make a much better defence of the Government, than the noble Lord, the Foreign Secretary, or the noble Viscount, the Chief Minister. They seized with avidity on one of his ingenious speculations. The noble Lord, the Secretary of State, laboured with considerable power, and the Prime Minister followed his example, to prove what?—that they had not succeeded in aggrandizing Sardinia; that it must not be attributed to them, if the Duchies and Tuscany were annexed to that country; that they were not able Ministers; that they had no sincerity; that they had had no success; that it was a wild idea of the House of Commons, to suppose they had accomplished any good whatever, and that it was all mere chance. I gave them credit for deeper design and finer execution. I really thought that the noble Lord, the Foreign Secretary, who has been brooding over Italy for so many years since he first visited it and tried his 'prentice hand at revolution and renovation, had really matured an arrangement with such felicity, that success was inevitable. And I have always been saying, "It is a very serious thing that Savoy and Nice should be annexed to France. Still, though the price may be costly, the treasure gained for the price is not mean. We are in the hands of an eminent statesman, by whose ceaseless labour, happy vigilance, and blended prudence and courage, we shall have at last a chance of a free and independent Italy." "Not at all," says the noble Lord; "we have had nothing to do with it." When the noble Lord considered himself justified in sending proposals for the settlement of Italy to all the Powers of Europe, I thought at least there must be some moral influence in Her Majesty's Government under such circumstances. Nobody can read those proposals — nobody has ever read them, or ever will read them, without applying to them one sense only—namely, that if not a statesmanlike, it was certainly a safe mode, of accomplishing the annexation of the Duchies to Sardinia; and I really did not think the noble Lord would deprive himself and his colleagues of the fair renown which was to be gained by the successful accomplishment of that project. If that be the true view of the case, if France has from the first frankly informed us of her policy, if we, being thus forewarned, have pursued an Italian scheme that inevitably forwarded the policy of France, then I say that England cannot complain of the candour and conduct of the French Government, or of the policy they have pursued. But what is this policy? The noble Secretary is astonished that the House should notice this policy; questions are irritating, a conversation may be perilous to the peace of Europe. The noble Lord even did that which is a peculiarity of some members of the present Cabinet, but certainly not of himself—he lost his temper. He says it is not to be tolerated that the House of Commons should inquire respecting a policy which has been described by the Government, and therefore which humble Members like myself need not seek words again to give an account of it to the House and country. But I venture to say that there is no language on record more calculated to convey to the country that something is happening to alarm, to endanger, and to injure them, than the description which Her Majesty's Government, by the mouth of the Secretary of State, has given of the intended policy of France. The noble Lord's celebrated despatch has been read to-night, and is still fresh in every one's mind; but not merely in that despatch, but also in the House of Commons, one night, the noble Lord wishing, I suppose, to influence events, as a person of authority speaking in a place of authority, expressed the views of the Government on that subject. The words he used were not the calm expressions of the first Minister to-night. No! the noble Lord used language directly calculated to impress upon Parliament and the country that a crisis might be at hand of the most fearful kind; and he appealed to the highest feelings of the Emperor, and even calculated the horoscope of his futurity, to dissuade him from a course which might distract and alarm Europe, and lead to appalling consequences. If such be the policy of the Emperor—and remember it is not the Opposition, not an independent Member on either side of the House, who has given us this description of it—if that be the policy involved in the annexation of these two Sardinian provinces, is it to be expected that the House of Commons should be silent? Is it to be expected that hon. Gentlemen should not avail themselves of some opportunity of ascertaining whether there is or is not a chance of so terrible a danger being averted from the country? The very fact that a Minister should have written that despatch, made that speech denouncing this policy, would alone in old times and even in the present time have been thought a sufficient reason for devoting nearly every night to the subject. Hon. Members would naturally come down and ask Her Majesty's Ministers whether there is any prospect of less distraction and alarm in Europe than the noble Lord spoke of the other night, whether the danger which the noble Lord apprised us was impending over Europe may be mitigated, whether there is no chance of escape left open to us. An inexhaustible fund of inquiries on the Motion for adjournment on Friday! I look forward to Fridays with great alarm, after the denunciation of the policy of the Emperor of the French by the noble Lord. Every night we may inquire anxiously as to the prospect of the long and sanguinary struggles associated in men's minds with the policy of the Emperor of the French. I who take an interest in the peaceful settlement of France, and do not wish to see a change of dynasties, might inquire from the noble Lord whether any fair prospect of the present dynasty continuing really existed. It is unfair, after the Government have gone out of the way to alarm and terrify the country, for them to turn round on us if we ask for any information and say we are imperilling the peace of Europe and doing what is unworthy of the House of Commons. I do not denounce the policy of the Emperor of the French in the alarming language of the noble Lord; but I think it is a policy which demands the calm and careful consideration of the country. It is a policy which involves a great principle, and the Emperor of the French in his speech from his throne has not concealed the principle which regulates his conduct. He has recognized the natural boundaries of his empire, and every one knows, nay, the noble Lord the First Minister himself has fairly, and fully acknowledged to-night, what consequences may possibly emanate from the adoption of such a principle of action by a Prince so powerful as the Emperor, ruling over a nation which has had some sad, but at the same time, much celebrated experience of that principle in practice. I think it is a policy of very great danger, but I cannot see that with regard to the question of these annexations either the Government or the nation have any cause of quarrel with France. The Government of France have given us warning of their policy; we have worked to accomplish that policy; where, then, is our cause of complaint and controversy? But that does not alter the state of circumstances, and if those terrible consequences which the noble Lord has foreseen do occur—if that principle of natural boundaries of empires now to be countenanced by, as I believe, the certain annexation of Savoy and Nice be realized; if distrust and despair be spread throughout Europe; if there be scenes of horror and sanguinary war; if empires be overthrown and dynasties subverted — then I say it is the Minister, it is the Government, who assisted that policy who will be responsible to their country and to history for those calamitous results.

MR. KINGLAKE said, he would trouble the House with but few observations. In the first place, he agreed with the right hon. Gentleman who had just spoken in thinking that the tendency of the discussion had been, not to increase the venom which seemed at one time to be infused into it, but, on the contrary, very considerably to remove it. Much of what fell from the noble Lord at the head of the Government was, he thought, extremely gratifying. It was of importance that they should know as soon as possible whether, as the noble Lord said he had reason to believe and hope, the Emperor intended that the annexation of Savoy and Nice would not take place without the counsel and approval of the Powers to be consulted. If that were the case, there was an end to all discussion and all ill-humour. No one in the House had ever said that angry reluctance should be shown by the great States of Europe to consider this question if fairly submitted to them by the Emperor of the French. All he and others had said was, that it might be dangerous to Europe, if the annexation took place without the consent of the great Powers; and if they could be assured that it would not be done without that consent, then they would be content. He must say, however, that the noble Viscount seemed inclined to put more favourable constructions upon the conduct of the Emperor of the French than he did on that of the Members of the House of Commons. The Motion which he (Mr. Kinglake) had put on the paper suggested only a very slight shade of difference between the view he entertained and that which the Government had adopted; and yet the Ministers took it upon them to impute to himself and others who agreed with him that they were favourable to a war policy. He indignantly repelled that accusation. There was no man in the House who looked with greater horror upon the calamity of war than he did. It had been his fate to see something of the horrors of war, and if the sight of those horrors had had any effect on his mind, it was to increase his detestation of those who wickedly inflicted such evils on mankind, and certainly not to lessen the disgust with which they must all look on the cruelty of wantonly involving any nation in war. The noble Viscount had told them that the policy of the Empire was the policy of peace, and that the war of last year was no exception to that policy. He had waited with much curiosity to learn how the noble Lord would justify that extraordinary statement. The noble Viscount had justified it by asserting that the recent war was a noble enterprise. He supposed, therefore, that the noble Viscount agreed with the Emperor that it was a war for "an idea," and that as such it deserved the applause of England. For his own part, he believed that if ever there was a war begun more in cold blood than another it was the late war with Austria, from the first rupture on New Year's Day. The noble Lord seemed to think we were bound at the outset of any discussion with a foreign Power to make up our mind at once whether the question was one worth going to war about, and that we should disclose the result of our meditations. That was contrary to all diplomatic usage, was inconsistent with a course of peace, and was a mode of argument either extremely offensive or entirely imbecile. Though he greatly approved a great deal of the language used by the Foreign Secretary in the correspondence, yet, when the correspondence was compared with the events which followed, one could not help feeling that there was about the whole of it an appearance of the want of reality. The language had not produced its natural result. The noble Lord remonstrated in very strong and vigorous language; but his remonstrances appeared to be vain for all purposes, producing neither acquiescence nor irritation, nor counter argument, but being treated simply as null, and the French Emperor calmly proceeded to deliver his speech to the French Chamber, pleasantly alluding to his relations with Foreign Powers, and his intended annexation of these two provinces. What had transpired during the present discussion afforded some explanation of this matter. It appeared that in July the Foreign Secretary strongly protested against the annexation of Savoy and Nice, and was told, upon the conclusion of peace, that the idea had been abandoned. Afterwards, when it became probable that Central Italy would become annexed to Piedmont, it then appeared to have been fairly enough stated to Earl Cowley that in that case the Emperor would recur to the abandoned idea of the annexation of the two provinces to France. The noble Foreign Secretary said that, inasmuch as the event which was to cause the annexation was only contingent, he thought it his duty to abstain from making any protest against a merely contingent event; but the result was that our relation with France on this question was now very much altered, because the Government of France could say, "We told you all along that we should claim as a counterpoise this annexation of Savoy, and, though you before protested against the latter, yet when it was mentioned, coupled with the annexation of Central Italy, you did not think it necessary to express disapproval."

MR. SEYMOUR FITZGERALD said, he thought the tone of the noble Lord, the First Minister, had been much more satisfactory that evening than when he addressed the House on a former occasion, when he told hon. Members that if they proceeded to discuss this question of the annexation of Savoy they might probably endanger the relations of this country with France; and that, if they referred to the subject at all, they were bound to bring forward a vote of censure. Whether they would ever have an opportunity of discussing the question in a way to have any influence with regard to the annexation it was impossible for him to say; but it appeared to him that long before the House would have that opportunity the annexation would be completely perfected. The peculiar relation in which the noble Lord (Lord J. Russell) had placed himself with Earl Cowley had, in his opinion, put the noble Lord in a false position with regard to the House. No one acquainted with the character of the noble Lord the Foreign Secretary would believe him capable of want of candour to the House or of wilfully misleading it, yet the peculiar manner in which private letters were mixed up with official communications placed the noble Lord in such difficulty that it was impossible for him at an early part of the Session to answer the questions of the right hon. Member for Buckinghamshire without appearing to speak uncandidly or in a way to mislead the House. The noble Lord was asked whether he was aware of any communications or negotiations with respect to the annexation of Savoy and Nice, and what was his answer? The noble Lord referred to certain communications which took place last July, and said that any desire for the annexation of Savoy which had been felt by the French Government had been definitely abandoned, and he added that, as far as he knew, no negotiation was on foot for the cession of Savoy. Now, the noble Lord felt the difficulty of referring to private letters, which had informed him that between July and the time when he spoke the French Government had repeatedly warned him that circumstances had so far changed that they did contemplate the annexation, and, under certain circumstances, they must regard it as a political necessity. This showed the dangerous effect of a course which as he (Mr. S. FitzGerald) believed the noble Lord had adopted, for the first time in the history of our diplomacy, of mixing up private correspondence with the official communications of our Minister at a Foreign Court, and he trusted that for the future such a practice would be abandoned. As regarded the conduct of the Government in other respects, it was abundantly clear that it was liable to great disapprobation on two points. In the first place, it put us in a disadvantageous position with respect to France, as it almost placed France in the position of being right, and England in the position of being wrong, and the French Emperor was entitled to say, "I never concealed my desire or intention to effect the annexation of Savoy. During October, November, and December of last year I never ceased to tell you that on a certain contingency I should consider it a political necessity to possess myself of Savoy. I communicated that to your Minister; he must have communicated it to you—I care not whether by public or by private letters. Did you then hold to me the language of remonstrance which for three months past you have used, and which you now address to the House of Commons? Had I not every reason to suppose that you assented to this annexation? I told you that, in the event of a certain territorial aggrandizement by Sardinia, I should think it necessary, for the security of France, that she should possess Savoy. You continued to urge a policy the result of which has been the aggrandizement of Sardinia; you urged the establishment of a great Italian kingdom, and therefore I was entitled to assume that you considered that to be worth the acquisition of Savoy by France." The noble Lord (Viscount Palmerston) was still sanguine that this project of annexation would be abandoned. But from the beginning to the end of this business the Government had manifested a facility of conviction which was most extraordinary. First, the Foreign Secretary told the House that, after all, there would not be much danger, because the great Powers of Europe were to be consulted before the annexation took place. The Prime Minister had to-night repeated that conviction; but since those words were first used had not the Emperor of the French stated in his speech to the Chambers that, instead of "consulting" the great Powers, the subject would only be "explained" (*exposé*) to them? Nobody, in fact, now believed that the consent of the great Powers would be asked to perfect this annexation. Well, then, the House were told that the wishes of the Savoyards would be ascertained. But that project, too, had now been abandoned, and the will of the municipalities was alone to be taken. The noble Lord the Foreign Secretary had also told the House that there was a further guarantee, because, before the surrender of Sardinian territory, the Sardinian Parliament would be consulted. But he found a fact calculated to throw a curious light upon that point set forth in a journal which was at one time the most influential organ of independent opinion in France, but which was understood to be at present one of the organs of the French Government—he meant the *Journal des Debats*. From that journal he learned that, although Count Cavour's despatch, as it appeared in the telegram, contained an assurance of this kind, all reference to any expression of opinion on the part of the Sardinian Parliament was omitted from the despatch when inserted in the *Moniteur*. Thus, all the guarantees which were to secure a legal and peaceable annexation had one by one disappeared. The right hon. Gentleman (Mr. Horsman) had expressed the general feeling of the House when he said that this should not for one moment be regarded as a question of peace or war, and that any Minister who put the question in that shape deserved great condemnation; but it was certainly never suggested by any hon. Member on that side of the House that such a course should be taken by the Government. He (Mr. S. FitzGerald) had himself suggested that this country ought to take the initiative in expressing their disapproval of the scheme in the hope that the other Powers would follow the same course—not, as the noble Lord said, that it was ever their intention in this way to enter into an offensive alliance against France, but in order that the Government should give to foreign Powers an opportunity of taking a similar course, and of offering a like remonstrance against the intended annexation. In point of fact, the noble Lord stood self-convicted and condemned for not having done so. It was only on the 5th of March that the noble Lord said—

> "It is my persuasion that if this language of disapproval is held in Berlin, is held in Vienna, and is held in St. Petersburg, this project of annexation will not be persevered in."

But hon. Members would look in vain through the papers for any communications from the noble Lord to these Courts which would secure any such protest. His right hon. Friend (Mr. Disraeli) had pointed out a remarkable despatch on the 4th of February from Lord Bloomfield to the Foreign Secretary; but the noble Lord's letter to which that was an answer, was even more remarkable:—

> "I transmit for your information," it stated, "a copy of a despatch which I have addressed to Her Majesty's Ambassador at Paris respecting the rumour which has lately prevailed of a plan being in agitation for annexing to France Savoy and the county of Nice. Your Lordship will understand that you are not to read, still less give a copy of, this despatch to Baron Schleinitz; but in speaking to his Excellency on the subject, you will conform your language to what I have stated to Earl Cowley."

No steps, therefore, were taken to invite from the Court of Berlin an expression of opinion which, according to the noble Lord, would have been effectual in preventing annexation. He had looked in vain through the table of contents for any such letter to Sir J. Crampton or Lord Augustus Loftus. It might possibly have been written; but, if so, it had been carefully omitted from the papers on the table. In conclusion, he hoped that to-night, at least, no one would say that expressions had been used which were calculated to irritate the feelings of the French people, and were conceived in a spirit insulting to the Emperor of that great people. He could only say that at no time had he ever used terms expressive of anything but such respect as was due to the Monarch of so great a nation. Moreover, he had never used language half so strong as that of the noble Lord, who had no right, therefore, to say that those who differed from him on this question were producing irritation between the two nations, and might embroil them in a war.

MR. BERNAL OSBORNE: Sir, if the language of the noble Lord the Foreign Secretary has been more satisfactory to the hon. Member for Horsham (Mr. S. Fitz-Gerald), I think the language of the hon. Member must also be more satisfactory to the noble Lord. But I cannot permit the hon. Member to take advantage of a short memory in the apologetic speech we have just heard, when we know that he said the other night, "Don't let us have any figures of rhetoric in your despatches," and that he was for re-animating the Holy Alliance. Then, he denounced the Emperor of the French by name; but now, by an ingenious change of tactics, having been thrown over and discarded, by his leader, after his denunciations of the Emperor ["No, no!"]—I am in the recollection of the House. The Irish element was strong in the hon. Gentleman at the time, and he was all for a row in Europe at any price. But now, having been completely put on one side by the temperate and able speeches of the right hon. Member (Mr Disraeli) and of the right hon. and learned Gentleman (Mr. Whiteside), the late Under-Secretary for Foreign Affairs finds that he has taken an incorrect view, and now comes cap in hand to his very good friend the Emperor of the French, for whom he entertains so high an opinion. Now, I think that if, as the hon. and learned Member for Bridgwater observed, there has been unreality in these despatches, there has also been unreality in this debate. I think I may take the view of the right hon. Gentleman the Member for Bucks in contradistinction to that taken by the hon. Member for Horsham. I think, too, that the Emperor of the French stands altogether acquitted of any deceit in this transaction. No one can read these despatches and maintain that we have a right to accuse the Emperor of the French of any deceit on his part. If there has been any deceit and any subterfuge in this transaction, I think that our good Friends the Sardinians are not quite free from that charge, and that the principle of intervention which, I am sorry to see, we are rashly running into has occasioned this little transaction. But when it is said that the treaty of 1815 has not been respected, I ask who has ever respected the treaty of 1815? The noble Viscount (Viscount Palmerston) has committed the greatest outrage upon the treaty of 1815 I ever heard of, for he has rejoiced on every occasion that Lombardy has been taken from Austria. I believe that Lombardy was guaranteed to Austria by the treaty of 1815. [*A cry of* "No!"] No, not guaranteed, because there is a distinction; but at any rate the treaty of 1815 was broken, when Lombardy was taken from Austria. The right hon. Member for Bucks mentioned the annexation of Cracow, but he made a great mistake when he said the noble Lord (Lord John Russell) was Premier at the time. I believe it took place in 1836 when Lord Melbourne was Prime Minister [Mr. DISRAELI: in 1840.] Well, at all events a debate on the annexation took place as far back as 1836. The annexation of Cracow was clearly a disruption of the treaty of 1815. Talk of observing the treaty of 1815! Why, every nation at every time for every purpose has put its foot on the treaty of 1815. I do not think that this country has any great interest in hindering this union of Savoy to France. I believe that the annexation of Savoy to France will not strengthen France in any hostile views against country. I believe the real thing is that you are afraid of France going to the Rhine. If you have no confidence in the Emperor of the French, why do you enter into such intimate alliances with him? The whole mistake is this, that we have certain statesmen in this country who, no doubt, with very laudable motives, are determined to interfere to raise up a central kingdom in Italy. Now, I have as great an admiration for the Italians as any man, but I am not inclined to see the Government of this country interfering for the purpose of raising up a great central kingdom in Italy. If they can work out their own independence I shall rejoice, but I am certain that the more we interfere the greater handle we shall give to the Emperor of the French to aggrandize himself. We have no right to expect if we interfere in behalf of this great kingdom of Central Italy, that the Emperor of the French, after the expenditure of so much blood and treasure, will sit down contentedly without annexation. I am surprised to hear noble Lords and hon. Gentlemen believing in proclamations about going to war for an idea. Of course, a proclamation must be issued to an army on going to war, and fine language in a proclamation for French soldiers is of great importance; but I should never suppose that if England were going to erect a central kingdom in Italy it would be for the interest of France, which is not a constitutional Government, to erect a constitutional kingdom at her own gate without some strategetical advantage to compensate her. I cannot help remarking upon the change of tactics on the part of hon. Gentlemen sitting upon the Opposition benches, and most wisely too, because of the language of the hon. Member for Horsham the other night. [Mr. S. FITZGERALD: Repeat it.] I could repeat both the language and the manner, but no man in this House who heard it will say that it was not the language of a man who had been instructed by his party to take a particular line, and who took it with all his heart. I am glad to find that the hon. Gentleman's leader has disowned the language of his Under Secretary, and I hope that in future discussions the same wise and statesmanlike spirit will be manifested as that which has been shown by the Opposition leader to-night

LORD JOHN RUSSELL: I have a few words to say at the end of this debate. I cannot but remark that the hon. Gentleman the Member for Horsham (Mr. Fitz-Gerald) has made a statement very different from that which he made the other night, because what I understood him to say then was, that there ought to be a solemn protest on the part of the Powers of Europe, and that it should be collective. [Mr. S. FITZGERALD: I never said a word of the kind.] I recollect the hon. Gentleman using the words, "a solemn protest by England to the Powers of Europe." [Mr. S. FITZGERALD: Hear!] I could not help expressing then, and I cannot help saying now, that if the Powers of Europe make a solemn protest to the Emperor of the French, it will be very difficult for them not to insist upon carrying into effect what they propose, and very difficult for the Emperor of the French to yield what he must consider in the light of a threat. But the hon. Gentleman has now changed his language. Both the right hon. Gentleman the Member for Buckinghamshire and the hon. Member for Horsham certainly change the question and transform it very much as they please. I never heard that Her Majesty's Government had brought any charge against the Government of the Emperor of the French of deceiving them. A statement appears in Earl Cowley's despatch on this subject, and we produce that despatch. Earl Cowley says:—"I have often heard from Count Walewski the expression that if this plan, which he thought impossible, should ever succeed, in that case Savoy would be demanded by the Emperor." Earl Cowley goes on to say:—"I never gave Count Walewski any reason to suppose that such a proposal would be approved by Her Majesty's Government." I certainly have every confidence in Earl Cowley's discretion. There is no charge there in that despatch of Earl Cowley. On the contrary, he says truly that he did receive communications from Count Walewski, but that he did not think it was necessary or would be prudent to write despatches on the subject. I might have been writing every week to the French Government the views of Her Majesty's Government, and they might have replied in the language they had held to Earl Cowley, but this would have made no difference at all, because the question was a practical one, and it had not come into discussion. If the Congress had met, the question must have been discussed then; and, if not, very soon after. The hon. Gentleman says I ought to have sent despatches to Vienna, St. Petersburg, and Berlin, and have given copies of them to those Courts. Well, that is the very course I have taken. If the hon. Gentleman had waited until to-morrow, he would have found that I had done what he says I ought to have done. But the hon. Gentleman is too quick at censure, and he blames me for not doing the thing that I have been doing. But what I have not thought proper to do is to ask those Powers to conform their language to ours, or to enter into anything like an alliance or combination which might appear hostile to the Emperor. With regard to the French despatch, I cannot inform the hon. Gentleman what it contains. It has arrived to-day, but it has not been put into my hands, and I cannot say what form it may take. The right hon. Gentleman the Member for Bucks goes on repeating, but, at the same time, carefully veiling the meaning of his proposition, that this proposal of the annexation of Savoy is brought on because we persist in the policy of making a great kingdom in Central Italy and annexing Tuscany to Sardinia. But I endeavoured to explain to the right hon. Gentleman that our policy was to prevent any force from being used to control the people of Central Italy. There was one practical way of preventing these annexations, and that was by saying to the Emperor of the French, "You make very unreasonable objections when you oppose the use of force in Central Italy. Let your troops be withdrawn, let the Austrians enter, and then they will be able to restore the Grand Duke to Tuscany and the Pope to the Romagna, and then there will be an end of the question of annexation." That is the practical end to which his proposition would come. The right hon. Gentleman does not say it openly, but that was the way in which you might have prevented this project, by letting the Italians take their own course. If that proposal to the Emperor of the French were successful, the Austrians would have restored the Grand Duke in Tuscany and the Pope in Bologna, and then there would be no question of annexation. We have preferred to leave the Italians to take their own course. They have done so, and they have chosen to annex themselves to the Kingdom of Sardinia, and we are against using force to interfere with their decision.

Copy *presented*,—of further Correspondence relating to the affairs of Italy, Part III. [by Command]; to lie upon the Table.

PETERBOROUGH ELECTION.

REPORT.

House informed, that the Committee had determined,—

"That George Hammond Whalley, esquire, is duly elected a Citizen to serve in this present Parliament for the City of Peterborough.

"And the said determination was ordered to be entered in the Journals of this House.

RE-ORGANIZATION OF THE INDIAN ARMY.

MOTION FOR PAPERS.

COLONEL SYKES said, he rose to move an Address for certain papers connected with the subject of the organization of the army in India. The subject involved was one of the greatest importance, relating as it did to the future safety of our possessions in India, and the well-being of 200,000,000 of people. He mentioned the case of an outrage which was committed by an English officer in desecrating an Hindoo temple, in which some robbers had taken refuge, quite in ignorance; but, still, the entrance of the officer was a desecration of the temple, and created a very unpleasant feeling in the minds of the people. What he wanted to see was that the attention of officers and others who went to India should be specially directed to a knowledge of the habits and the prejudices of the Hindoo race, in order to enable them to avoid shocking those feelings which had long existed among the Natives, and could not now be removed. It might be that the establishment of a local force might be beneficial, because at present the constant changing of the troops and the continual influx of fresh officers not only was injurious to the service generally, but the manner in which it affected and increased the patronage was by no means advantageous. A local army in India got acclimatized through remaining there many years, and the loss of life was very much less than that among the new-comers; indeed, it was only two per cent as against seven per cent. We had now 600 British officers in a state of uncertainty as to their future position, and they feared that the cadetship system having been done away with, it might be followed by some change which would be detrimental to their interest. He thought they ought to be relieved from the doubt and distress in which those officers were placed. With respect to the production of the Returns he could not believe that the Government could object.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at a quarter to Ten o'clock.

HOUSE OF LORDS,

Wednesday, March 14, 1860.

Their Lordships met, and having gone through the business on the Paper,

House adjourned at Four o'clock till To-morrow.

HOUSE OF COMMONS,

Wednesday, March 14, 1860.

MINUTES.] PUBLIC BILLS. — 2ª Mutiny; Marine Mutiny.

RELIGIOUS WORSHIP BILL.—SECOND READING.

Order for Second Reading read.

MR. LOCKE KING said, he rose to move the second reading of this Bill, the only objection to which he thought was that it did not go far enough, but he was prepared to move in Committee the insertion of words which would extend its scope. The object of the measure was simply to extend that freedom of religious worship at present enjoyed by the ministers of every other denomination to the clergy of the Established Church. The Nonconformist clergy had, since 1855, been able to preach the Gospel anywhere and in any place; but the clergy of the Established Church were unable to do so. If a clergyman held a religious service in any place not regularly appointed without the permission of the incumbent of the parish, and the licence of the Bishop, he was liable to ecclesiastical censure, and to be proceeded against before a tribunal more to be dreaded than any other Court in the kingdom—the Ecclesiastical Court. Religious worship was admitted by all to be the best mode of preventing crime, and yet in consequence of the present state of the law many places that might be opened for Divine worship were now closed, and multitudes of persons would remain destitute of religious teaching unless the Nonconformists came to their aid. Some localities were a great distance from the parish church, and there were many persons who, from whatever cause it might be, would attend worship in other buildings who would not go to a church; and many clergymen without a cure of souls were willing to perform Divine service in other buildings than churches were they not precluded from doing so. From the evidence of Dr. Hume, of Liverpool, before the Lords' Committee on church rates, it appeared that in Southwark 63 per cent of the population attended no place of worship; in Sheffield, 62 per cent; Oldham, 61½ per cent; Brighton, 54; Manchester, 51; Westminster, 50; Coventry, 50; while in 34 of the great towns of England, containing a population of 3,993,467, there were no less than 2,197,388, or 52½ per cent of their whole population, who attended no place of worship whatever. Dr. Hume stated his belief that by the close of the present century 70 per cent of the gross population of the country will be seated in large towns; if the large towns, therefore, were left to themselves, "practical heathenism must inevitably soon outgrow Christianity." Were they, then, to set their faces against these facts, and prevent these multitudes from having the Gospel preached to them? The harvest was indeed great. So, indeed, were the numbers of the reapers; but they stood in the way of the reapers—indeed, practically forbade them by the present state of the law. Something had been done in the metropolis by preaching in theatres, but as the law stood it was illegal for a clergyman to do it; was it desirable that it should be illegal? The clergy of the Church of England had, at first, a strong prejudice against these services in theatres; but many, seeing the good results of the practice, had now entirely changed their opinion. It was a fact that enormous masses of people would attend a service in the theatre who would not go to any place of worship; and it was an extraordinary fact that the clergymen of the churches in the neighbourhood of these theatres found no decrease in the number of their congregations. That the holding a religious service in a theatre by a clergyman of the Church of England was illegal there could be no doubt. The Church of England Protection Society had submitted the case to Dr. Phillimore for his opinion, and he had stated that such a service could not be legally performed by a clergyman—that in doing so he made himself liable to ecclesiastical censure and penalties. He added that "no proposition of ecclesiastical law was better supported by decisions both of the temporal and ecclesiastical courts." Such was the opinion of Dr. Phillimore, and he felt assured the House would, under those circumstances, see how desirable it was to secure the object which the Bill proposed to effect. Public opinion was no doubt stronger than ecclesiastical law; but it might happen that in some dioceses an unfortunate clergyman might be proceeded against by his diocesan, and subjected to the penalties of ecclesiastical law unless the state of the law was altered. He might add that he should be prepared in Committee, if the Bill should reach that stage, to introduce into it words by which a clergyman under ecclesiastical censure should be precluded from the advantages which the Bill would confer. He might also state that as he understood some hon. Gentlemen looked upon the probable operation of the measure with alarm, as enabling a clergyman to perform services in any private house, against the will of the proprietor, he should, if it were necessary —which he did not believe was the case—introduce into the Bill words by which that objection would be entirely obviated. The Bill was necessary and desirable, not merely on the ground of expediency, but also on the higher ground that its provisions were in conformity with the express teaching of the New Testament. The command of the Saviour was, "Go into all the world, and preach the Gospel to every creature," without restriction to place; and in the parable of the Marriage Supper, the invitations were not confined to those who assembled in the temple, but to those in the highways and hedges. The clergy assumed to themselves to be the successors of the Apostles. Let us see what the Apostles did. The Apostles did not require a church in which to preach the Gospel; they not only preached in houses, but broke bread from house to house. Now, contrast what the Apostles actually did, and what our Saviour commanded with the canon of the Church, which says no minister shall preach or administer the Holy Communion in a private house! Priestcraft may do a great deal, but it cannot do away with the Divine commands, and set up the canon law in its place. For those reasons he hoped the House would agree to the second reading of his Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. WALPOLE said, the hon. Gentleman had, in the course of his speech, made several observations, in the justice of which he entirely concurred. He could not at the same time give his assent to the conclusion at which the hon. Gentleman had arrived, inasmuch as he was of opinion that if this Bill were to pass in its present shape it would give satisfaction neither to the members of that Church for which he proposed to legislate, nor, what was of far more importance, conduce to the interests of religion itself. The hon. Gentleman very justly contended that nothing could be more to be regretted than the disproportion between the numbers of the uneducated and uninstructed population of the country, and the means of providing for their spiritual destitution, and he could assure the House that any measure by which that destitution could be met would receive his most cordial and unqualified support. He was sure that the House was anxious to promote that great Christian religion which was common to all; but he believed the large majority of the House was also of opinion that that object could be best promoted by observing, in respect of the Church as well as secular communities, certain regulations for the conduct of their proceedings. The Bill under discussion would not secure that end in a satisfactory manner, but its operation would rather be to produce in every parish throughout the kingdom the utmost confusion. With regard to a minister preaching in a private house against the will of the inhabitants, he saw no reason for any prohibition being introduced into the Bill, because, under its present form, the law gave no such power. The Bill was very short, and its effect would never, therefore, strike the House directly. The Bill was simply a Bill to enable any minister of the Church of England or Ireland to celebrate Divine service according to the rights and ceremonies of the Church in any place, the canons and the law notwithstanding. The first objection to the measure which he would urge was, that unless the hon. Gentleman was prepared to alter by some provision, subsequently to be introduced into it, the canon law of the Church, it would fail to effect its object; for if no such alteration were made, how, he should like to know, could the members of the Established Church, who subscribed to that law, obey an Act of Parliament which merely said that they might do certain things, the canon law notwithstanding? The hon. Gentleman was no doubt taking a most laudable course in desiring to provide for the spiritual destitution of the people. He had quoted Dr. Hume to prove to what an extent that destitution existed, and had described the advantages which had resulted from the fact that permission had been accorded to the ministers of the Church to make use of certain public buildings—as had been recently done in this metropolis—for the purpose of supplying to some extent the spiritual wants of the community. Now, if the description which the hon. Gentleman had given of those advantages was correct, was it not true that the evils of which he complained had been practically half met? That being so, and no disinclination to provide for the existing spiritual destitution on the part of the clergy being observable, a minister of religion, being at liberty to administer the rites of the Church with the consent of the clergyman of the parish in any particular district, and being under present circumstances frequently called upon to afford such assistance,—he could not see that the necessity of altering the law as it stood had been established. So far as his own experience went, he might say that there was hardly a parish in the kingdom in which the clergyman would not invite further spiritual aid to supply the wants of his parishioners. The only difficulty in the matter was to provide a fund by means of which clergymen would be placed in a position to carry their wishes in that respect into execution. But what the hon. Gentleman would effect if his Bill came into operation would be to confer a right on anybody in the Church of England to administer its sacraments and to perform its ceremonies in a manner which might be contrary to the wishes of the inhabitants, and possibly to the disturbance of the peace of the parish in which that right happened to be exercised. That being his opinion, he would appeal to the hon. Gentleman whether it was desirable that, in his eagerness to secure a good object—an object which the Bill would not really accomplish—he should proceed with a measure calculated to produce evils which would more than counterbalance those to which he sought to apply a remedy? Of course, in dealing with the subject, hon. Members could have only one end in view, for they all concurred in the necessity of preaching the Gospel and the expediency of providing, as far as possible, for the spiritual destitution of the people.

Lord ROBERT CECIL said, that while agreeing in most of what had fallen from his right hon. Friend (Mr. Walpole) there was one portion of his speech from which he felt bound to dissent. He alluded to that portion of it in which he had stated that all the Members of the House concurred as to the necessity of preaching the Gospel. That, he should beg to remind his right hon. Friend, was not exactly the case, for there were four hon. Members who did not believe in the necessity of preaching the Gospel, and by those Gentlemen, whom recent legislation had admitted within the walls of the House, such discussions as the present, he contended, must be regarded as an insult. [*Cries of* "Oh, oh!"] He would repeat it, there was no longer any community between the Christian religion and the House of Commons, and all references to Christianity, and all quotations from the Bible, must now be not only out of place, but an insult to those four Gentlemen. So far as the Bill under discussion was concerned, he was of opinion that its operation would be to destroy that authority which a Bishop ought to have it in his power to exercise within his own diocese. He would remind the

House that it was the Bishop who had spiritual charge of his diocese, and they had no more right to interfere with a Bishop in his diocese, and to say that whether he liked or not he should have a particular preaching, than they would have to interfere with every clergyman in his particular parish. At present if the clergyman preached heretical doctrine or otherwise misconduct himself in the performance of his duties within his jurisdiction the Bishop had a power of inhibition; but that power would, after the passing of the Bill, be confined to clergymen who officiated in consecrated places, and would not include these whose services would, after the passing of the measure, be called into existence. To introduce such a state of things as that would be, he maintained to create a revolution in the Church, and a proposition which would have that effect ought not, at all events, to be acceded to in a thin House on a Wednesday morning. Should a Bill of such wide scope and so revolutionary in its tendency pass that House, it was sure to come to an unfortunate end in "another place." This being so, he hoped the hon. Member would not persevere with it, or, that if he did, the House would at once reject it.

Sir FRANCIS GOLDSMID said, that had he not been one of the four Gentlemen personally alluded to by the noble Lord, he should not have taken part in this discussion. The noble Lord no doubt was one of those who had been incapable of understanding the motives and principles by which persons of his (Sir F. Goldsmid's) persuasion were actuated before the Bill passed by which they were admitted to Parliament, and who appeared to be equally incapable of understanding them now that it was law. The noble Lord seemed to be totally unable to understand how it was possible for a Member of the Jewish persuasion to combine attachment to his own faith with a wish that persons born in the Christian faith should be instructed in the doctrines of that religion. He could, however, assure the noble Lord that the two things were perfectly compatible, and that any measure which was brought forward with the view of providing increased facilities for those born in the Christian faith should—although he might take no prominent part in its discussion—be looked upon by him, and those whose religious opinions were the same as his, with favour rather than the contrary. He would go further, and although he was reluctant to refer to a personal matter, tell the noble Lord that in those places with which they were connected by ties of property members of the Jewish persuasion did not scruple—nay, were as anxious as other landlords were—to facilitate the establishment of houses of religious worship and schools in which instruction was conveyed in the Christian religion to those who had been brought up in that faith. He would say nothing more, but he hoped he had made it intelligible to the House, though probably it was not intelligible to the noble Lord, that any measure which really tended to promote freedom of religious worship could not be regarded by persons of his own religion as an insult to themselves.

Mr. MONCKTON MILNES said, that speaking from his personal knowledge of a distinguished family who professed the Jewish religion, and to which two of the hon. Members alluded to belonged, he could testify that there were no persons who performed those duties more liberally, to which the hon. Gentleman who last spoke had just referred, and none who showed more regard to the religious feelings of others. With regard now to this Bill, he had strong objections to it. The Bill did not in fact remedy the supposed illegality of the services of the Church of England which had taken place, with good effect, in some large public buildings in London. If Dr. Phillimore's opinion were correct, that any clergyman who performed those services, even with the full consent of his Bishop, might be cited to answer for a breach of the law, it might be worth the consideration of the House, and indeed extremely useful, to prevent that difficulty. But the Bill would not suffice for that purpose as it stood, though it would allow services of the Church of England, whether High Church or Low Church, to be set up by anybody in parishes where, perhaps, the custom and feeling of the Churchmen there were opposed to the method so introduced. He should be glad, therefore, if his hon. Friend would withdraw this Bill, and bring in one more likely to effect the object which he really desired to attain—an object with which the House would sympathize.

The CHANCELLOR of the EXCHEQUER: I have heard with great regret the observations of the noble Lord the Member for Stamford (Lord Robert Cecil) with regard to gentlemen professing the Jewish religion, and the untenable—indeed, I will say—highly inconvenient doctrine he has laid down as to the effect of their admission here upon the deliberations and duties of this House. It may be the conscientious opinion of the noble Lord that the duties of this House are totally altered by the admission of hon. Gentlemen professing the Jewish religion within its walls; but that is an opinion hardly worthy of his undoubted ability and high intelligence, and one which is very unworthy of the respect which we owe to those who have at length been admitted into the House, whilst it is also one which, if acted on, would essentially impede and cripple this House in the discharge of its duties. In fact, the opinions of the noble Lord, if full effect were given to them, are totally opposed to the admission into this House of any persons professing any religious sentiments other than those held by the Members of the Established Church. Now, without going back to the case of Dissenters, which was of an earlier date, more than thirty years have elapsed since we avowedly recognized the admission into Parliament of persons not professing the Established religion of the country; and I would appeal to any one connected with the Established religion, including those who are in an especial manner responsible for the defence of its interests, to say whether any injury at all to those interests has arisen from the right which has been conceded. On the contrary, as one of those who represent a large portion of the clergy of this country, I must answer that appeal in the negative, and bear my testimony to the fact that nothing can be more remarkable, as a general rule, than the considerate liberality and the high feeling with which hon. Gentlemen not professing the Established religion of the country have refrained from using any privilege or power they had obtained, as Members of this House, to the prejudice of that religion. Now, I cannot help, as to this Bill, joining in the request of my hon. Friend who has just sat down, that the hon. Mover will not press it, in its present form, upon the House, but will choose some other and more carefully considered instrument, to give effect to his views. I listened to the speech of the right hon. Member for the University of Cambridge (Mr. Walpole), and I can only take one exception to it. There is a great inconvenience in pressing texts of scripture here into the service of our particular opinions relative to this measure or that. It is a game which two can play at, but which, I think, no one can play at without considerable disparagement to the reverence which we owe to the sacred origin of those words. It would not, perhaps, be difficult for me to show, if it were requisite, by citations from the New Testament, that the ecclesiastical discipline of the early days was exceedingly strict, and that the Apostles of the church inflicted upon offenders, in the matters alluded to, punishments much more severe than any contemplated by, or consonant with the spirit of, modern legislation. But considering the question on general grounds, the object of the hon. Mover is, I presume, comparatively a limited one, and perhaps he is not himself aware of what would be the real scope and effect of his Bill. If he thinks that certain specific enlargements ought to be made of the powers and liberties of clergymen in the performance of divine service, let him make a certain specific proposal limited to the object in view. But this is a Bill the author of which contemplates something quite different to that which it would effect, and I ask him, let us not be put in the painful position of being obliged to vote against a measure which appears to contemplate the extension of the preaching of the gospel, since the object of the measure will probably be judged out of doors by the speech of the hon. Gentleman who has introduced it, and not by what may be shown to be its real consequence. It appears to me that the remark of the right hon. Gentleman (Mr. Walpole) is quite just, that this is a measure which would introduce anarchy and confusion into almost every parish throughout the kingdom. In any single case it might happen that the most exemplary clergyman in England, the best man, the most devoted and orthodox, the most able preacher and amirable pastor, might have, I will not say a minority differing from him on some particular point, but some one parishioner, with a house large enough to assemble a congregation in it, although that parishioner might have no cause of quarrel with him, except a cause creditable to the clergyman himself, as for instance, because the preaching of the clergyman had borne hardly upon his own particular vices, it would then be in the power of such a person, under this Bill, to introduce dissension into the Church by opening in that parish a room, where perhaps some disreputable person in clerical orders might be procured to carry on a rival and antagonistic service. This case might occur, strictly within the effect of the Bill. The hon. Gentleman may say that he will amend this part of the Bill in Committee, but he will find that the Bill, as it stands, requires so many Amendments that none of it will remain. It is an extemporised Bill, which has been drawn up, I presume, without any consultation with persons conversant with the law of the Church, whatever be the philanthropic and benevolent purpose of the hon. Gentleman in bringing it forward. He says, indeed, that in order to prevent any disreputable clergyman from being employed to conduct these services, he is ready to introduce words into the Bill which shall provide that no clergyman who is under ecclesiastical censure shall conduct them. I would remind the House, however, that the clergymen who will be placed under that disability are persons who have held some office in the Church, which has brought them within the scope of the censure they have received; but I am sorry to add that in so large a body as the clergy of the Church of England there are many disreputable persons who do not come under ecclesiastical censure, simply because they do not hold any ecclesiastical office or benefice. This Bill would give them, or enable them to have, ecclesiastical employment which they ought not to have, and yet they would be exempted from coming under ecclesiastical censure. I am sure the hon. Gentleman is not aware of the consequences of the Bill as it stands, and I entreat him to present us with a Bill instead of it which will do justice to the benevolent purpose he has in view, and which will be limited to the attainment of that object. It is not for us to go into Committee upon this Bill in order to fish out the measure which would be calculated to answer the purpose intended; but let him try and frame a measure adapted to the case, and bring it before the House. We ought not to commit ourselves on a matter of so much intricacy and difficulty to the second reading of a Bill until we have some idea of what will really be its effect. I had not intended to speak on this matter, but respecting as I do the hon. Gentleman's motives, it would be painful for me to vote against him, which I must nevertheless do if he presses on this Bill in its present state; but I trust he will withdraw it, for the purpose of presenting to us something better adapted to the attainment of the end in view.

MR. HORSFALL said, that he had listened with regret to what had fallen from the right hon. Gentleman the Member for the University of Cambridge as to there being no disinclination on the part of the rectors and incumbents of parishes to admit other clergymen to assist in the performance of the duties which they were called upon to discharge. He did not feel at all satisfied that that statement was correct. He might, for instance, mention the case of the clergyman of a large parish who had gone into the reading-desk in an unbecoming state, as a consequence of which a large majority of the congregation had left the church. A representation on the subject had subsequently been made to the Bishop of the diocese, and a commission had been issued to inquire into the conduct of the clergyman, before which medical evidence had been adduced. The medical man said that the symptoms which had been seen in the reading-desk might have been occasioned by illness; the commissioners gave the incumbent the benefit of the doubt; but the people were convinced that they had come to a wrong decision; their feelings would not allow them to go to the church again; there was not another within four or five miles, and what were they to do? Were they to establish a Nonconformist place of worship, or must they go to the church where the reading-desk and pulpit were so much disgraced by the conduct they had seen? The right hon. Gentleman had said that if this Bill passed, it would compel the clergy to break one of the canons of the Church; but he would like to ask the right hon. Gentleman whether the clergy obeyed the whole canons of the Church? He knew that they did not, nor would it be any difficult matter to point out what those canons were. The Chancellor of the Exchequer had put the case of disreputable clergymen being introduced into a diocese. That was somewhat of a slur upon the Church of England as well as on those who were anxious for the success of this Bill. There was no disposition on the part of the supporters of this measure to introduce any but good clergymen who would faithfully and honestly discharge their duty. They were told the Bill struck at the root of the parochial system. That, however, was not the fact. It might be opposed to the spirit of the ultra-parochialism of the present day, but that was quite different from the parochial system. However admirable the parochial system was when first adopted, times and circumstances had now entirely changed. What were then mere hamlets had now become large and populous places, and they required in many cases new ecclesiastical arrangements. If the rector refused to admit other clergymen into his parish—and he knew of such cases—what was to be done? Was he to prevent the poor being provided for? The late Sir R. Peel was one of the first to amend the parochial system. He introduced a Bill the effect of which was to subdivide parishes, so that a clergyman could be introduced into a large parish and have a district allotted to him without a church. The Marquess of Blandford further extended this, and pew-rents were allotted towards the payment of the clergyman's stipend. This Bill would have the effect of making the parochial system more efficient than at present, and he hoped his hon. Friend would not be induced to withdraw it. There were two sections in the Church of England—High and Low Church. A parishioner might conscientiously differ from either one or the other; and was he to be debarred from having a chaplain in his own house, who would preach in accordance with the principles he believed to be the purest? He hoped the House would agree to the second reading of the Bill, and that in Committee the objections which had been urged by right hon. Gentlemen would be obviated. Sure he was, by adopting some such measure as this, the advocates of the Church would take a very long step towards retaining the affections of the people of England.

Mr. AYRTON observed, that hon. Gentlemen opposite always talked of the Church of England as being pre-eminently the Church of the poor; but when measures were brought forward the effect of which would make that Church practically so, instead of their authors receiving the assistance they might expect from those who, by position and influence, might be recognized as the guardians of the Church, the right hon. Gentlemen representing the Universities of Oxford and Cambridge met the proposal by showing the knowledge they possessed of the subject in pointing out difficulties and objections, without, at the same time, being good enough to offer the least counsel how these might be removed. Such conduct served rather to obstruct than facilitate legislation on this difficult subject. He put the theology of the question aside. They must take the Church of England as it was, but not without reference to that other Church from which it might be regarded as having descended. In the Roman Catholic Church a very clear distinction had been always drawn between the administration of the Sacraments or the discharge of functions which were strictly confined to the priesthood and hierarchy and the more simple duty of either offering prayer or preaching the Gospel. The parochial system was essentially based on the administration of the Sacraments—it was the territorial limit of the jurisdiction of the priests; but there were oratories in which, although the Sacraments were not administered, men might pray or preach without the authority of the parish priest. And even when in the reign of Henry VIII. a Parliamentary religion was set up by statute, instead of the spiritual religion of the Catholic Church, praying and preaching in oratories were excepted from those acts of religious worship in which a compulsory uniformity was enjoined by law. It was not until the Uniformity Act of Charles II., passed under the influence of the prejudices and passions of the time, that this extravagant violation of the rights of conscience took place; while Dissenters were quite at liberty to pray and preach where and when they pleased, the Uniformity of Worship Act remained in all its stringency on the Church of England. That Act produced two distinct practical effects. A clergyman could not in any church or chapel lawfully say prayers except in the precise prescribed form, and he was not allowed to say prayers in any place different from that prescribed in the Book of Common Prayer. This Bill would be of great use where the population had outgrown the parish church, and where the spiritual destitution in large towns could not be overtaken by the present ecclesiastical machinery; and he could assure hon. Gentlemen that the Church could only stand by really being made the Church of the poor. It would not suffice to stick the people in what were called poor seats, where the finger of scorn was pointed at them. He was not going to defend the language of the Bill, because he believed it to be imperfect; but if the right hon. Gentlemen who represented the two Universities and the Church were not satisfied with it, let them pledge themselves to bring in a Bill properly drawn and providing for the technical difficulties which surrounded the question; and then, no doubt, his hon. Friend would give way in favour of legislation which would be so much better conducted. But if they would not give that pledge, contenting themselves with merely starting objections, he trusted the Bill of which the principle was admitted would be allowed to go into Committee, where they would endeavour to obviate the difficulties as well as they could.

MR. CROSS said, that he rose to join in the appeal which had been made to the hon. Gentleman to withdraw the Bill. Cordially concurring in the object sought to be obtained, he could not, however, vote for the measure in its present shape; but if the hon. Member introduced another in a more perfect form, he would support him. He could assure him that there was no disposition on the part of those that opposed the Bill to interfere with the freedom of the members of the Church of England in the preaching of the Gospel, so that all things were done decently and in order. But it could not be permitted that any parishioner who quarrelled with his clergyman should be at liberty to introduce another clergyman into the parish. Authority must be vested somewhere; and where could it be more properly than in the hands of the Bishop of the diocese? He admitted that in the present state of the law the Bishop had not sufficient power to control divergencies in practice or in doctrine, and he would very gladly see the law in that respect amended. So with regard to the use of private buildings for Divine worship. There, again, he would place the discretion in the hands of the Bishop. Let it not be said, therefore, that the members of the Church of England were opposed to the principle of this Bill. He must advert to one remark of the mover of the Bill. He said that the Apostles went about preaching from house to house, but that their successors, as he called the clergy, did not. Now, he believed that over all England the clergy did visit in their parishes from house to house, and there was certainly nothing in the state of the law to prevent them from doing so. He implored the hon. Member not to put the House into the painful position of voting against a measure which they could not approve as it stood, although they wished to pass something very like it.

MR. DANBY SEYMOUR said, in his opinion those who opposed this Bill rendered themselves liable to the charge that they were preventing the utility of the Church of England among the poor. If hon. Gentlemen agreed in the principle of the Bill, he was surprised to find that they opposed the second reading. The usual course under such circumstances was to read the Bill a second time and amend it in Committee. For his own part he should vote for the second reading, because he agreed with the principle of the measure and believed it would have a very beneficial effect on the Church of England. The number of cases sought to be relieved by this Bill was unfortunately very great. There were parishes in which were disreputable clergymen, and others in which the parish was divided between High Church and Low Church doctrines, and he thought the parishioners ought not to be left to the mercy of their clergymen in these respects. If it was objected that this Bill put a pressure on the Bishops, he would ask whose fault was it that the Bishops were now in such a position? If the measure were objectionable, why had not the heads of the Church been consulted with the view of applying a more appropriate remedy to the admitted evils of the present system? The opposition of the Bench of Bishops had induced the noble Lord now at the head of the Government to withdraw his Ecclesiastical Discipline Bill. The Irish Bench, however, had acted in a far more conciliatory spirit, and the Earl of Derby had, with their consent, introduced another Bill of the same nature, which passed the House of Lords, and was only prevented becoming law by the dissolution of Parliament. Why should not that measure be again introduced? He trusted the English Prelates would follow the example of their right rev. Brethren, and consent to a measure which would improve the Ecclesiastical discipline, and sweep away the existing abuses. It had been said that this Bill interfered improperly with the parochial system. But it must be remembered that the Church of England inclosed within her pale little more than half the population of the community—and were no changes to be adopted in accordance with the altered facts of the case? He thought that parish ministers were too autocratic in their parishes, and he believed that the opposite of what hon. Gentlemen had anticipated could occur, and that many persons who now attended dissenting places of worship would return to the parish church. Being ready to vote for the second reading, he was also ready to support any necessary Amendments; but he really wished to make the Church of England more of a national Church and to see her influence more widely extended amongst the poorer classes of the community.

Mr. E. P. BOUVERIE said, that in order to bring the matter to a conclusion he would move that the Bill be read a second time that day six months. The question was not one between Churchmen and Dissenters, but one which affected only the internal discipline of the Church of England. The hon. Member for Surrey and the Gentleman who supported him had argued entirely apart from the real purport of the Bill. If great need actually existed for further public ministrations in the Church, and for theatres and other large public buildings being licensed for the performance of religious service according to the rules of the Church, let a measure be brought forward avowedly with that object; and it would no doubt receive the support of many who opposed the present one. His objection to the Bill was that it provided a remedy for an alleged abuse, without regard to the existing discipline and framework of the Church. The Bill provided that clergymen of the Church of England might be at liberty to perform Divine Service in a private house irrespective of the Bishop and the incumbent of the parish. He wished to know what the hon. Member for Surrey meant by the words "in a private house." If he meant a private residence, in the ordinary sense of the term, then all the hon. Member's argument fell to the ground. If, however, he included large public buildings, such as theatres, under the term "private house," the House would do well to examine the whole fabric of the Church before they rashly adopted a proposal that would make confusion worse confounded. The Church of England was in its constitution a Church governed by Bishops, and as the law stood it required that no incumbent or curate should commence his functions in a parish without the permission and sanction of the Bishop; but the effect of this measure would be to remove that restriction and safeguard in the case of one class of clergymen, although enforced in the case of the incumbents and curates. It seemed to be supposed by some hon. Members, that nothing had been done for many years back to provide further ministrations in connection with the Church; but the fact was, that there had been repeated Acts of Parliament passed with the view of securing a great number of parish clergy, of dividing parishes, and of meeting those difficulties which were now started, as if for the first time. Up till now the whole fabric of the Church was founded on the district system; but this Bill would introduce an altogether novel and different principle. The argument of the hon. Member for Pool (Mr. Danby Seymour), that this measure would afford a means of relief to those who disapproved of what were called on high authority, "mummeries" in the performance of Divine worship, cut both ways, because it would at the same time permit those who enjoyed such ceremonies to indulge their tastes in parishes where the incumbent was opposed to them. However, he (Mr. Bouverie) thought it would be a most mischievous thing if a minority in every parish were encouraged at once to secede from the Church, and to open a rival place of worship; thus establishing two pulpits in every parish, from which the ministers might every week assail each other. On the ground that this Bill would introduce more evils than those it attempted to remove, he hoped hon. Members would give their support to his Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. BASS said, that after the speeches he had heard, particularly from the right hon. Member for the University of Oxford, he had felt great alarm at the possible provisions of this Bill; but on obtaining a copy, he was surprised to find that nothing could be more simple and unexceptionable than its clauses, and he only wished that every Act of Parliament was framed with equal simplicity. In short, it was the very model of a Bill. It was framed entirely in the interest of the Church of England. To take his own case—he lived two miles from his parish church, and often neither he nor his servants, or neighbours, who were numerous, could get to church. They all knew that they were too ready to find excuses for not going to church. Now he wished to do away with all excuses. It was said that the Bill would allow the Puseyites to set up their forms in their private houses, but he should be very glad if they would keep there. For his own part, he would rather attend an honest Roman Catholic place of worship than a church where the extravagant practices to which allusion had been made were carried on.

MR. ADDERLEY said, that any Bill which was brought forward with an honest *bonâ fide* intention to advance the interests of religion, ought to be received with attention and careful consideration by the House of Commons. The question, therefore, to be considered was, whether the measure introduced being good in principle as intending an increase of means of worship was such as could be possibly shaped in Committee, so as to carry its intention into effect. His own opinion was that the Bill could not be shaped in Committee for the purpose of carrying out the laudable object in view without being entirely remodelled. In fact, the Bill only presented to the House the wish of the hon. Member who had introduced it, but provided no means of carrying that wish into effect. The House could not legislate in the character of a god, saying, "Let there be light," and expecting light to come. There was nothing in this Bill to direct how it was to be carried out, or how it was to be guarded against the most certain and obvious abuse. He could not agree with the hon. Member for the Tower Hamlets (Mr. Ayrton) that it was the business of hon. Members to fish for legislation, and throw out preambles to catch classes in the House, but held that they were there to bring forward practical measures to which the collective wisdom of the House may give final shape for the regulation of the country. He believed the Bill had received considerable support, from the fact, that it was supported by the hon. Member for Liverpool (Mr. Horsfall), and that hon. Gentleman had supported it because of a single case that had come under his own observation. It was wonderful how much of the attempted legislation of this House arose from particular cases. The hon. Member said he knew of a clergyman who had entered the reading-desk in a state of intoxication, and the remedy he proposed was to allow Divine service to be performed in private houses. What ought rather to be done to meet such a case would be to give the Bishops greater powers of ousting clergymen who misconducted themselves from the sacred office, and he believed that some larger powers of discipline would have a most beneficial effect. To make this measure quite safe, it was necessary, in his opinion, that it should have the consent of the authorities of the Church; but he thought the best plan by far would be to withdraw this Bill, and re-introduce it in another shape. It was impossible to concur in a measure which would create the utmost confusion. He did not want to throw any impediment in the way of increasing the ministrations of the Church of England; but the real question was, whether the Bishops now did not actually possess the power of giving permission to clergymen to perform Divine service in accordance with the ritual in any building, and if the law did vest that power in the hands of the Bishop, he did not see that the present measure was necessary. This measure was said to be necessary in order to escape from the tyranny of some parochial clergymen who were of High Church principles; but they must remember that tyranny was equally possible on the other side, and if this Bill passed it might introduce interference equally disagreeable to those who proposed it, as it intends to inflict on the particular objects of its aim. No doubt Mr. Bryan King is in the mover's eye; but there are other kings as abhorrent of intrusion, and this Bill would only multiply rivals within every ecclesiastical domain, instead of increasing the efficiency of the existing ministrations.

MR. HORSFALL said, that the case to which he alluded did not occur in his parish; but he regretted to say that it was not a solitary instance.

SIR GEORGE LEWIS said, he was desirous of entering his personal protest against the doctrines laid down by the noble Lord the Member for Stamford (Lord R. Cecil), in respect to the effect produced in the House by the admission of members of the Jewish persuasion. Political prophecies in general were confined to the time when they were used to prevent the passing of useful and beneficial measures, and it rarely happened that they heard a retrospective effect given to such predictions. But the noble Lord not only repeated the previous prognostication that the admission of Jews would un-Christianise the Legislature, but actually asserted that that effect had already been produced. He could only say that he had observed no disposition on the part of any hon. Member of that persuasion to press his peculiar religious opinions on the attention of the House; and that experience had confirmed the opinion he formerly held — that, in spite of the admission of Jews, this branch of the Legislature had retained its Christianity with no sensible diminution, and that it was quite competent to entertain such a Bill as this. He felt bound to support the Motion of his right hon. Friend (Mr. Bouverie), who had expressed dissent from the principles of the Bill. It had been said that the Bill was short and simple, but to his mind it was not characterized by perspicuity or certainty. He must confess that the measure left him in very great doubt what would be its effect if it became law, and also what was the precise grievance for which it was intended as a remedy. With regard to the third clause in particular, the evils which had been pointed to by various Members, including theatres, were totally dissimilar in character. One class of evils was that the Established Church did not provide sufficient accommodation for all the members of that Church who were parishioners, and that it was desirable to furnish them with additional sittings in the church. It was said that the Bill would remedy that defect, but it did not appear to him that it provided a proper mode of meeting the whole case. What was the meaning of the phrase "private house," used in the Bill? The construction generally adopted seemed to be that it meant the private residence of any individual as opposed to a theatre or place of public resort; but he rather thought it was intended to imply any unconsecrated house, whether private or public, including theatres. If he were right, the Bill was very ambiguously and imperfectly expressed. If the object of the Bill was to provide additional accommodation for worshippers of the Established Church, then the proper mode had been pointed out in the course of the discussion, and had been already accomplished to a certain extent by increasing the number of churches and chapels of ease. As he understood the Bill, however, it was in truth directed against a different state of evils. He conceived, in point of fact, that "private house" was intended to mean the private residence of any individual who perhaps from some accidental circumstance had had a dispute with the clergyman of the parish on matters of doctrine or otherwise, and who, being able to employ a clegyman to preach in his house, and not satisfied only with the attendance of his household, which would not generally be objected to by the Bishop, or clergyman of the parish, wished to set up a rival church in a private and necessarily unconsecrated house for the attendance of as many of the parishioners as his influence could draw together. It had been said that this was a Bill for the promotion of religious confusion; but, if by religious confusion was meant the free expression of religious opinion, the evil would not perhaps be so much to be deplored. He was afraid, however, that the Bill would do more than lead to religious confusion, on which ground alone he would not vote against it, and that it would tend to produce religious discord and fanaticism. No doubt the Bill would provide an irregular and unsatisfactory remedy for the case of a parish where a High Church Tractarian clergyman attempted to introduce rites and ceremonies offensive to many of the parishioners. But there was a much larger number of parishes in which there were Low Church clergymen; and there would be an opening in those cases for any ardent missionary of the other class to set up a small rival church in a private residence. No consequence followed more necessarily and logically from the very idea of a national Church than that certain districts were to be appointed in which clergymen, ordained by the spiritual authorities of the Church, should have the exclusive care of souls therein. If they were not to have it exclusively, in what sense could they be said to have it at all, for then they would only be so many out of a number of rivals admitted into their districts? He did not think it desirable to give to the incumbent of a parish any power with regard to strangers; but to deprive the Bishop of the power of excluding persons who came into a parish without his licence, was to destroy the very essence and foundation of a national Church. He conceived that under the existing law a Bishop had the power of licensing any clergyman of the Church of England to preach and perform Divine Service in any parish, though, of course, in an unconsecrated building he could not perform the same service as in a consecrated one. It had been said that the Church of Rome, more liberal than the Church of England, provided oratories where any person not a parochial minister could perform Divine Service on behalf of parishioners; but he ventured to affirm that that could not be done against the consent of the Bishop.

Mr. AYRTON explained that he did not say it could be done without the consent of the Bishop.

Sir GEORGE LEWIS: By this Bill

the jurisdiction of the Bishop was directly assailed. Not only the incumbent, but the Bishop was deprived of all control in the matter. For these reasons he should oppose the second reading of the Bill.

MR. NEWDEGATE said, that he had considered this subject for some years. The right hon. Gentleman the Home Secretary had stated that the predictions of those who opposed the admission of the Jews into the House had not been verified. He (Mr. Newdegate) had certainly thought that the change was not calculated to promote a feeling in favour of the Church of England, or to render the House more willing to maintain or to correct the discipline of the Church. If it were so he rejoiced. God grant that he might have been deceived. Although the principles of religious liberty had so far prevailed as to lead to the introduction of hon. Members of the Jewish persuasion into that House the Act which admitted them only at the discretion of the House still affirmed its Christian character. Every one knew that he honoured the Church as much as any one did, and was as desirous as any one to see her services extended, but he was decidedly of opinion that the passing of a measure of this kind would only tend to aggravate the evils which already existed. There was no doubt that the greatest latitude prevailed in the preaching of the clergy at present, some of them verging towards Popery, and others towards extreme Calvinism. The result was that in many cases the parish churches were cleared of their congregations. The Bill before the House made no provision for the poor. The hon. Member for Derby (Mr. Bass) said that he should like to go to church in some of these extemporized chapels; but he had no security that in going to these chapels he was going to church, for in them anything but the doctrines of the Church of England might be taught, whilst no provision was secured for the admission or instruction of the poor within their walls. He thought the first provision necessary was a measure that in the parish church the clergyman officiating should preach nothing but the doctrines of the Church. For the people loved the doctrines of the Church of England when faithfully inculcated. What this Bill did was to give liberty for the establishment of small chapels in any parishes in which the clergyman might not be popular, and thus introduce a very objectionable kind of rivalry. He deprecated, with the right hon. Gentleman the Home Secretary, the introduction of anything into the parishes which would create discord. It was to be remembered that there would not be the slightest security that Church of England doctrines would be preached in the chapels to be authorized under this Bill; and the carrying of such a measure would tend to break up the parochial system. It was very true that evils existed under the present system, and that in case of a clergyman preaching doctrines, or indulging in practices which his parishioners did not conceive to be in accordance with the teaching of the Church, it was almost impossible to obtain legal redress. It was true that the Bishop was the proper person to whom such questions ought to be referred. But under the Church Discipline Act the Bishop might refuse to hear the case. Indeed, he was under a penalty to do so, for the expense of proceeding in the eccesiastical courts in the present state of the law was so great that one or two trials of this nature in a year might absorb the whole of his income. No one could, therefore, be surprised at the Bishop's refusing to proceed, as he had power to do, under the Church Discipline Act. The laity were, in fact, left totally without the power of legal appeal, whatever the annoyances to which they might be subjected. In the Lavington case, where an application had been made to the Court of Queen's Bench for a mandamus to compel the ecclesiastical court to proceed, it was held that the lay court had no power to issue a mandamus. The remedy, it appeared to him (Mr. Newdegate), ought to be the introduction of a Bill empowering the Court of Queen's Bench to issue a mandamus to the Bishop to hear such cases; of course, not compelling him to decide one way or other, but to hear such cases as the Court of Queen's Bench might deem sufficiently founded, the Bill also making due provision for the payment of the necessary costs and expenses either out of the funds in the hands of the Ecclesiastical Commissioners, or such other funds as the House might appoint, thus indemnifying the Bishop from expense. That appeared to be a practical remedy for the evil, the existence of which had been proved before the Courts of this country. The fact was, that by moving so many of the sources of practice from the Ecclesiastical Courts, and thereby destroying the ecclesiastical Bar, they were destroying the representation of the laity; for the lay Bar of the Ecclesiastical Courts had been, in fact, the jury of the laity. The Ecclesiastical Courts had, therefore, become exclusively clerical, and even to these Courts, thus exclusively clerical, the laity had no actual power of appeal. If, however, the lay Court of Queen's Bench could, by mandamus, compel the Ecclesiastical Court to hear the grievances of the laity, as he suggested, a right of access at least would be granted to the laity which was at present denied to them. The present Bill was based upon an acknowledged evil, the effects of which it would simply aggravate instead of providing a remedy. It would create and aggravate religious discord in the various parishes. He believed that the Government might be confident that the House would support them in a measure for correcting the evils in the Church of England to which he had alluded. Why, then, did they not meet these evils at their centre by introducing some such salutary measure as he had described, which the Bill before the House would simply aggravate. He was confident that the House would aid them in giving the people a proper tribunal for the settlement of those differences which were at present throwing the whole Church into confusion.

Mr. BAINES said, he should support the Bill, not as a Dissenter, because Dissenters already enjoyed all the privileges which this Bill would confer upon the Church, but he supported it because it would liberate the clergy of the Church from many trammels and restrictions which now bound them, and would give them a freedom of action on behalf of the spiritual interests of the great bulk of the population which at present they did not possess.

Mr. LEFROY said, he hoped that the hon. Gentleman who had introduced this Bill would, after the speeches which had been made in opposition to it, consent to its withdrawal. He would support any measure to extend education and religion, consistently with the rights of the Established Church, which he regarded as the safeguard of our religious institutions and opinions; but he thought that no case of necessity for the present measure had been established. Indeed, the arguments in support of the Bill seemed to rest mainly upon individual instances; but to his mind experience had shown that clergymen would rather extend indulgence to than restrain those who were anxious to teach the truth. Moreover, when he saw clergymen preaching in theatres and places of that description, he did not think that the Bishops could be said to exercise too strict a control over the discretion of the clergy.

Lord ASHLEY said, he thought the measure was wholly unnecessary. Under the present system the clergy enjoyed practically as much liberty in preaching and reading the Scriptures as they ought to possess. As an example, he might mention that only the other day a clergyman appeared in the garden scene of a theatre, perhaps surrounded by forbidden fruit, and no doubt looking very picturesque. Not that he wished to throw discredit on the religious services in theatres; on the contrary, he looked upon that movement as one more conducive to the spiritual welfare of the poorer classes than any which has been undertaken for a long time. His objection to the Bill was simply that while, on the one hand it was unnecessary as a measure of protection, on the other hand the effect of it would be to deprive the Bishop of his legitimate and discretionary authority in his diocese, together with that of the incumbent in his parish, thereby producing a state of things most subversive of ecclesiastical order and discipline. As, therefore, he did not see that there was any case made out in behalf of the Bill, he should give his vote against the second reading.

Colonel SYKES thought that, having regard to the ignorance of spiritual matters at present existing throughout the country, the House ought not to throw an impediment in the way of such a Bill on any mere technical grounds, and he should give his support to it.

Mr. HARDY said, it was a mistake to suppose that the clergy of the Church of England did not now seek to reach the poor by preaching and lecturing in places that were not consecrated. The clergy, however, had assented to a certain form of ecclesiastical discipline, and it was unreasonable to ask the House to enable them to dispense with the vows of obedience which they had taken to their superiors at the time of their ordination. He did not believe that the preaching of the doctrines of the Church of England could be extended too widely, but the members of that Church, in pledging themselves to her, had done so not only as to her doctrine, but also as to her discipline. The hon. Member for Leeds (Mr. Baines) looked at the Church of England with the view of a Nonconformist, and seemed as if he would set up in the same parish two ministers of the same Church in rivalry with each other, which must inevitably produce religious discord and warfare in the parishes of this kingdom. He did not wish to see the bishops act now in the spirit of their predecessors, who excluded Whitefield and Wesley from the pulpits of the Established Church, and he should not be sorry to see some of the most eminent preachers of that Church sent, under the authority of the Bishops, to preach the doctrines of salvation far and wide, but what he did object to in this Bill was that they were attempting to set free the servants of the Church of England from the obligations they owed to the heads of the Church. He should be glad to see the Ecclesiastical Commissioners employing a considerable part of their funds in sending fresh ministers into populous and overgrown parishes and districts, but he besought the House not to sanction a principle, involved in the second reading of this Bill, which would be fatal to the discipline of the Church of England.

Mr. CONINGHAM said, he should support the Bill, believing that it was founded on the principle of religious freedom, and that its effect would be to remove restrictions which now hampered the celebration of Divine worship. He expressed his regret that the Chancellor of the Exchequer, who in all other matters was so great a stickler for free trade, should, in dealing with a measure calculated to emancipate the Church of England from the trammels by which she was enthralled, have clothed himself in the robes of Protection.

Mr. MELLOR said, he thought much objection might be taken to some parts of the Bill as regarded the wording, and he doubted whether it would be sufficient to carry out the object it had in view. He could not however, in the absence of a more fitting proposal, refuse his assent to go into Committee on it, so that the Bill might be rendered effective for remedying what was an admitted grievance.

Mr. SPOONER said, he should vote for the second reading of the Bill, and agreed very much with the view taken by his hon. and learned Friend (Mr. Mellor) who had just preceded him. He agreed that as the Bill was then framed it might lead to great evils; but it might easily be altered in Committee so as to make it a most useful measure. At present there were vast masses of our population who never had the opportunity of hearing the Gospel preached, and that was a growing and much-to-be-deplored state of things. The right hon. Members for the Universities of Oxford and Cambridge had both admitted the evil that existed, but disapproved of the manner of remedying that evil by the Bill now under consideration, and requested the hon. Members who had brought in the Bill to withdraw it, in order that a better Bill, framed in other terms, should be brought in. If the right hon. Members would undertake to apply their distinguished talents to the provision of some remedy for the spiritual destitution now prevailing, he would advise the hon. Members to withdraw their Bill; but without such a pledge, and the House went to a division, he could not conscientiously oppose the second reading of a Bill the main principle and object of which was to provide proper means for the religious education of vast masses of the people in the Christian principles and doctrines taught by the Established Church.

Mr. LOCKE KING said, he wished to explain that the words "private house" had been introduced into the enacting clause simply because he found them in the canon which the Bill in that respect proposed to overrule. After the temperate manner in which the measure had been debated, he was astonished that the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) should have so stoutly opposed it, until he recollected that the right hon. Gentleman was the other day made an Ecclesiastical Commissioner. As the majority of the House appeared to be in favour of the principle of the Bill, he would recommend that it should be read a second time; that it should then go into Committee *pro formâ;* and in that case he would endeavour to adapt it to the wishes of hon. Members who had taken exception to its wording. With that view he should go to a division.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 131; Noes 168: Majority 37.

Words *added.*

Main Question, as amended, put, an *agreed to.*

Bill *put off* for six months.

CLARE ELECTION.—REPORT.

House informed, that the Committee had determined,

"That Colonel Luke White is not duly elected a Knight of the Shire to serve in this present Parliament for the County of Clare.

"That the last Election for the said County, so far as regards the Return of Colonel Luke White, is a void Election.

"And the said Determinations were ordered to be entered in the Journals of this House."

ADULTERATION OF FOOD, &c., BILL.

COMMITTEE.

House in Committee according to Order.

(In the Committee.)

Clause 4. Power to Justices to have articles of food and drink analyzed in cases where complaints were brought before them.

Sir FRANCIS GOLDSMID said, it appeared to him that this clause was not necessary. They ought not to make exceptions to the general law of evidence. He would propose to omit the words which stated that the substances which were produced in any court of justice should be taken for what they were called without evidence being required to prove the contrary.

Mr. SCHOLEFIELD objected to any alteration in the clause.

Amendment *negatived.* Secy of State

Sir GEORGE LEWIS said, the question was, what would be considered adulterated articles and not pure articles. How was discovery to be effected without the aid of an analyst? And then take the article of bread, which was no doubt mixed with potatoes and other things not injurious to health. Would that be adulteration? No doubt under the Bill it would be an offence, and the maker subjected to a heavy penalty. But by what process would the analyst determine whether bread was adulterated or pure? He had received a deputation of bakers, and they said the Bill would be injurious to their trade, and that they would not be able to exist under its operation. A statute was already in existence which in all ordinary cases was sufficiently calculated for the protection of the public, and it was for the Committee to consider whether the Bill might not be too general in its terms. The principle now recognized in all transactions between buyer and seller was that of *caveat emptor*, and he thought it ought not to be departed from.

Mr. JOHN LOCKE said, the bakers were sufficiently protected. If they did not warrant their bread to be pure and unadulterated, they would be safe. There was a difference of opinion whether alum did deteriorate bread or not. If tradesmen held out to the public that they were selling pure articles, and they were adulterated, they ought to be prosecuted for the offence.

Sir GEORGE LEWIS instanced the article of mustard for the purpose of showing that it was necessary sometimes to mix another article with the one to be sold, in order to render it vendible.

Mr. AYRTON said, the words "expressly warranted" had been introduced into the Bill to obviate possible objections. The measures only proposed to deal with those cases in which persons warranted their goods as being pure and unadulterated. There was already a statute which applied to bread, and the bakers were the only people who could not complain of this Bill. A person was liable to be transported for obtaining money under false pretences. Then, why should not tradesmen be liable to punishment when they cheated the poor people? There were no difficulties in the way of legislation excepting those which existed in the mind of the right hon. Gentleman the Home Secretary.

Mr. ROEBUCK believed there were already a dozen statutes which were inefficient for the purpose of protection against adulteration. If they told the people the law would protect them against fraud and it did not, they did a very great mischief. He believed the buyer was the best person to protect himself, and so soon as a man was found to be selling impure and bad articles he lost his customers. The simple thing the Committee had to consider was, whether it was wise to spend their time in useless legislation.

Mr. C. P. VILLIERS said, the Bill was founded on the Report of a Committee, which had made careful and extended inquiry into this subject; and he thought it was clear the hon. and learned Gentleman had not read the evidence taken before them. The application of the Bill was confined to articles which were necessaries of life, and it appeared that there was not a single article of necessary and general consumption which was not adulterated. The poor had no remedy. They could not prosecute the tradesmen of the village or town, with whom they were obliged to deal. They were compelled to take the food as they could get it—impure and adulterated. All that was required was the power of publishing the names of the adulterators. That would be a protection to the people. There was no country in Europe which did not protect its subjects from adulterated food, and everybody knew that on the Continent articles were much better than in England. He was sorry to say that there was no country in which things were so much adulterated as in England. In America there was a strict law against adulteration, and no drugs from England were allowed to be received before being examined by a properly qualified inspector; and the appointment of such an officer had become necessary in consequence of the bad quality of the articles imported from this country.

Mr. PEACOCKE said, the observations of the right hon. Gentleman (Sir G. Lewis) went against the principle of the Bill. He objected to the Bill because of the difficulty of determining what was adulteration. Certainly there was a difficulty in particular instances, but it was not insuperable. It would be decided by practice, and magistrates would necessarily be guided to a considerable extent by previous decisions. The hon. Member for Sheffield said the poor could protect themselves; but the fact was, that practically, neither the rich nor the poor could protect themselves. Take the case of Cayenne pepper. Evidence was given before the Committee that that which was sold as Cayenne pepper was not Cayenne pepper at all. What remedy had the purchaser? There was no law on the subject. As the Bill stood at present the interests of the vendor were only too well provided for, as he could not be punished unless he expressly guaranteed the authenticity of what he sold.

Mr. SCHOLEFIELD said, he did not wish to interfere with the maxim *caveat emptor*. Under the present law, no doubt, the buyer was left to take care of himself, but the procedure was so cumbrous and expensive, that there was, in effect, no protection at all. With regard to mixture and adulteration, the Bill did not interfere with mixture. A man might mix what he pleased with an article, and if he did not sell it as a pure article, the Bill did not touch him; but if he did sell it as a pure article, he (Mr. Scholefield) thought the House would agree with him that he ought to be punished.

Clause *agreed to*.

Clause 5 (Power to appoint analysts).

Mr. ROEBUCK inquired whether an analyst was to be appointed in every little village in England, and how the expense was to be borne?

Mr. SCHOLEFIELD said, it was not as yet decided how those details were to be carried out.

Mr. HALIBURTON said, he wanted to know who would analyse the analyst. Would he be subjected to a competitive examination, or appointed by the judge or by the magistrates at quarter sessions? There were not, he believed, half-a-dozen persons in the country fit to be analysts. Those who were examined at Dr. Smethurst's trial all contradicted one another, and involved the case in such inextricable confusion that the right hon. Gentleman opposite was obliged to discharge the prisoner as the only practicable solution of the difficulty. He wished to warn the House against over-legislation, which had produced the greatest evils in both the United States and the Colonies. It was said there was but little adulteration in America. Did they never hear of wooden nutmegs? The right hon. Gentleman the Secretary of State appeared under some uncertainty with regard to the nature of a mixture; and in reply he would only point to the Government of which he was a member, and say—*si signum quæris circumspice.*

Sir BALDWIN LEIGHTON expressed his approval of the Bill, and did not believe any particular difficulty would be experienced with regard to its operation.

Clause 6 *agreed to.*

Sir WILLIAM JOLLIFFE stated that the Bill did not realize in practice what it professed to accomplish. Its real effect would be to prevent persons from warranting what they sold, which would by no means prevent adulteration. The real difficulty to be overcome was that poor persons bound themselves by a system of credit.

Clause 6, as were also Clauses 7 to 10 inclusive, *agreed to.*

Clause 11, (Bill not to extend to Scotland or Ireland.)

Mr. KER said, he would move the omission of the clause. If the measure were a good one for England, he did not see why it should not be extended to all parts of the United Kingdom.

Mr. SCHOLEFIELD said, that the only reason why he did not propose the extension of the Bill to Ireland and Scotland was that a different machinery would be required for putting it in force in those countries. But he would be perfectly ready to assent to any proposal which would provide the requisite means of carrying out such an enlargement of the measure.

Motion made and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 101; Noes 88: Majority 13.

Clause *ordered* to stand part of the Bill.

MR. MAGUIRE said, he thought there must have been some misconception in the minds of several hon. Members who had voted in the last division. Every Irish Member was, he believed, in favour of the measure being applied to Ireland, and, under the circumstances, he hoped the Attorney General for Ireland and the promoter of the Bill would take counsel together to provide the requisite machinery.

MAJOR CUMMING BRUCE said, he voted in the majority against extending the Bill to Scotland, but he must say that if the Bill were good for England it was good for Scotland, and he suggested that the promoter of the Bill and the Lord Advocate should, before the Bill was read a third time, agree on a clause to adapt the Bill to Scotland.

Clause 2, which had been postponed,

MR. BLACKBURN said, he wished to point out that, under the terms of the clause, there would be no protection for any one who bought unwarily a bad article. The purchaser would have to prove that he gave notice to the seller that he bought with the design to have the article analyzed, and that he afforded the seller an opportunity of accompanying him to the analyst.

MR. SCHOLEFIELD said, that protection was necessary for the seller.

MR. BLAKE said, he hoped the Bill would be extended to Ireland. Since the increase of duty on spirits whiskey was much adulterated in that country. Persons who frequented some public-houses were more affected than others. He had at his own expense bought a pint of whiskey, and a celebrated analyst to whom he sent it assured him that, if a man drank such stuff for twelve months, he would at the end of that period lose his reason.

MR. MOWBRAY said, he wanted to know whether the giving an opportunity to accompany the purchaser to the analyst meant providing conveyance for the seller?

If the analyst lived ten miles off the seller could not be expected to walk.

Motion made and Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 123; Noes 16: Majority, 107.

House resumed.

Committee report Progress; to sit again *To-morrow.*

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, March 15, 1860.

MINUTES.] *Took the Oath*—The Lord Carysfort.

TREATY WITH FRANCE—ADDRESS TO HER MAJESTY.

Order of the Day read.

LORD TAUNTON, in rising to move that their Lordships agree with the House of Commons in the Address to the Crown on the Commercial Treaty with France, said he could have desired that some person of more experience in their Lordships' House had undertaken the duty; but as it was thought that the circumstance of his having been officially connected for many years with the trade of the country would be an excuse for his trespassing upon their patience, he had not felt himself at liberty to decline a duty which was so much in accordance with his personal convictions. He was entitled to say, he thought, in the first place, that this Treaty came before them under circumstances which entitled it to their favourable consideration. After having been concluded by the Crown it had received the sanction—the almost unanimous sanction—of the Lower House of Parliament; and he made bold to say that in giving that sanction the Lower House had done no more than reflect the general sentiments of their constituents. It was notorious that since the Treaty had been before the country it had met with very general approbation. This approbation was not confined to any particular branch of industry. In Lancashire and Yorkshire, the seats of the cotton and woollen manufactures, in the linen districts of the north of Ireland, on the banks of the Clyde, where so many interests were combined, in the great coal districts, and in the Staffordshire Potteries,—in all these districts it had been received with unanimous approbation, and the people of those parts were now waiting with anxiety for the final sanction to be given to it, which would enable them to derive from it the benefits which they, who were the best judges in the matter, confidently anticipated it would produce. As to the objects of the Treaty, they were such as there could be no difference of opinion. In the words of the preamble of the Treaty, they were to "draw closer the ties of friendship which unite the two people, and to improve and extend the commercial relations between the respective dominions." These were objects which must entitle the Treaty to their Lordships' most favourable consideration. The statesmen in this country had long viewed with great concern the small commercial intercourse existing between two countries, united rather than separated by a narrow sea, which, by the difference of their soil, climate, and productions, and by the varied character of their industries, seemed formed by nature to be mutually beneficial to each other. He need scarcely remind their Lordships that at this moment our exports to France were less than our exports to Holland, and not much more than our exports to Turkey or Sweden. We must therefore rejoice at every opportunity which presented itself for extending the intercourse between the two countries; and all our great statesmen had never let slip a chance of effecting so desirable a result. In 1786, Mr. Pitt negotiated his celebrated treaty, which produced excellent effects while it lasted, but which was put an end to by the unfortunate events of the French revolution. The political and social objects of this Treaty were, he thought their Lordships would agree, of no less importance than the commercial objects. He did not go so far as to say that commercial treaties would prevent wars altogether, for the passions of mankind and the ambition of sovereigns, unfortunately, were not to be restrained by such bonds; but he had no hesitation in saying that commercial intercourse between two nations was one of the best modes of preventing wars and of bringing them to a speedier termination when they did occur. There was a striking instance of this in the relations between England and the United States of America. Their Lordships were aware that from time to time there had arisen very difficult and delicate questions between those two countries, which, if not managed with temper and moderation on both sides, might have led to the frightful calamities of war; but the commercial relations of the two countries were so great, and the great body of the industrious classes on either side of the Atlantic were so deeply interested in the preservation of peace, that they would have called their rulers to strict account had they led the two nations into the crimes and miseries of a rupture, without being able to prove that it could not, by any possibility, have been avoided. This was a sufficient indication how desirable it was, with reference to promoting a good understanding, to imimprove our commercial relations with France.

Before proceeding to consider the provisions of the Treaty, he thought it quite necessary to call their Lordships' attention to the circumstances under which it was made. Ever since the free-trade policy of Sir Robert Peel had been adopted by this country, we had found it necessary to alter our policy with regard to commercial treaties. We had found it was no longer of use to go cap in hand to foreign countries and endeavour to frame commercial treaties with them on the principle of equivalents. The fact was, that foreign countries imagined that we had some great interests distinct from theirs in making proposals of that kind, and the more we urged them to that policy the less they were disposed to reciprocate. In addition to this the more fully we carried out the principles of free trade the more we deprived ourselves of the means of treating on the footing of equivalents. Owing to these circumstances, though still desirous of promoting commercial intercourse with France, we had generally given up all idea of framing a tariff treaty with the French Government. But that suddenly occurred which was most unexpected — overtures came from the Government of France itself for the framing of such a Treaty. In his opinion that entirely altered the whole question, and while he completely agreed with the noble Earl on the cross benches (Earl Grey) who stated his views the other evening with so much force and clearness, that the day of treaties, equivalents, and bargains was long passed, yet he should have deemed the Government very culpable if, when the French Government expressed their willingness to embark in a more liberal course, and only asked this country to give facilities to relax their prohibitive and highly protective system, they had neglected so favourable an opportunity of accomplishing an object which all parties in England had had so long at heart. Those were the circumstances under which this Treaty originated.

He would now call their Lordships' attention to the main provisions which the Treaty contained. They were simple and few. The stipulations on the part of England—he would not say concession, for that was the phraseology of long past times, and there was not one of these engagements which it was not to our interests to do, and which in truth we should not have done sooner or later in following out a policy deliberately adopted and acted upon with entire success—the stipulations on the part of England were—the abolition of import duties on various articles of French produce and manufacture, involving a revenue of £1,190,000, the non-prohibition by an export duty on coal, and the "most favoured nation clause" by which we promised not to impose any duty on articles of French manufacture which were not also imposed on the manufactures of other countries. The present condition of the French tariff was highly protective and prohibitory. Our cottons, wollens, hardware, pottery, and linens, were either absolutely prohibited, or such high duties were levied on them as to amount in effect to prohibition. Now, the counter-stipulations on the part of France were, the admission of all English produce and manufactures at rates not exceeding 30, and subsequently not more than 25 per cent *ad valorem,* the reduction of duties on coal and coke, iron and machinery at certain dates, and the "most favoured nation clause." There was considerable latitude left to the French Government in arranging the scale of duties within the limits of 30, and ultimately of 25 per cent, and he admitted that a great deal of the benefit of the Treaty must depend upon the French Government carrying out their engagements—as he trusted they would—upon the liberal and just principles which they professed. But independent of that, he would remind their Lordships that it was possible to have a very extensive trade with countries which imposed high duties on our manufactured articles. He believed that the tariff of the United States, with which we had so large and advantageous a trade, varied between 20 and 30 per cent. It might be said that the circumstances of the United States and of France were not the same, and that while America was only partially a manufacturing country, France was a manufacturing country to a considerable extent. But that was only true to a certain degree, because he believed the exports of France consisted of three-fifths of articles of manufacture, and two-fifths of articles of raw produce, and therefore that there was a great similarity between the trade of France and the trade of the United States. We had a great and valuable trade with the Empire of the Brazils, and there also the duties on articles of import varied from 20 to 30 per cent. He attached the greatest importance to the "most favoured nation clause," by which France stipulated never again to impose discriminating duties or imports to the disadvantage of English manufacturers. The history of commercial legislation showed how much injury was done to trade by discriminating duties. The most celebrated instance was the Methuen Treaty between this country and Portugal, the bad effects of which were felt to this day, and which succeeded in diverting from its natural channel the commerce which would otherwise have existed between this country and France. France had in recent times entered into a treaty with Belgium, which would not expire till next year, by which differential duties were placed on British goods, to the advantage of similar articles from Belgium. In this way iron, linens, and coals found their way into the French markets from Belgium, when, but for the treaty, better articles of the same sort could have been obtained from England; and France, while she did our trade no inconsiderable injury, undoubtedly did far more harm to herself. He had that confidence in the resources of Great Britain, in the ingenuity and enterprise of the manufacturers, and in the industry of the people, that he felt sure British trade, if it only got fair play, need not fear competition with any other trade in the world. He, therefore, attached great importance to that stipulation on the part of France by which she was prevented from entering into any treaties to our disadvantage with other countries. He ventured to say that we should get the lion's share of any trade under such circumstances. He contended that there was nothing in the counter engagements of England which, unless we had been mistaken in the commercial policy we had pursued of late years, we ought not, merely for our own interest, be glad to adopt.

It might be said that the present was

not a time for making a sacrifice of revenue, and that by the reduction of the duties on French wines and spirits a great loss of revenue would be incurred. But he believed it to be a matter of much importance to the people of this country to introduce French wines and spirits to a much greater extent than was the case at present; and to substitute them for those unwholesome beverages, the use of which was more increasing in this country. So great he thought would be the increase in the comforts of the middle and lower classes of this country that he thought the loss of revenue, if any, occasioned by this Article of the Treaty was not to be regretted. He would not enter into the general financial arrangements which had been proposed by the Government. The only part of them which they had then to consider was the loss of revenue connected with the adoption of the Treaty, and which would be £1,200,000—no inconsiderable sum he admitted, but still not such as should deter them from agreeing to so valuable a Commercial Treaty. No one could say that the financial resources of this country were in such a condition that, supposing the Treaty to be a valuable one in itself, the Chancellor of the Exchequer was neither called upon nor justified in accepting the loss of revenue consequent upon its adoption. He was quite aware that in "another place" the financial arrangements of the Government had not met with the same general consent as the Treaty of Commerce; but he did not see that the one question involved the other. No one would commit himself to approval of the Budget by approval of the Treaty. That part of the Treaty which had perhaps excited the strongest opposition was the stipulation by which England engaged not to put any export duty on British coal for the next ten years. He wished to know whether those who raised that objection believed it was either right or possible for any British Finance Minister to lay a tax on the export of British coal? Such a tax had actually been tried and had failed. Sir Robert Peel imposed a duty upon the export of coal; but the experience of a few years showed that it not only failed as a financial measure, but caused great depression in the trade, coals being wasted in large quantities at the pit's mouth because the tax rendered it unprofitable to export them. He recollected the part the noble Earl (Earl Grey) had taken in opposing the tax, and he would leave it to the noble Earl to answer the objections of those who advocated the policy of an export duty on coal. He could not conceive that it would be seriously maintained that we were depriving ourselves of a valuable financial resource by this Article of the Treaty. It was sometimes argued that as we possessed a great natural monopoly of coal we could afford to put an export duty on it, and make foreigners pay a good price for what they could not procure elsewhere; but that, he thought, was a very dangerous policy to pursue. It had often been tried, and had invariably failed. A single instance of its results occurred some years ago, when the Government of Naples, believing that they had a natural monopoly of sulphur, imposed a duty on its export. A great outcry was raised by our manufacturers. Our chemists at once applied themselves to ascertain whether sulphur could not be procured in other ways, and succeeded in obtaining a considerable quantity of sulphur from iron pyrites, while at the same time explorers, looking through the world, discovered various sources of supply elsewhere than in the dominions of Naples. The consequence was that when Naples at length reversed her policy and abolished the export duty, she found she had lost her monopoly by her greediness in attempting to make too much out of it. That was and always would be the result of a policy which was as narrow-minded as it was contrary to all sound financial principles. Another view of the matter was that the quantity of coal in the United Kingdom was limited, and that there was some danger of its becoming exhausted, not in our own days, but in those of our descendants. That opinion was entertained some years ago by many ingenious men, but he had thought it was now almost altogether exploded. Further investigations and the experience of all practical men had shown that this country had been blessed by Providence with an almost inexhaustible supply of coal. Another objection to this Article of the Treaty was, that it deprived us of the power of prohibiting the export of coal as a munition of war, which, for political purposes, it was necessary we should retain. Now in reply to that he would say that he held that the Treaty, being a commercial one, was to be taken simply in a commercial sense, and that it did not limit or alter the power of this country to prohibit the export of coal in the event of any great emergency. He did not think, however, that it was a point of any great practical importance. Coal was no doubt essential to the manufacturers of foreign countries, but the amount of coal consumed by the military navies was very small. The total consumption in the navy of France was only 160,000 tons a year. He did not believe that this Article would be a ground for disagreeing with the Treaty. The noble Earl (the Earl of Hardwicke) had presented a petition from the shipowners praying that a stipulation might be made to place the carrying trade and the indirect trade with France upon the same footing. He might remind their Lordships that this was a Treaty of Commerce, and not a treaty of navigation. He should be glad to see the indirect trade with France placed upon the same footing as the direct trade, but the effect of this Treaty must be greatly to the advantage of British shipping. With regard to the direct trade between the two countries their Lordships were aware that British and French shipping were already on the same footing. The present Treaty referred only to that direct trade, and in the same degree, in which it promoted commerce between the two countries, it would benefit British shipping. The export of coal was, he believed, very much in the hands of the British shipowners, and as the coal trade between the two countries would doubtless receive a great extension under the Treaty, our shipping would obtain large and profitable employment in carrying coal from England to France. He wished to refer the noble Earl who had presented this petition to an able and interesting document, of which he would not dispute the authority—namely, a Report of the Board of Trade, under the Government of the noble Earl opposite (the Earl of Derby). This Report was written in answer to a memorial from the shipowners, complaining, in that day, in the same language as the petition now laid upon the table, of the depreciation of their property owing to the relaxation of the Navigation Laws. In this Report the subject was treated by a masterly and able hand, and it was proved that while the repeal of the Navigation Laws had increased the shipping of the whole world, it had, above all, and far above all, increased the prosperity and amount of the British mercantile marine. The contrast between the progress of France under her restrictive system, and of England under her free system, was shown to be most striking. France, with the exception of Spain, had the most restricted system of navigation of any country in Europe. In Spain differential duties were levied upon foreign ships engaged both in the direct and indirect trade. France admitted the ships of this country to compete with her own in the direct trade, but endeavoured to secure a monopoly of the indirect trade by high differential duties. The answer of the then President of the Board of Trade was to the effect that if a comparison were made between the amount of French and English tonnage engaged in the whole trade of France, including both the direct and indirect trade, it would appear that in the year 1857 the amount of British tonnage in French ports was two-thirds of the whole, while the French tonnage was only one-third. He believed that at present not less than 2,500,000 tons of British shipping were engaged in the direct and indirect trade with France, while in the whole British trade, direct and indirect, which was entirely open to free competition, and into which French ships were admitted on the same terms as our own, he believed the French tonnage had never exceeded 500,000 tons—the proportion being thus five to one. He had no apprehensions whatever that the shipping interests of this country would suffer from the effects of this Treaty, seeing how indissolubly connected that interest was with the general trade and commerce of the country. It was impossible that we could go on increasing our exports of manufactures to France and that British shipping should not share in that prosperity. Great and successful as had been the extension of our export and import trade, he believed it would be far more easy to make out a case for restricting commerce than navigation; and he believed it was a fortunate thing for this country that we had got rid of the Navigation Laws at a time when the commerce of the world was expanding, and when we were able to secure the inestimable blessing of cheap freights to all parts of the world. He knew that the shipping interest complained of great depression at the present moment. Shipowning and shipbuilding were trades liable to great fluctuations; but the tendency of recent legislation had been not to aggravate but to limit those fluctuations. It would be, in his opinion, a most suicidal policy to return to that restrictive system, the abandonment of which had been most fortunate for the country at large, and above all for the shipping interest itself. He did not doubt that the Treaty, in a commercial point of view, would produce very useful results. He did not desire to exaggerate those results, but he felt confident that if the blessing of peace were preserved and the Treaty allowed to develop itself, a greatly increased commercial interchange between the two countries would follow. The Treaty would also be fraught with great political and social benefits. He believed that all the tendencies of this Treaty were for good. He did not see any mischief in a political point of view that could possibly be caused by the Treaty; while, on the other hand, he saw great good likely to flow from it. It was a capital point in English policy by all honourable methods to cultivate friendly relations with the great nation of France, and he valued the ties of commerce especially because they were ties that connected not merely Governments, but, what was far more important—nations; and the extended commerce arising from this Treaty would give rise to a friendly feeling towards us on the part of the inhabitants of France. He devoutly prayed that it might be so. Not that he wished to see any exclusive alliance with France, for it was not the true policy of this country to cultivate an alliance with France in a spirit of hostility to any other country. While the present Treaty held out the hand of friendship to France it did the same equally to all other nations. If we took the wines of France at a low duty we took equally the wines of Spain, Italy, and Germany. In the debates on Mr. Pitt's treaty, statesmen of the highest authority—Mr. Fox, Mr. Burke, and Mr. Francis—objected to it, that it tended to diminish the feeling of jealousy and alarm with which this country, they said, ought always to regard France. No such feelings would be manifested at the present day. The idea that France and England were natural enemies was now repudiated, as alike unchristian and impolitic. There was at the same time nothing in the Treaty to prevent this country from exercising at all times a proper degree of vigilance in defence of its interests. He was well aware that the political horizon was lowering with clouds at the present moment, and it was difficult to say how long peace might be preserved. But it should be the duty of this Government to endeavour by all honourable means to preserve peace with France in the first instance, and with the other countries of the world. Indeed, if the causes of disunion and discord amongst the nations of Europe were active it was surely incumbent upon us to do what we could to give activity to those better influences, the tendency of which was to cement nations, to prevent wars, and to increase the hopes of peace in Europe. It was because he believed that this Treaty had a very great influence in that direction that he ventured to recommend it to their Lordships. He could not make out that we had sacrificed any principle or made any concession that was not for our interest. On the other hand, we certainly gave facilities to France to enter upon that course which we had seen it our interest to pursue—that of a far more liberal policy. The influence of our example would be very useful to France. It was impossible for the intelligent ruler of France to see the effects produced by this policy in this country without being struck by the result—the welfare and comfort which it had secured to all classes—the loyalty and contentment which it had diffused—the diminution of pauperism—and all the blessed effects which had ensued, not wholly, but in a great degree, from our liberal commercial policy. He heartily hoped that this example might be followed by France; and not by France only; for, with such examples as France and England it would be very difficult indeed for the other nations of Europe longer to maintain a narrow and restrictive policy in matters of trade. Believing that the general diffusion of those principles would be one of the greatest advantages to mankind, would do more to promote human happiness, to diminish the chances of war, and to alleviate its violence when it did unhappily arise, he hailed this policy as one which, by all legitimate means, they were bound as far as possible to promote. The noble Lord concluded by moving to agree with the Commons in the Address to Her Majesty, and to fill up the blank with "Lords Spiritual and Temporal and."

THE EARL OF CORK, in seconding the adoption of the Address, said there would be no necessity, as there certainly was no desire, upon his part to trouble their Lordships at any undue length, nor to weary their attention by seeking to follow out this important subject into all its intricacies of financial details, as might, perhaps, have been fitting had the matter been in any way hastily brought before them, and had the country not been already and most ably led to the full consideration of all its momentous bearings. Intimate, therefore, and, indeed, indissoluble as was the connection between the commercial and the political features of this Treaty, he might be held excused for preferring to pass lightly by the array of facts and figures with which they must have grown familiar in studying the subject, and to ask their Lordships rather to dwell with him a few moments upon the large, he might say immense results, which it promises in other respects. Precedent showed, and a very superficial knowledge of human nature and political history would suffice to teach them, that a Treaty such as this, involving interests so complicated, and pointing to results of such magnitude, is necessarily liable, in its first aspect, to be viewed with eyes of doubt and hesitation, if not of absolute disfavour. The apprehensions of the timid, the small jealousies of the mistrustful, the uncertainties of the wavering, and last, but not least, the antagonism of the unfriendly, were all prone to be awakened by this, as by any other such steps of progress, and all might appear to have on their side some share of plausibility, if not of actual reason. But if it was in the nature of such a Treaty as this to engender a hasty and over-ready opposition, it was no less, he believed, an intrinsic part of the Treaty to commend itself, upon reflection, to the approbation originally withheld; for even jealousy must be calmed, mistrust allayed, and confidence inspired by a careful revision of the advantages it was calculated to confer upon the country—advantages, which it was not too much to expect, might radiate from our country through the world at large. In 1787, the silence of the manufacturing interests was taken as an approval of the treaty concluded by Mr. Pitt; and might not this fact be deemed equally significant, that on the present occasion the representatives of both the manufacturing and mining interests had, by either their votes or speeches, borne unanimous testimony to their convictions, that the interests of their respective constituencies were not only in no danger of injury from the Treaty, but, on the contrary, that they anticipated benefits therefrom? For his own part he was firmly convinced that the advantages to be anticipated from the Treaty, far outweighed any disadvantages; and that Her Majesty's Government, in concluding it, had been actuated solely by the perception how much it tended to the benefit of this country. He would examine some of the principal objections which had been opposed to the details of this Treaty. One of the first to which he naturally recurred, was that raised by the noble Earl (Earl Grey) at the commencement of the Session, when he, in his usual forcible manner, protested against the spirit of a Commercial Treaty recognizing exclusive privileges as a retrograde step in the policy which, he justly remarked, had been wisely and soundly pursued in this country for a successive number of years—in fact, since the repeal of the Navigation Laws in 1849. He, for one, entirely concurred in the remarks that then fell from the noble Earl as to the general error of regulating changes in our home tariffs by concessions to us in those of other countries, when such concessions were neither required by, nor essential to, our financial exigencies. But, in the first place, he was at a loss to understand on what ground the imaginative superstructure of an exclusive engagement treaty was in this case based, believing it, as he did, to be ground quite untenable in reality, and the distinctive mark of our foreign legislation—namely, impartiality in our commercial relations to be in nowise affected or impugned thereby. Secondly, what we give to France by this Treaty she is perfectly aware we give to every other nation. He must equally deny that this act can be looked upon as retrograde; whereas, inasmuch as it enables the country to make a further step towards the entire removal of protective duties, and the simplification of the Tariff, its tendencies were decidedly the reverse. To show the immense impetus it gave in that direction in which we had been steadily going, he would quote some figures taken from the speech of the Chancellor of the Exchequer. He said, "The Customs' duties abolished under the Treaty will alone give relief to the consumers of £1,737,000. The number of articles which were subject to Customs' duty in 1746 was 1425; in 1842, 1052; in 1853, 466; in 1859, 419; and they will have dwindled down, after the passing of this Treaty, to 44 in number." Let them now look upon this question upon the French side. What was the state of our trade as regarded France? In 1854 our total exports were of the value of £115,321,000. Of this, the amount taken by France was only £6,391,465. In 1857 our exports were £146,174,301, and the amount taken by France was £11,326,823. Last year our exports were £130,440,000, and the amount taken by

France was £9,254,858. Could this state of things be deemed either satisfactory or natural between two countries, of which it had been well observed in the writings of Dr. Adam Smith :—

> "Situated as Great Britain and France are, near to each other, and each possessed of much that the other wants, the one abounding in all the products that a fertile soil and a genial climate can supply, and the other in those that are the fruit of comparative excellence in manufacturing and commercial industry—it is obvious that if no restrictions were laid on the intercourse between them, the one would form the greatest and most advantageous market for the produce of the other ; but their jealousy of each other has so fettered the commercial intercourse between them that we derive more advantage from our commerce with China, than from that which we carry on with our nearest, most opulent, and most populous neighbours."

It was therefore time that this state of things should be radically altered; that a better and more friendly system should be introduced, and that both parties should be familiarized with the advantages resulting from a more intimate and extensive intercourse with each other. But these advantages, it had been urged by some of the opponents of the Treaty, were not settled on a strictly reciprocal footing ; it was said we gave more than we received ; —and to a certain, though limited extent, this was true. But was it not possible, by adhering too closely to the letter of a principle, virtually to damage the spirit? Their Lordships must bear in mind, moreover, the time it required to induce many of themselves to abandon their so-called protective duties, the ruin that was predicted, and by some of them sincerely apprehended, as the consequences of the policy originated in 1846. If, then, the growth of free-trade opinions was slow with us, could we expect that their growth should be otherwise than gradual in France? And pending their eventual development, which we might confidently anticipate, should we evince either wisdom or justice in refusing such concessions as she might now offer us, when, by their acceptance and the additional stimulus thus given to her commerce and manufactures, we might materially assist in the enlightenment of the public mind of that country, which enlightenment must in turn react powerfully upon our own interests? Exception had further been taken to the Treaty on a point of not minor importance in connection with the 11th clause; but as the merits of that clause had been twice discussed at great length and with great ability in their Lordships' House, and as the Lord Chancellor had given what he considered to be a perfectly satisfactory opinion, he would not detain the House upon that subject. Had he, however, been at first disposed to question, on grounds of general policy, the wisdom of our binding ourselves not to prohibit for a fixed number of years the exportation of coals from this country to France, which was viewed by some as placing in her hands formidable weapons to turn against ourselves, he said—even if that idea could be sustained—his surprise would have been none the less at hearing that clause attacked upon economical pretences, and the authority of Dr. Buckland quoted in support of that theory. But when that statement was made in "another place," what was the reply to it by the Member for Glamorganshire (Mr. Vivian), whose practical experience in coal was undoubted, and particularly with respect to that quality of coal which from its suitability to steam purposes was likely to be in the greatest demand for exportation to the other side of the Channel? Mr. Vivian said,—

> "I have calculated the area of coal-field in South Wales at 640,000 acres ; the workable beds on an average 60 feet deep ; multiply 600,000 acres, the lowest estimate, by 60, and they would find they had 36,000,000 acres of coal in South Wales ; that multiplied by the weight of an acre of coal at the rate of 1,500 tons to the foot, brought out the fact that there were in South Wales 540,000 millions of tons of coal, or enough, according to the present consumption of coals in England, to supply us for 750 years."

He went on to say,—

> "The production of coals in South Wales alone was 7,500,000 tons, a tenth part of the production of coal in the whole of England ! So it followed that South Wales could support its present rate of production for 5,000 years. He found, also, that the Yorkshire coal-field from Bradford to Nottingham was 600,000 acres, averaging 70 feet thickness ; therefore very nearly equal to the South Wales coal in extent. The Lancashire coal-field was 300,000 acres, averaging 60 feet thickness. The Bristol coal-field was 128,000 acres, averaging 80 feet thickness ; and the Durham coal-field 400,000 acres, computed to contain 90,000 millions of tons. There was an enormous coal-field in the South of Scotland, which he believed had not been accurately surveyed, but was said to consist of 1,000,000 acres, and in one pit 59 feet of coal was found."

He (the Earl of Cork) thought that should be a sufficient answer to those who had absurdly enough talked of the exhaustion of coal in this country. Passing, then, from the chief objections which had been raised against this Treaty, he came to the consideration of a few of the benefits which we might fairly expect to reap in a broad political sense from its enactment. Look at them as their Lordships might, those benefits could scarcely, in his opinion, be overestimated in their political results. It seemed difficult, indeed, to raise a country more surely and unalterably in the scale of surrounding nations than by perfecting the scheme of multiplying, as much as possible, the dispersion of our exports far and wide. These exports, it was to be remembered, were not to the recipients mere articles of luxury and superfluity, to be adopted to-day and discarded to-morrow, but the staple commodities of almost primary necessity, which must insensibly grow into their needs, till they formed an element in their daily existence, and elevated our national importance in the full proportion of their dependence upon us. It seemed strange, indeed, upon reflection, that at any time the mistaken idea should have prevailed, even temporarily, of judicious commercial concessions proving otherwise than profitable to the party conceding, and he, for one, must protest earnestly against the illiberality of guaging advantages to ourselves in the inverse ratio of good effected to others. Let them hope that the day was for ever gone by when that House would listen to remarks similar to those which in the course of the discussion upon the treaty of 1786 were uttered by a right rev. Prelate (the Bishop of Llandaff), who in all sincerity they must believe, declared,—

> "He was an enemy to this Treaty, from a full persuasion that it would in many instances interfere with the manufacturing interests of Great Britain, and from a caution that the wealth of France was the poverty of England, its strength our weakness, its dignity our disgrace."

The right rev. Prelate said further—

> "If France should ever cultivate manufactures and commerce in the same degree that we have done, and that we do, our ruin will be inevitable. There was no policy so good as that which would prevent her from doing so—none so pernicious as that which facilitated her endeavours and stimulated her exertions in that way."—[*Hansard, Parliamentary History*, xxvi. 550.]

Their Lordships must bear in mind that the position we now gained was one from which it was next to impossible we could ever be driven. The people of another country once admitted to the enjoyment of cheap coal, once alive to the advantages of having our iron and machinery within their reach, would no more consent to their prohibition or excessive taxation than would the people of England tolerate a return to the old corn law. Our connection with France would, in consequence, be dependent upon no adventitious circumstances, and every month—nay, every day—would see the increase of a powerful peace party among the people, and not the Government only of France. He did not deny that the suspension of the Treaty in the event of war would lay us open to considerable disadvantages, that our financial as well as our mining and manufacturing interests would suffer by the cessation of foreign demands, in addition to the inconvenience of our having to dispense with French wines and silks. But if those would be our share of the penalties of war what would be the position of France in a similar predicament? Look at the effect of this withdrawal of our supplies upon her naval and military resources. It would go nigh to paralyze them at the precise crisis when their activity was most needed. Consider further how it would affect her industries and commerce, and judge how erroneously it was argued that these supplies would render France more formidable to us and more able to take the initiative in hostilities. Was it not clear, then, that no territorial acquisitions she could gain in war would repay her in several years the shock to her financial system, and the distress of thousands upon thousands of her inhabitants which would be caused by the suspension for a few months only of the trade now fairly anticipated by us as a speedy consequence of this Treaty? We might make Treaties with one dynasty which the next might break; but extension of commerce, on the other hand, rendered the connection between all classes of the two countries so solid and intimate, and compelled them to cling so closely together for self-protection, as to make collision between their two Governments less likely, if not virtually, impossible. In conclusion, he must express to noble Lords on both sides of the House his earnest hope, that whatever differences they might entertain as to some of the details of this Treaty, they would be willing to admit that, on the whole, the acceptance of it would conduce more to the interests of this country than its rejection, and that they would at least concur in the words of Mr. Huskisson, who said—

> "To be liberal in matters of commercial policy is to remove the difficulties and jealousies which

have hitherto prevented a free intercourse between different nations, to extend to each the advantages and enjoyments of the other, and to promote arts, sciences, and civilization; and when we speak with reference to the commercial interests of this country, the argument is strengthened instead of being weakened. Her wealth, her industry, her talent, her prosperity, are all so many inducements for us to liberalize the system. In short, I would be liberal to other countries, because, among other reasons, I feel that by so doing I best consult the interests of my own."

EARL GREY: My Lords, having, in common with your Lordships, listened with great pleasure to the able speeches which have been addressed to us by the Mover and Seconder of this Motion, I regret that I cannot concur in the opinion they have expressed, nor give my vote in favour of the Motion they have submitted to the House. Let me first say that, in voting against this Motion, it is far from being my intention to offer any obstacle to this Treaty coming into operation, much as I disapprove it. It seems to me that it is now too late to attempt to resist carrying the Treaty into effect—matters have gone too far for that—but I say that this Address is not only not necessary, but is useless for the purpose of giving validity to the French Treaty. The assent of Parliament is undoubtedly required to certain parts of the Treaty, but that assent can only be given by Acts of Parliament sanctioning the reduction or abolition of duties which this country has pledged itself to reduce or to remit; and such, I conceive, is the "assent" required by the Treaty. Bills for this purpose will, no doubt, in due course be brought before us, and I entertain no doubt that your Lordships, wisely following your usual practice of not interfering, except in extreme cases, with matters of that kind coming from the other House, will give your assent to those Bills. When you have done that you have done all that is necessary to bring the Treaty into operation. My Lords, I venture to appeal with confidence to the noble and learned Lord on the woolsack to say whether I am not right in this view of the subject, and in affirming that this Address is neither required to give validity to the Treaty, nor can have any operation in doing so. Then, if the Address is not required to give validity to the Treaty, what is its effect? Its effect is simply to express in the most solemn and formal manner your Lordships' complete approval of the Treaty, both of its general policy and of its details. The question, therefore, we have now to consider is this—whether this House is not merely to abstain from opposition to the Treaty, but is to declare its approval, and thus share with the Ministers of the Crown and the other House the responsibility for the agreement entered into with France, by proclaiming that in our opinion the Ministers of the Crown have acted wisely in this matter. I, for one, as entertaining a directly opposite opinion, find it utterly impossible to give my vote in favour of an Address which, in such unqualified terms, expresses approval of the Treaty. I will give my reasons for that opinion; but, in the first place, let me say I do not think this Treaty can be considered by itself, but must be considered as a part—and an essential part—of the general financial arrangements of the Government. I am justified in so considering it, for after the fact of the Treaty having been ratified was announced, the Government refrained for several days from laying it before Parliament, notwithstanding the extreme anxiety of the country to know its terms; but they withheld it until it could be explained in the other House as an essential part of the general financial scheme of the Government. I do not complain that that course was taken, but, on the contrary, think it was quite proper, as the Treaty is inseparably connected with the Budget. The Treaty imposes upon us the necessity of making a large sacrifice of revenue, and before we can judge whether it was wise to make such sacrifices, we must know how the deficiency thus created is to be supplied, and what are to be the general financial arrangements of the Government; I need not therefore offer any apology to the House for venturing to trouble your Lordships with some remarks upon the general financial arrangements of the Government, and stating why it is that I object to the scheme they have laid before us. Let me assure your Lordships that, although I shall make some remarks upon the Budget, I do not intend to trouble you with a long array of figures and details, but shall confine myself to considering the leading features of the scheme; for I cannot but feel how wanting I am in that skill and eloquence which were so conspicuously displayed by the expounder of the scheme in the other House, and which made a long and complicated statement, dealing with a vast variety of subjects, and embracing a large mass of figures, so clear and interesting to all who had the good fortune to hear it. The first remark that I must make upon the financial scheme is, that, in my opinion, it was very happily designated as "an ambitious Budget." It is eminently ambitious; for the Government having to deal with a state of things in which the ordinary balance between expenditure and receipts could not easily be maintained, it was bold of them to begin by increasing the deficiency and making a large reduction of taxation. The Government proposes that indirect taxation to the amount of rather more than £3,900,000 should be remitted. They calculate that by increased consumption of some Articles, the duties upon which are only reduced, by the imposition of new charges, and by a saving in our establishments that first loss will be reduced by £1,800,000, and that consequently the net loss to the revenue will be about £2,100,000. That loss arises mainly from the remission of duties upon wine, brandy, and paper; the loss upon other items of comparatively minor importance being balanced by new charges to which I see no objection. The Treaty, and the scheme connected with it, effect a reduction of duties to the extent of more than £2,000,000, mainly, as I have said, upon the articles of wine, brandy, and paper. We have no surplus, and it is impossible at present to bring our expenditure much below the existing amount. Therefore, if more than £2,000,000 of duties be remitted, that loss must be made good in one of two ways. Either we must anticipate our resources, and effect, either directly or indirectly, some transaction in the nature of a loan, or we must create new taxes. Now, as to change of taxation, I was much struck by the force of an argument very well stated in some remarks on the Budget, known, I believe, to have been written by my noble Friend behind me (Lord Overstone), than whom no one has greater knowledge and experience upon this subject. He has observed in the paper to which I allude that change of taxation is always in itself more or less an evil, and that inconveniences arise from the mere fact of change, because the various interests of the country gradually get accustomed to their burdens, and know how to bear them, and make their arrangements accordingly; but when an old tax is removed and a new one substituted, even if the change is an improvement, yet it inflicts great hardship and inconvenience at first. The conclusion to be drawn from this is that change of taxation ought not to be lightly undertaken. I know there are occasions when a change of taxation may be attended with very great benefit; and those who recommend the present scheme refer, as a striking instance of this, to the policy which was adopted in 1842. No man is more sensible than myself of the advantages which at that time arose from a change of taxes; but I would venture to ask your Lordships whether there is the slightest resemblance in the circumstances of that period to those of the present day? In the year 1842 we had a deficiency in the Exchequer; the indirect taxes had been increased, and the result proved that indirect taxation had been pushed beyond the limit at which it was most productive; at the same time, the indirect taxes we then had were highly objectionable, involving the principle of protection and imposing a burthen upon the country out of all proportion to the income they yielded. As a consequence of this the country, and every branch of trade and industry, afforded unmistakeable proofs that they were overpressed, that some relief was urgently demanded, and that measures must be adopted for that purpose, or the country would suffer severely. Most wisely, therefore, but at the same time, let me observe, most cautiously, the policy of removing indirect taxation by the imposition of a direct burden, in the shape of the income tax, was commenced. I need not tell your Lordships how successful that policy was. But that very success is an argument against the adoption of a similar course at the present time. I have reminded the House of the situation of the country in 1842;—what is it now? Has indirect taxation proved over-burdensome—has it passed the limits of productiveness? Has it crippled industry and trade? Far otherwise. Each succeeding year the Chancellor of the Exchequer has been enabled to come down to Parliament and to state that the extraordinary productiveness of the revenue has exceeded even the most sanguine anticipations which were entertained, and that the revenue was growing almost beyond what was believed to be possible. So much have trade and industry improved in all their branches, that we are congratulated not only by Her Majesty's Ministers, but on every side, on the extraordinary prosperity of the country. Trade and manufactures are not limited by any want of demand, or by the difficulty of discovering profitable markets, but only by the difficulty of finding hands enough to work the machinery that is being continually added to what we already have, and raw material in sufficient quantity to keep that machinery employed. Is that, I say, a state of things in which it is necessary to hazard a great and perilous experiment on the credit of the country? But then, we are told there is a reason for this change; and I must say that in all my experience in Parliament, which is now a pretty long one, I never heard a reason adduced for a great measure of this nature which is so entirely fanciful as that which has been brought forward in this instance. We are told, indeed, that the country has been long looking forward to the period when the Long Annuities should expire, in the hope and confident expectation that great relief from taxation would then be afforded, and that we are bound not to disappoint the expectations so entertained. I quite concur in thinking it natural that the country should have anticipated considerable relief from its burdens when these annuities fell in, and it is greatly to be regretted that those expectations should be disappointed. But I want to know how, under present circumstances, it is possible that those anticipations should be realized? We are told that in the present year £2,100,000 of the charge for the debt will be struck off; but new charges for a very much larger amount have come upon us. We gain £2,100,000 by the falling in of the Long Annuities, but we have to pay £1,400,000 for additional interest on the loans contracted during the Russian war. This will swallow up two-thirds of the melting plum which the people have been so long looking forward to; and the remaining third will go a very small way indeed towards meeting the expenses of the increased establishments we are now maintaining, which have been considered so necessary that they do not appear to have excited any serious opposition in Parliament. If we compare our present expenditure with what it was a few years ago, it will be evident that the saving from the falling in of the annuities has been far more than absorbed by the new charges we have incurred. Under these circumstances, much as it may be regretted, I say it is impossible we can fulfil the expectations which have existed, and we are not in a position to afford relief. To urge, therefore, that it is necessary to remit taxation because it was expected that we should do so in the present year, is not an argument, but a mere fancy. Let me ask your Lordships what would be thought of a man acting on this principle in private life? I will suppose a gentleman with a good estate, but burdened with a heavy life annuity; he has long groaned under the burden, and has promised himself that whenever it expired he would make some additions to his establishment which would contribute very greatly to his comfort. No doubt, to a person in this situation it would be a very great disappointment if, when the life annuity fell in, he found that from other circumstances new charges to a large amount had come upon him. But what should we think of the good sense of such a man who in this situation was to say, "I have always promised myself, when I got rid of this detested annuity, that I would indulge my fancy for something on which my heart was very much set; the time has now come, and, though it is perfectly true that from other causes my means have diminished instead of being increased, and I am less able to afford myself this gratification than at the time when I formed the resolution to do so, still I cannot and will not refuse myself the indulgence, and I will provide for the increased expenditure by some arrangement as to my property, which I have hitherto declined as imprudent." Yet that is precisely the course which Her Majesty's Ministers have advised us to adopt. These wine and paper duties have over and over again been brought under the consideration of Parliament. Successive Chancellors of the Exchequer, and among them the distinguished Gentleman who now holds that office, have concurred in earnestly pressing on Parliament that they ought not to meddle with these taxes; not because they were free from objection—for my part I never yet heard of a tax which was free from objection—but on the ground that the revenue could not afford to sustain the loss, and that no less injurious tax could be imposed in their stead. And yet we are told by one of those very Chancellors of the Exchequer that now, forsooth, when we are less able than formerly to repeal these duties, because it happens that the Long Annuities have fallen in, which have been more than counterbalanced by new expenses, we are bound to please the nation by a large reduction of indirect taxation. My Lords, I confess it seems to me that to deal with the people of this country on such a principle is to treat them like children, and not like sensible men who are capable of forming a sound view of their own affairs. Let me ask your Lordships to consider the real effect of that arrangement which is proposed on such fantastic grounds; and, in considering the effect of these measures, you must forgive me if I do not confine my view merely to the financial year. If we would form a sound judgment on this subject we must look a little further forward. On the year which is about to open, it is quite true that a small balance over expenditure is shown on the Ways and Means. I am afraid that balance will neither be large nor certain, for if we look in the most cursory manner at the estimate of future expenses, I think we must admit that it is taken, to say the least, in a most sanguine temper. For instance, I find that in making the calculation which gives us a small surplus on the opening year the Vote for the expedition to China is set down at only £500,000 beyond the provision which, to a certain extent, is made in the Army and Navy Estimates. I am told that already votes of credit have grown to £850,000, and I think none of your Lordships, who have considered the question, will believe that their growth will stop there. We are all too well aware of the manner in which such calculations are exceeded in practice: and from what I know of expenses now going on, from what I hear from the north of ships being taken up to carry coals to China at freights of from four guineas to 90*s*. per ton, which will bring the cost of the coals you burn out there to about £5 per ton; from the fact that you have sixty pennants in the Chinese seas, for which you will have to find fuel at this extravagant rate; and when you remember, too, what a tendency hostile operations carried on at a distance have to become far more expensive than you calculated, I think the country may be congratulated if, instead of £500,000, the cost of this war is not more than tenfold that amount—if it stops short of £5,000,000. Then, again, this Budget makes no provision for the national defences. We are told that the Commission on this subject has recommended that a very large sum should be expended for this purpose, and that the expense should be incurred at once; but it is scarcely possible that there is any truth in another report which is current, that this expense is to be provided for by a loan. Surely it never can be possible that this ruinous and improvident mode of providing for expenses of this description during peace should be recommended by the same Chancellor of the Exchequer who so eloquently and earnestly impressed upon Parliament the duty of providing for the greater part at least of the enormous expenses of an European war within the year in which they were incurred. Assuming, however, that there is a real, and not a nominal balance of expenditure and income at the end of the year, I wish your Lordships to observe the manner in which it is obtained. It is provided partly by imposing for one year only the income tax at the high rate of 10*d*., partly by re-imposing for little more than a year the high duties on tea and sugar, and, lastly, by availing ourselves for the service of the ensuing year of about £1,400,000 derived from taking up the malt and hop credits, which course, I contend, is as much an application of the capital of the State to the purposes of income as if a loan to the same extent were raised. Suppose the expenditure and income for the year 1860-61 do balance, what will be the case in the following year? Of course, this last sum, £1,400,000, will have been drawn and spent; you cannot reckon on that coming in; your taxes on tea and sugar will expire unless you re-impose them; and it will, therefore, be the duty of Parliament in 1861 to deal with a deficiency of not less than from £10,000,000 to £11,000,000. [Lord MONTEAGLE: £12,000,000.] My noble Friend is much more experienced in such matters than I am, and he says £12,000,000. That is surely a serious prospect to look forward to. And how is this deficiency to be met, and by whom? This Budget cuts you off to a great extent from indirect taxation. The bargain you are making with France includes so many articles that it will be impossible for the future to devise any mode of raising a considerable revenue from Customs' duties. Again, with regard to the Excise, the old staple articles upon which the largest revenue has always been raised are already burdened, I am afraid, to their full extent, and when you are repealing the Excise duty on paper, acknowledging deliberately at the same time that of all Excise duties it interferes least of all with the manufacturer and with industry, and that, instead of showing signs of falling off, it is a growing revenue, and that any objections that may exist may be easily removed—yet you are, nevertheless, surrendering it. Where will you be able to discover any new source of revenue at the same time so profitable and so unobjectionable? How are we to provide, then, for this deficiency? A part, no doubt, will be met by retaining the war duties on tea and sugar; but still there will be a large sum remaining, and almost the only resource left to you will be to reimpose the income tax, which, with the additional demands coming on you next year, will have to be imposed at the rate of 1*s*. in the pound, in order to answer its purpose. I ask any of your Lordships who have been in the habit of paying attention to financial matters, whether it is desirable that an income tax of that amount should be raised? For my own part, I look forward to the future with the utmost alarm, and, if anything were wanting to increase that alarm, it would be the ground on which it is argued by Her Majesty's Government that these taxes ought to be levied for one year only and the question left open for the future. We are informed that a House of Commons chosen by a new constituency is likely to be returned, and we are further informed that it is right that the whole question of what is to be the character of the future taxation of the country should be left to that body with its constitution so altered. Assuming that it really does happen that a new House of Commons is returned next year, elected by a far larger proportion than at present of those who do not pay direct taxes, is it wise or prudent, for the sake of peace, for the sake of good feeling between different classes of society, to leave a question of this kind to be settled by them at the first moment? The present Budget is defended in newspapers, at public meetings, and in the other House on the ground of its likeness to the policy of 1842; but I put it to your Lordships whether this was the policy adopted by Sir Robert Peel. Did his arrangements create an enormous deficiency without pointing out how it was to be filled up? On the contrary, before a single step was taken to remove even the most obnoxious duty, the income tax was imposed for three years, in which time it was calculated the deficiency would be covered, from the stimulus given to consumption and production by reduction of duties. The repeal of indirect taxes in those days was invariably preceded by the imposition of direct taxes which were calculated to entirely fill up the void. The course now pursued is exactly the reverse. No man can believe that the void now created will be filled in the time contemplated. In the first place we take off the paper altogether, so that cannot be recovered at all; and with regard to the wine duty the Chancellor of the Exchequer, in his more prudent days—in 1853—while he said it was a bad duty, told the House very fairly that although he believed it ought to be reduced whenever we could spare the income, it would take some years before the revenue would recover. We know it is an affair of time for the habits of men to change, and, therefore, we cannot calculate that the revenue, in the case of the wine duty, will soon recover. I have now stated part of my objections on mere financial grounds to the policy of Her Majesty's Government; I could go further on this head, were it not that I have promised to your Lordships to abstain from details; but abiding by that engagement, I will merely ask your Lordships whether this general and cursory statement is not sufficient to show that the Budget is a dangerous measure, and that the Treaty, which renders the most dangerous of its arrangements indispensable, is not entitled, on financial grounds alone, to our approval? I now turn to another branch of the question. In that part of the able speech of my noble Friend who moved the Address, where he described so forcibly the great advantages of improved intercourse between this country and France, I cordially concur. But the fallacy in my noble Friend's argument was that he confounded the advantages of increased intercourse with France with the advantages of the Treaty, and that he omitted to show that the Treaty was the best mode of securing increased intercourse. I ventured on a former evening to state the reasons which induced me to believe that it is far from being the case. I will not abuse the very great indulgence which your Lordships have shown me by going over again the same ground; but I must be permitted to say that my noble Friend has said nothing which tends to shake my conviction that the Treaty is not the best means of arriving at that end, and that, on the contrary, it is calculated to keep up the fears and apprehensions of the French people.

Let me remind your Lordships that the obstacles to increased intercourse are almost entirely on the side of France; English legislation affords few or none; and what are really protective duties might still be removed, without incurring the financial difficulties which this Treaty entails, without any Treaty at all. If the Government had opened the doors as wide as possible to French produce without any Treaty, or looking for any concessions from France in return, I can assure your Lordships no man would have applauded the proposal more heartily than I should. But I say that this Treaty is calculated to increase the indisposition of the French to a change in their commercial system. France, by this Treaty, makes a very, very small approach to the adoption of a liberal system. She comes to about the point where we were when the first proposals of Mr. Huskisson for mitigating our old restrictions had been carried, and perhaps hardly so far. I rather think Mr. Huskisson regarded thirty per cent as the *maximum* to which protection could be carried, because beyond that the smuggler stepped in and the duty did nothing. I believe that is exactly what this Treaty will do. It will interfere with the smuggler, but for every other purpose it will have very little effect indeed. I have said that in my opinion this Treaty is calculated to increase the apprehensions in the mind of the French producer, which are the great obstacles to extended intercourse. I was much struck by a fact of which we were reminded by my noble Friend who seconded the Address. He pointed out how sincere and strong were the apprehensions entertained by a numerous body of our own countrymen that on the abolition of protection ruin would come upon them. No doubt they feared such would be the result. But I ask whether your Lordships do not think that the intensity of the opposition to these changes would have been greatly increased if it could have been represented in this country at that time, that the changes were made, not for our own benefit, but to bribe some foreign nation to agree to certain political arrangements? If Mr. Chowler could have said that foreign wheat was to be let in, not for the benefit of the country, but to bribe Russia and America to assent to certain political objects which we had much at heart, I want to know whether his speeches at market dinners would not have been increased in vehemence and effect? I believe that the apprehension that French industry is sacrificed for political objects will increase the opposition in France to any real reform, and that this Treaty will be an obstacle in the way of establishing that extended intercourse between the two countries which I and my noble Friend equally desire. I adhere to my opinion that there should be no bargains of this kind; but I say if we are to have a Treaty there ought to be some approach to fairness. England has already done so much for France, and what still remains for us to do is so completely accomplished by this Treaty that we have left France nothing more to ask for. We agree to make a very large, and at the present moment, a very inconvenient sacrifice of revenue on wine and brandy, while we had given complete equality to French shipping in our home and colonial ports. If we were to appeal to France and say, "Is there anything more which we can possibly do to favour your trade?" I am persuaded the most intelligent of French Ministers would be puzzled to point out any further concessions. We debar ourselves, under any possible circumstances, from reimposing the duty on coal for ten years. I agree that it is highly improbable that we shall wish to do so, but we deprive ourselves of the power of making any alteration. In return for our concessions what is France to do? Not a single article of English produce is to be admitted free. The most important of those articles are still to remain subject to duties as high as the smugglers practically will allow them to levy. Our shipping is to remain subject to all the existing restrictions. The only articles on which any considerable concession is made are those for which France has immediate occasion, for her manufactures or otherwise; and it is remarkable that during the negotiations we never appear to have asked for the free export of the raw materials of two of our important manufactures—silk and paper. Raw silk is still to remain subject to an export duty; and, as far as the negotiations of the Treaty were concerned, rags would have remained subject to prohibition. A few days ago we were told that the prohibition was to be removed, and were congratulating ourselves on the concession, when our joy was damped by the announcement that the removal of the prohibition only meant the substitution of an export duty, which on so cheap an article as rags was only prohibition under another name. I ask, is that free trade or is it not? Is it just to our paper manufacturers that they should be debarred from purchasing rags on equal terms with the foreign manufacturers with whom they are to be brought into competition? It seems to me it is in nowise fair. But we are told this is a wrong view to take of the matter, and that we have made no bargain with France, because she receives from us no boon which is not a still greater benefit to ourselves. The exports of rags and raw silk were subjects, it is said, quite unfit for negotiation, because to have negotiated on the principle of bargain, demanding an equivalent for every concession, would have thrown the greatest obstacles in the way of the progress of free trade. Well, these are very sound doctrines. They are precisely the arguments I have myself frequently used to show that it is inexpedient to make the reduction of duties on each other's produce matter of bargain between two nations, and that the proper way is for each to regulate her own tariff according to her wants and interests. But the Government ought to make their choice between the one and the other of these two opposing doctrines—that a bargain is a good thing or a bad. If they say that a bargain is a good thing, and that is politic for us to make one with France, then they are bound to see that the bargain is a fair one, and have no right to turn round and accuse us of taking a narrow, mean-spirited view of the matter. If we do not get concessions, let us keep our hands free. Do not let us fetter ourselves by any engagements for the future. Let us reserve the power of re-establishing the duty on wine in case we should find it desirable to do so, and of imposing a duty on coals in case our supply should run short. Do not let us enjoy the disadvantages of being at the same time bond and free. The next point which I have to notice is one which I feel great delicacy in approaching, especially after the intelligence that has reached us this forenoon, but which it is impossible for me to pass over—I allude to the question of Savoy. I cannot but think the Government are greatly to blame for having signed this Treaty without first obtaining from France a formal disavowal of the intention to add Savoy and Nice to her Empire. We now know what was not admitted at first—that before this Treaty was signed, the Government were well aware that this question was in agitation. They had a distinct warning that, in the event of certain arrangements taking place in Italy, France would think herself entitled to take possession of Savoy; and, knowing that, the Government incurred a heavy responsibility in consenting to sign this Treaty without obtaining a formal disclaimer from France of that intention. I regard the annexation of Savoy to France as a misfortune, not only to England but, to Europe—to the whole civilized world—I believe it to be pregnant with mischief; and I say that while that design was in agitation we ought not to have given France so signal a proof of our confidence and support as is conveyed by the signature of this Commercial Treaty without requiring from her the abandonment of the project. But, further than that, I say it was impossible under those circumstances, and with the knowledge of what was impending, to sign that Treaty without inflicting a stain on the honour of England in the eyes of Europe. How is the matter regarded on the Continent—in France especially? I have the testimony of a gentleman, on whose judgment I place the greatest reliance, that the manner in which the subject is viewed in France is this:—They believe, as foreign nations have long believed, that our whole policy is directed to the one object of selling our cotton, that all other considerations are as nothing in comparison with that, that that is all we think of, and that the key to our policy on every other question is to be found within those narrow limits. Regarding us in this light, they imagine that the Commercial Treaty has been conceded to us as a sop to induce us to submit with patience to the annexation of Savoy. They believe that our resistance is all a sham. I know they are wrong. I will not do Her Majesty's Government the injustice to belive for a moment they are incapable of such baseness as that of writing high-sounding despatches unless they really wished to oppose the arrangement, and with no other view than to have them laid before Parliament. But that is what is imputed to us, and is gaining ground in the minds of the people of France, and I fear not only of France but of Europe. There can be no doubt that such an opinion is calculated to lower the character of England, to bring her down from the high position she ought to occupy, and to degrade her in the eyes of the world. I am confirmed in this view by the Report upon the Commercial Treaty by the French Minister, published a few days ago, in which there is an elaborate argument to show that the Treaty has been based solely on industrial and commercial reasons, and that there are no political objects in the background. There is an old proverb, and a very true one—*Qui s'excuse s'accuse;* and I believe that the elaborate excuse of the motives of the Treaty put forward by the French Minister is only a proof that he knows it is differently regarded by the people. My Lords, we all know that the annexation of Savoy is a most dangerous step to the future peace of Europe. We know this by the proof it gives us that the old appetite of territorial aggrandizement, which in the beginning of the present century made France such a curse to Europe and to herself, is not extinct, and that the feelings which directed the policy of the first Emperor are not alien to the second. We know that questions of natural boundaries and the natural limits of France are rising into alarming proximity—that the confidence which a few years ago existed cannot for years and years be again established, and that Europe, from one end to the other, will feel the effects of the alarm that has been created. While that state of things continues it will be impossible for this country, with a due regard to its own safety, to diminish its naval and military defences. This annexation of Savoy imposes upon us an enormous charge for military and naval expenditure, and our Government had a right to say to the French Government, "We will not sign a treaty by which we throw away £1,000,000 of revenue, while you by this act increase our present burthens." I say that is the reply which it was the bounden duty of Her Majesty's Government to have given. I will pursue this subject no further. I beg to acknowledge the great indulgence of the House, and I will ask your Lordships whether I have not shown good reasons why this House, without attempting to interfere with the execution of this Treaty, should yet decline to share with Her Majesty's Government the responsibility of so objectionable a measure.

LORD WODEHOUSE said, he quite agreed with the noble Earl that it was necessary to show that the measures which Her Majesty's Government had recommended to Parliament were good in themselves, without reference to the Treaty. With this view he would endeavour to follow the noble Earl upon some of the financial considerations of the question. The noble Earl declared that the Budget of the present Government was a dangerous and ambitious Budget. He had, however, overlooked the fact that the Budget of 1842 was open to the same objections. In 1842 Sir Robert Peel, finding a very large deficit of £2,500,000, remitted duties to the amount of £1,270,000, making a deficit of near £3,780,000, to cover which he imposed new taxes bringing in £4,380,000. By these means he changed a deficit into a surplus. In 1845 Sir Robert Peel took a step still more remarkable, for having a surplus of only £1,200,000, he made remissions to the amount of upwards of £4,000,000. In 1853 the present Chancellor took the same course. The object of both was the same—to remove burdens from trade, that it might have room for more elastic expansion, and thereby to restore the revenue of the country to its previous prosperous condition. In the present year the Government had to face a very large expenditure; and, therefore, according to the noble Earl, this was not the time for a reduction of taxation. But he would contend that the very best course to take was to lighten the springs of industry when they were about to impose heavy burdens upon the people. The noble Earl did not appear to remember in regard to wine that the importation was not greater in the last five years than it had been in the five years preceding 1790. He did not understand how the noble Earl could call that a revenue of an elastic kind. Considering the high protective duty upon brandy, he did not think the Government had acted unwisely, even with an eye to the revenue, in reducing the duty on that article. With regard to the very important article of silk, there was no article in the whole range of Customs' revenue the duty upon which was more indefensible than that upon silk. Before 1826 the importation of foreign silk was virtually prohibited:—the duty was then reduced to 15 per cent, and now the manufacture of silk had immensely increased. The noble Earl had made the comparison of a gentleman whose expenditure was increasing, and who was, nevertheless, indulging in luxuries that he had no right to enjoy. But he would rather compare the circumstances of the country to those of a gentleman of a large estate who had expended considerable sums in its improvement, which gave him an increasing return. When the moment of large expenditure came, the gentleman, according to the noble Earl, ought to starve his estate;

while, according to the Government, it would be better for him to carry on the successful system of outlay and improvement which would enable him to bear his burdens. The noble Earl, in the course of his speech, adverted to the China war, and said that the vote of credit of £500,000 was really a vote of £800,000. But the noble Earl must remember that of the £800,000, the sum of £300,000, was a vote of credit for the next year—the vote for this year was, in fact, only £500,000. His noble Friend complained of the arrangement as to the tea and sugar duties, and used rather strong language as to the impropriety of leaving to a reformed Parliament next year the task of dealing with the deficiency that, he said, must arise. Now, the noble Earl knew that one Parliament could not fetter the discretion of a succeeding Parliament; therefore, whatever course the Government had adopted it would clearly have been open to the succeeding Parliament to adopt or reverse their policy; and he could not help thinking that, if they were to show distrust of the new Parliament that might meet next year, the effect would be to suggest to them a suspicion that the measures now adopted were not such as they ought to approve of. His noble Friend objected to treaties of this kind altogether, because he said they were bargains, and the present he characterized as a bad bargain; but he (Lord Wodehouse) did not see what possible objection could be taken to our engaging ourselves to a certain course for a period of ten years, if mutual advantage was to be the result. His noble Friend spoke lightly of the French concessions and said we should derive no advantage from them; but if he took the Returns that had been aid on the table, and observed the high duties hitherto levied on British goods imported into France, and compared them with the reductions now effected, he must surely admit that great advantages would in future accrue to our trade. He would see that at present the duties on iron, cutlery, cotton manufactures, &c., were so high as to put trade in those articles almost entirely out of the question; while under the present Treaty the duties would be from 25 to 30 per cent, and surely under such very great reductions, a very large increase in our trade to France might be anticipated. We carried on a very large trade with the United States, though the tariff of that country imposed import duties as large as would be imposed under the new tariff in France; and from this it might be inferred that we should be able to carry on a large trade with the latter country also. The state of our trade with France was exceedingly unsatisfactory, and, in point of fact, it had been falling off during the last two years, and even of the articles exported, a very small proportion consisted of manufactured goods. He thought, therefore, that nothing could be more wise or natural than to attempt to bring about a new state of things. His noble Friend said we had already removed the restrictions from all the principal articles of commerce, and that there was nothing to complain of in the existing state of things. But the principal articles produced by France—such as wines, silk manufactures, and brandy, were still subjected to high duties in this country. The noble Earl said we should not have proceeded by treaty, but placed our dependence on France and other countries imitating the example we had set. Now, he had heard it said in foreign countries that we had not taken the duties off those articles in the production of which those countries excelled—that we had kept high duties on French wines, silks, and brandies, which we could not ourselves produce, and only taken the duties off those in the production of which our superiority was undoubted. He did not say that was a just argument, but it was put forth as a reason why our example was not followed in regard to the reduction of duties. His noble Friend argued that this Treaty, instead of promoting friendly feelings between the two countries, would render friendship more difficult; and he based this on the belief that the French people were adverse to the Treaty. He did not put any faith in that statement. They knew that protected interests always cried out loudly when assailed; but he believed that in France the great body of the consumers, the wine-growers, the silk-manufacturers, and all who were interested in getting cheap iron and coals, hailed the Treaty with satisfaction. Did they suppose that the French Emperor was not aware of the feelings of his own people? The position of the Emperor of the French was that of a monarch whose throne was based on universal suffrage, and he, of course, knew well what the opinions of the mass of the people were on this subject. To his surprise, the noble Earl had imported into the discussion the delicate and important question of the annexation of Savoy; but he (Lord Wodehouse) submitted there was no connection whatever between the Treaty of Commerce and that annexation. The noble Earl had said that he would not impute to Her Majesty's Government the base idea of selling this country for the sake of commercial advantages. That was scarcely called for, seeing that no one of their Lordships, to whatever political party he might belong, would ever think of accusing his noble Friend the Secretary of State for Foreign Affairs of entertaining for a moment the idea of sacrificing the honour of the country in any way. Her Majesty's Government had taken the course they had done in this matter of the Treaty because they thought it was based on good grounds of policy with reference to the general interests of the country. In concluding this Treaty, they had endeavoured, not to obtain any exclusive advantages for ourselves, but such as would be as manifest for the French people as they would be for our own. Such a policy carried its own defence with it; and he was satisfied that, whatever might be the opinions of political parties in this country as to the annexation of Savoy, they would not believe that Her Majesty's Government wrote despatches on that subject merely for the purpose of being published in a blue-book, and that at the same time they were concluding a bargain with France by which they sold the honour of the country; but, on the contrary, that they would rather believe the Government had concluded this Treaty on commercial grounds, and on those grounds alone. The noble Earl had said that we ought not to have concluded this Treaty of Commerce at a period like the present. It was true that a feeling of jealousy had existed for many years between the two nations; but in no way was that more likely to be removed than by extending commercial intercourse between them. Her Majesty's Government wanted to see a similar feeling established between England and France as existed, for example, between this country and the United States, and if they could create that feeling, it would result in an alliance, not only of Governments, but of peoples. Mr. Pitt was not deterred by any angry feelings which then existed between the two nations from concluding a commercial treaty in 1786. The edifice which Mr. Pitt then constructed had for forty years been left in ruins, and he (Lord Wodehouse) thought the day had come when we might begin to reconstruct it. He regarded this Treaty as a step towards that reconstruction; and if, as he sincerely hoped, reasonable and patriotic men on both sides of the Channel would assist in its completion and consolidation, he believed, in spite of anticipations to the contrary, that the friendship between the French and English people, and with it the peace of Europe, would rest on a more solid and durable basis than ever they had done in the history of the two nations.

The Earl of MALMESBURY:—My Lords, I am anxious to state in a few words why I shall support the views of the noble Earl opposite (Earl Grey), and to express my regret that I cannot join in approaching the Throne with the Address now under the consideration of your Lordships. I think the noble Baron (Lord Wodehouse) who has defended the course taken by Her Majesty's Government in this matter has not been happy in the allusions he made to two great men. In the first place, the noble Baron said, that the conduct of Sir Robert Peel in 1842 was precisely the same as that of the present Chancellor of the Exchequer, inasmuch as the right hon. Gentleman, like Sir Robert Peel before him, had created a deficit. But there is this great difference between the two,—the one created a deficit from a surplus, and the other adds a considerable deficit to one already existing. The noble Baron referring to the Commercial Treaty with France made by Mr. Pitt in 1786, as a ground for entering into the present Treaty, stated that Mr. Pitt grounded that Treaty on the hope of thereby ensuring peace and amity with that country. If Mr. Pitt did found his Treaty on that basis, he must have been grievously disappointed, for I believe not three years passed after its conclusion before a war between England and France broke out. For myself, I should be glad to see a good Commercial Treaty concluded between England and France. Nay, more; the Government to which I had the honour to belong seven years ago did enter into negotiations with the French Government with the view, if possible, to conclude a Treaty between the two countries; but I am free to confess that we thought the terms offered by the French Government were not sufficiently satisfactory to induce us to proceed further in the matter. Our object was simply to establish some arrangement with France by which the commerce of the two countries might be extended. The noble Baron has said that the present Treaty was not intended as a bargain; but how, let me ask, can it be otherwise? Every Treaty must necessarily be a bargain. It is an agreement, or a convention, or a covenant —call it what you will—between two parties. One says, "I will do this if you will do that;" and I am utterly unable to understand what in the English language is called a bargain if a treaty is not one, and if, therefore, this Treaty was not a bargain between this country and France. My Lords, it was not only a bargain, but a very bad one on our part; and it is because it is a bad one that I cannot join in the farce of complimenting Her Majesty on such an arrangement. Furthermore, political reasons add to my difficulties in concurring in the Address which is now proposed to be made to the Throne. There can be no doubt that the duty placed by France on the importation of our manufactures will amount very much to a prohibition; and that, indeed, is what the French newspapers assure the French Protectionists. I am unable to discover why Her Majesty's Government were in such extreme haste to carry this Treaty out during the present year, instead of deferring it to another year. In another year the hands of the French Emperor would have been free, and France would have been able to advance *pari passu* with this country. But, although the French Government offered to give Her Majesty's Government another year before Her Majesty's Government sought to give practical effect to their own stipulations, they refused that offer. How is that explained? I will tell your Lordships how it is explained by the French newspapers. They say that France gives you this Treaty as a boon, not to the country, but to the Palmerston Government; that it is a great advantage to the Palmerston Government, that advantage consisting in the support of a certain body in the House of Commons of whose support they did not feel sure. That is the French explanation of the hurry with which this Treaty has been concluded. My Lords, there are some other trifling points which induce me to object to the Treaty in a commercial point of view. One which has not been referred to by the noble Earl opposite is this:—It appears to me a most fair and natural proceeding that if you admit the native beverages of one country, such as the wines of France, that country should in return accept the beverages which are manufactured in this country better than in any other. I should like to know why the Government did not press upon the French Government and even insist upon the necessity of their admitting our malt liquors free, or at a reduced duty? But it seems that nothing of the kind was spoken of, and certainly nothing of the sort was obtained. There was an additional reason for pressing that point upon the French Government, because a most anomalous and enormous tax is levied upon our national beverage—the malt tax, which is condemned by all financiers and political economists, and is only to be justified upon the ground of necessity. But when an article grown by your own agriculturists and manufactured into a beverage by your own countrymen is an article so highly taxed, surely the least that could have been done would have been to ask the French Government to accept it on the same terms as we accept their native beverages. The least that should have been demanded was perfect reciprocity in this matter. The Chancellor of the Exchequer has stated that the loss to the revenue will be only £700,000. That may or may not be so. I prefer arguments to prophecies, unless I am sure of the prevision of the prophet. I must say I have not that great confidence in the judgment of the right hon. Gentleman as respects the future, although no one can more admire his talents than I do; but from his past conclusions in 1853, I cannot be quite sure that the loss will not be more than £700,000. One thing is quite clear, that if the vacuum caused by the reduction to one-half of the duties on French wine is to be filled up it must be from the English drinking twice as much French wine as they do now. But we may conclude that if they do drink twice the quantity of wine then they will drink less English beer, and if so there will be a proportionate diminution in the proceeds of the malt tax. Therefore, in order to fill up the vacuum that will be caused by the reduction of the duty on wine, and also to fill up the consequent vacuum in the malt tax, the people of this country must, in order to satisfy the Chancellor of the Exchequer, drink twice as much wine and half as much beer again as they drink now. I shall say no more upon the commercial aspect of the Treaty; but I must say I was astonished to hear the noble Baron (Lord Wodehouse) declare this was not a political but a commercial Treaty—that it had been entered into upon commercial grounds alone. I will not quote my own crude opinions upon this point, but I will refer to the words of his noble chief, in a despatch to Earl Cowley, dated Jan. 17, in which he says, speaking of the Commercial Treaty:—

> "Its significance at the present moment, when the condition of some parts of the Continent is critical, would be at once understood, and would powerfully re-assure the public mind in the various countries of Europe."

If that be not a political view of the Treaty, I am at a loss to understand the force of the English language. Those are remarkable words. In what part of the Continent will they be of significance at the present moment? Is it Italy, or is it Savoy? This Treaty, as I have said, was one between the noble Viscount at the head of Her Majesty's Government and the Emperor of the French. It is not a Treaty between the English and the French peoples. To prove that I will tell your Lordships what is the opinion of one of the most distinguished French journals as to the history of this Treaty. The *Journal des Debats,* your Lordships will recollect, was a journal that used to delight Europe with the harmony of its principles, its consistency, and its writings; but I am afraid that "now are the mighty fallen," and that that once important and influential journal is now only playing second fiddle in the large orchestra of the great *maestro* of Europe. In that case its opinions are doubly valuable. The *Journal des Debats* of the 10th of March says:—

> "The policy of the Emperor's speech on the 1st of March is no rupture with England, nor is it a reaction against Italy. It is simply a policy not so far English as to maintain the Palmerston Government at any price. It was no doubt very fine for Lord Palmerston to tell England, 'Our policy has triumphed without spending an English shilling or an English drop of blood; our good friends the French have undertaken to pay both in blood and money.' This doubtless would have secured the Palmerston Administration. Must it, then, fall unless we do all it asks? We sustain it by the Treaty of Commerce, of which we have made it a gift; while we weaken it by Savoy, *que nous revendiquons.*"

That word "*revendiquer*" is worth translating. According to the best French dictionary—namely, *Le Dictionaire de L'Academie* — it means, "*Reclamer une chose qui nous appartient et qui est dans les mains d'un autre.*" The article goes on to say:—

> "Whence it follows that between the force we give it on the one hand and which we withdraw from it on the other the Palmerston Government remains on its own natural legs. What we have done serves English interests; what we do against it shocks English feelings, Lord Palmerston's Government ought to stand; it represents a real gain and a moral check."

That is the opinion of one of the organs of His Imperial Majesty. I cannot deduce from that any hope that the Commercial Treaty will produce that perpetual friendship and amity which Lord John Russell speaks of. But what is its significance in the eyes of the rest of Europe? It can only be in relation to Italy, or to Savoy. Europe knows that long ago the noble Lord was aware that, under certain circumstances, Savoy would be annexed, and yet he was the very man to propose to bring about that state of circumstances. He knew that a large independent kingdom in the north of Italy would bring about the annexation of Savoy, and yet that was what he recommended to the French Emperor. It is no wonder that for a long time he said nothing about the annexation of Savoy. He must have expected it as a natural consequence of his own advice; but at the eleventh hour, being probably roused by the English press and Parliament, he did speak, as I must do him the justice to say, in a very proper tone. But, I am free to add, I do not think the noble Lord quite sees things as they are. I do not think he looked at the matter with the eyes of a statesman, or of one conversant with the laws of Europe, or of nations. He does not appear sensible of the international obligations involved. What is Sardinia? What is England, or Russia, or Prussia, or Austria? They are co-trustees to guard the Treaties of Vienna, and among them that which embraces the neutrality of part of Savoy and of Switzerland. I cannot but think when an English Minister saw a serious intention to annex Savoy, when he saw the French Emperor nibbling at the frontier out of which he is about to take so large a bite, it was his duty to call upon our co-trustees of the treaties of 1815, and ask what they thought of the matter. I know the French Emperor would have been very much angered at any appearance of being threatened by a new coalition. We ought to be careful not to excite jealousy on that account. But, on the point of duty, when a whole population is about to be transferred like cattle from one sovereign to another, when frontiers most important to the safety of Europe are about to be changed, when landmarks are about to be altered, all of which were guaranteed by the most important treaties of the age, of which, as I have said, we are not only co-signatories but trustees—that the noble Lord should have satisfied himself, as a British Foreign Minister, with solely and singly addressing some not very strong remonstrances to the Emperor of the French, is to me utterly unintelligible, and I think most reprehensible. It is the opinion of Europe that the Government has been indifferent on that point; and if any significance attaches, in the eyes of Europe, to this Commercial Treaty, it is, I believe, the significance described by the noble Earl who opposed the Address, that we think it of less consequence to defend Savoy by argument, by remonstrance, and by protests, than to sacrifice the chance which is thrown out to us of selling a certain additional quantity of cotton and other manufactures. I cannot sit down without expressing, in common with the noble Earl, my very great apprehension at what has taken place. I have a greater right, perhaps, than any man to remember the promise given by the French Emperor when he established his Empire and mounted his Imperial throne. At the time the Government of my noble Friend, who sits beside me (the Earl of Derby), was in office, and I had to conduct a correspondence of great importance on that very point—the question was one which alarmed the whole of Europe—namely, the title of which the Emperor of the French had made choice. Significant, indeed, was the word which was well used to express the ideas that arose in the minds of all when the Emperor called himself Napoleon the Third. It was necessary to ascertain whether, in adopting that title, he assumed it in direct descent from Napoleon I., as having obtained his throne by inheritance, or whether he stood on it by the election of the people; it was indispensably necessary to ascertain whether, as Napoleon III., he recognised the present authority of Europe, and all the acts which had passed between the fall of his uncle and his own accession. Most frankly, candidly, and loyally he came forward and said he accepted and would observe the Treaties of 1814 and 1815, and all the public acts of Europe, which had taken place in the interval. And I will add that until this moment he has kept his word most faithfully. I repeat, that I know no instance in which he has diverged from that promise. It is, therefore, with the deepest regret and the greatest apprehension that I see him, for the first time, step out of the straight and honourable path he has pursued—a path which, if he still chose to pursue, would ensure to him the respect of all Europe, and the strongest desire on the part of this country to retain his friendship and alliance.

EARL DE GREY AND RIPON said, he would not follow the noble Earl who had just sat down into the question of Savoy, because no one who did not entertain opinions identical with those of the noble Earl, and of the noble Earl who had previously spoken, and who did not believe Her Majesty's Government capable of enacting mere shams, and his noble Friend the Foreign Secretary of writing despatches without feeling the sentiments which they expressed, would consider that Her Majesty's Government could be indifferent on this important subject. It was fortunate, as far as regarded the foreign aspect of the question, that no difference of opinion existed on either side of the House; but, although it was natural that the name of Savoy should rise to the lips of any one who spoke at the present moment, the subject with which they had to deal that evening was the Commercial Treaty with France, to the consideration of which he would endeavour to recall attention. Those opposed to the policy of the Government were apt to lay great stress on the word "bargain," and to contend that, as every treaty must be a bargain, the present ought to be looked at solely in a financial and commercial point of view; and then, shifting their ground, the House was reminded that other countries believed this Treaty to be a bargain of another description, and that for the advantages which we were to obtain under it we had tacitly agreed to the annexation of Savoy. He denied that Her Majesty's Government had been parties to the agreement in any such sense. The case was not one in which the advantages given to France by a reduction of duties being placed at one side of the account, and the amount of the reductions made by France on the other, and, a balance being struck, it could be held that the bargain was a good or a bad one for this country. From such a point of view the terms might be disadvantageous. But the sound and intelligible principle on which the Government took its stand was, that the reductions proposed were in themselves beneficial, and that the advantages given by France were merely in addition to those which were conferred on the people of this country. The Government, he contended, had followed most accurately in the steps of the great finance Ministers who had preceded them, and had acted on the principles which had guided the commercial policy of England for the last eighteen years. The noble Earl who had just sat down had referred to the financial policy of Sir Robert Peel; but whatever ground there might have been for his remarks as applied to 1845 they certainly did apply to the year 1842.

THE EARL OF MALMESBURY: You are quite right. I made a mistake in the years.

EARL DE GREY AND RIPON: Sir Robert Peel, in 1842, found a deficit of £2,000,000, and he effected remissions which made the total deficit £3,500,000—a process very similar to that pursued by the present Chancellor of the Exchequer. With regard to the opinion of the Leeds Chamber of Commerce, the noble Earl, not unnaturally, had been led into a statement which was not borne out by the facts. Having seen it stated that the opinion of that influential body was unfavourable to the Treaty, and being connected with Leeds himself, he had thought it worth while to look into the matter, and he found that the Chamber of Commerce had signed a petition expressive of their hearty approval of the Treaty concluded by Her Majesty's Government; but they did express a fear that, if the duty levied in France on certain articles in which they were interested were raised to the uniform rate of 30 per cent, it would exercise a prohibitive tendency. But the general tone of the petition, as well as the speech of the able representative of that constituency, were strongly in favour of the Treaty concluded by Her Majesty's Government. The House had been told that France regarded us as a nation of shopkeepers, and the noble Earl (Earl Grey) said they ought to pause in the course which they were pursuing, because foreign nations had long been accustomed to declare that we looked solely to our pecuniary and commercial interests and were deaf to the higher considerations of national and European interests. He was aware that numerous persons in foreign countries had entertained those foolish and erroneous opinions; but, as they had been expressed with total injustice on many occasions and with regard to many subjects, and the persons who once entertained them had on nearer acquaintance discovered their fallacy, so he thought it would be on the present occasion. At any rate they afforded, in his mind, no argument against the present proposals of the Government, and this country might very fairly disregard them. The noble Earl assumed that what was said in the despatch of the noble Lord the Foreign Secretary as to the significance of the Treaty, referred to Italy and Savoy. But it was obvious that it referred to the effect on Europe of the indication of a peaceful disposition on the part of France and England. In reference to the article from the *Journal des Debats* which the noble Earl had read, he (Earl de Grey) was astonished to hear it suggested that the only object the Emperor of the French had in concluding the Treaty was to keep the Palmerston Ministry in office. The suggestion was more far-fetched even than usual, but attempts were always being made to attribute the conduct of the Emperor of the French, not to ordinary motives, but to some deep-laid policy. Surely it was easy to find plain, simple, common-sense reasons for the Emperor's conduct in regard to the Treaty without resorting to the ingenious speculations in which the noble Earl had indulged. A new market would be opened for a staple French product, and the French people would be admitted, to a limited degree certainly, to the benefits of the free trade. Peace would be promoted by the spread of commercial relations, and the Imperial revenue would be increased by the reduction of duties. All these were very satisfactory reasons why the Emperor should have negotiated the Treaty, without assuming that he was always pursuing a mysterious inscrutable policy. He denied altogether that the Treaty was a bargain in a financial sense. Neither nation sought any advantage over the other, and both nations profited greatly by the extended intercourse it would bring about between them. He could not understand the course proposed by the noble Earl (Earl Grey) who said that if the Address were rejected it need not prevent the Bills from passing. If the Treaty were as bad as the noble Earl described it—if, indeed, it were tinged with something like a forgetfulness of England's honour, then the simple rejection of the Address would not be sufficient—it would behove their Lordships to take a more vigorous course—

to pass a vote of censure on Her Majesty's Ministers and reject the Treaty altogether. But he hoped that the noble Earl would not succeed in inducing them to separate themselves from the career of commercial legislation in which they had so long been joint-labourers with the House of Commons, but that, on the contrary, by giving a cordial assent to the Motion, they would vindicate for themselves a share in contributing to bring about the benefits which the Treaty must confer on the cause of peace and civilization.

Earl STANHOPE said, that if he were inclined to find any fault with the speech by which the noble Lord had introduced this Motion to their Lordships, it would be only with the latter part, in which his noble Friend had seemed to intimate an opinion that those who might find fault with the policy of the Treaty were on that account insensible to the importance of maintaining a friendly understanding with France. He yielded to no man in the value which he placed on the maintenance of friendly relations with France, and his great objections to the Treaty proceeded from a doubt whether it really would have that effect. Nor did he express that doubt without strong testimony in that direction. He had received many letters from persons of great eminence in France—some, no doubt, unfavourable to the existing Government in that country, but others who had always been its supporters; and judging from these letters, there seemed to be a very general opinion at Paris that the first effect of this Treaty, at least, would be to produce in France a feeling of alienation in regard to England. Many classes considered themselves aggrieved by the removal of the prohibitory and protective duties; and, instead of blaming their own Government, there was an inclination to throw the blame on the English people and Government. For this reason he should have preferred to see these changes effected by the respective Governments without the intervention of a treaty at all. He thought it a matter of great regret that there should be on this account, as he understood that there was, a renewal of the old cries of "encroaching England," and "perfidious Albion." He had the highest authority for saying there was no necessity for the Treaty, because the Emperor in his Speech to the Legislative Assembly on the 1st of the present month, recommended it upon the ground that the French protective system must, under any circumstances, very soon come to an end. All the changes which were desired would then have been accomplished without any risk of alienation between the two nations, which he deprecated, but which he firmly believed the Treaty would excite. He thought it was a great misfortune that treaties of commerce should ever be concluded when the nations were not ripe for them, and he thought, moreover, that a long period of time must elapse before a change of opinions of this kind could be brought about. Of this fact our own History records an instance. When in May, 1713, immediately on the conclusion of the Peace of Utrecht, a treaty of commerce with France was laid before the House of Commons. There was very general dissatisfaction on that account in England. The Treaty was rejected by the House of Commons, and then, as we are told, there were bonfires and illuminations in consequence through the whole of London. But now, supposing a different course had been taken by that House of Commons; supposing that in spite of the popular dissatisfaction the Treaty had been still maintained, would not then, in all probability, the popular dissatisfaction have grown into an angry feeling with the neighbouring nation? Would it, then, have been possible, shortly afterwards, for those two wise statesmen, Sir Robert Walpole, in England, and Cardinal Fleury, to maintain, so much to the advantage of both countries, a peace of twenty years? But with regard to treaties of commerce generally, he confessed he thought that the period for them was past. He confessed he did not think that they ought to be entered into at the present day; and when his noble Friend who had just spoken said that this was not a treaty of a common kind, he confessed he did not see in what respect it was an extraordinary treaty, or how it was not a treaty of commerce like the rest. The noble Earl who spoke on that side of the House (the Earl of Malmesbury) said, he thought very justly, that a treaty of commerce was a kind of bargain. Why, it could not be otherwise. All treaties were of the nature of bargains; the Treaty of Villafranca was a bargain, by which the Austrians, having been defeated in several engagements, ceded a province as the price of peace. Then, judging from this point of view, he asked why, if the argument were good for a treaty of commerce with France, should it not also be good for attempting a treaty of commerce at the same time with other countries? He alluded particularly to Spain. They were about, not certainly by, but in consequence of, this Treaty, to make a large reduction of the duties on Spanish wines. He asked, then, if the principle were good as regarded these protective duties for France, why did they not apply to Spain, than which a better field for commercial reform could not be found, or one more important to the interests of this country? There was no country in which higher protective duties existed, or a more absolute system of protection than in Spain. Of this he would give the House only one instance. It is stated in MacGregor's Commercial Tables that the tariff of Spain enumerates seventy-seven articles under the head of manfacturers of wool and hair, and of these seventy-seven there are absolute prohibitions on the import of no less than sixty-three. He (Earl Stanhope) felt considerable objections to the treaty in regard to the coal duties upon export and in several other respects, but he would not enter upon these further points in detail, after the able and comprehensive speech of his noble Friend below the gangway (Earl Grey)—a speech which seemed to exhaust the whole question. There was, however, a point to which his noble Friend did not advert, upon which he wished to add an observation. The point was one which he remembered to have mentioned before to his noble Friend. It was with regard to the wording of the third Article of the Treaty in the English and French versions. The treaty seemed to him to signify one thing in the French and quite another thing in the English version. From the use of the words *droits établis* in the French version, it was plain that the Treaty was intended to protect duties then subsisting, and no others. But in the English version the word "established" did not occur at all; the expression was only "the differential duties in favour of French shipping." But this was not all. In the English version a further clause was added, "with which duties they shall not interfere;" and of this clause, would it be believed? there was not the smallest trace or vestige in the English. It really looked as if Mr. Cobden — if Mr. Cobden was the person who negotiated this Treaty — had never taken the trouble to compare together the French and the English versions. The result, as he (Earl Stanhope) apprehended, was, that if the Emperor Napoleon did desire at any future time to increase the scale of these differential duties, he was free to do so according to the English version, but not according to the French. If that opinion were correct, the two versions were susceptible of totally different meanings. He did entertain great doubts as to the policy of the Treaty, and whether it was really calculated to advance the friendly relations of the two countries; but though entertaining these doubts, and with every wish to do justice to the able speech of his noble Friend, he also felt very considerable doubts as to the propriety of the course his noble Friend was adopting. He had great doubts as to the propriety of dividing the House against the Address. His noble Friend advocated a division for the singular reason that it would have no effect upon the Treaty. Was it consistent with the dignity of the House to pass a vote which, even if carried, would avowedly have no effect upon the Treaty? He, therefore, ventured to appeal to his noble Friend. The question before the House was not whether, in the first instance, it was wise or politic to conclude this Treaty; the question before the House was whether, in the state to which this question had arrived, having passed the House of Commons by a large majority, and when, as he understood, a new scale of duties had already been established at the Custom-house, it was desirable to put the House into the disadvantageous position of refusing to assent to the Address, when no practical result could follow. To that vote he (Earl Stanhope) would therefore not be a party.

LORD OVERSTONE:* My Lords, I never rise to address your Lordships without great reluctance; but this feeling becomes peculiarly painful on the present occasion. I find myself called upon to discuss and criticise the terms of a Treaty which must, after all, become the basis of the inter-commercial relations of this country and France; and to place myself in opposition to a Government towards which I entertain the most friendly feelings, and the permanent success of which I believe, under present circumstances, to be associated with the best interests of the country.

My Lords, I cannot take the favourable view of the Treaty now before us which would justify me in supporting the present Address. The terms of the Treaty, in my judgment, afford ground for much criticism, and may give rise to some reasonable apprehension. I entertain great doubts of the expediency of having entered into any Commercial Treaty whatever. I thought that that description of commercial arrangements had been deliberately abandoned by this country, under a conviction, founded upon experience, that they are invariably fraught with embarrassment and danger; with embarrassment as regards our own internal affairs; and with danger in reference to our relations with the other contracting party. The true policy I believe to be this:—Let each country consult its own interests exclusively, under an enlightened view of what those interests really are. Let it repeal whatever Customs' duties it can properly part with, regulating its own tariff according to its fiscal necessities, and giving every practicable facility for the introduction of foreign commodities. Had we made the same reductions in our tariff without a Treaty which we have made under that now entered into, our imports of French products would have been as great as they will be under the new system; and they must have been paid for, directly or indirectly, by an equal increase of our exports. Whilst each country thus pursues its own interests steadily and wisely, it will soon be found that their mutual interests become coincident. Hence will arise a commercial intercourse beneficial to both countries, free from mutual jealousy, and forming a sure foundation for permanent good-will and friendly relations. Treaty obligations, on the other hand, I fear, will never be found to be the efficient means for tying the true lover's knot between great and jealous nations like England and France.

Such treaties must necessarily fetter our free discretion in the management of our own internal affairs and fiscal interests. It is not difficult to point to examples illustrating this principle in the present Treaty. Take, in the first place, the question, which has been already so pointedly alluded to in this discussion, of the suggested duty upon the export of coal. I cannot concur in the view upon this point of the noble Lord who opened the present debate (Lord Taunton). It is not necessary for my present argument to contend positively that we ought to impose a duty upon the export of that article. It is sufficient for me to say that the question is one of great importance, and that our power to exercise a free discretion, now or hereafter, upon that point ought not to have been surrendered. The danger of an absolute exhaustion of coal may be of a chimerical character. But it is not in reference to that consideration that the expediency of imposing a duty upon the export of it is to be maintained. Whenever any country has a peculiar advantage in the production of a commodity, either as regards the cost or the quality of the article, a duty upon the export of it, cautiously imposed, may be amongst the best possible sources of revenue. It is legitimate on the part of this country—indeed, under certain circumstances, it may become our duty—to take care that any fiscal advantages to be derived from our superior opportunities should be secured for our own Exchequer, and not be permitted to go to the advantage of foreign nations. If it be the fact that we have the means of supplying coal more abundantly, better in quality, or at a lower price than other nations, the benefit of that advantage may be secured to this country by the imposition of a moderate duty upon the export of it; whereas, in the absence of that duty, that benefit will pass to the foreign consumer. The Chinese, for instance, impose a limited duty upon the export of tea; and there can be no doubt that that duty is really paid by the foreign consumer; and were the Chinese to repeal that duty, the benefit would accrue not to them but to the various nations of the world which purchase their product. So again with respect to opium; the large amount of revenue raised by our Indian Government upon that article becomes a charge which is really paid by the foreign consumers of opium; and the abandonment of that duty would be a loss to the Indian Exchequer, and a benefit to the foreign consumer. This principle, no doubt, applies more strictly to the case of an absolute monopoly; but, nevertheless, clear superiority in the production of an article, as regards price or quality, partakes for this purpose more or less of the character of a monopoly.

As to this particular article, coal, we must further recollect that although the supply may be apparently without limit, still it is a quantity, however great, absolutely fixed in its amount. It is a mineral. There is no re-creative process to fall back upon, as in the case of agricultural or manufactured products; and at the same time, whilst the supply, however vast, is absolutely limited, the demand is annually increasing at a rate beyond all possible calculation. It is, moreover, an article which may be looked upon as the raw material of manufacturing competition; whilst it has unquestionably become a most important munition of war. I think, therefore, that the proposal to impose an export duty on coal is one entitled to the most serious consideration, and which ought not to have been precluded, as it is, by the provisions of the present Treaty.

I will now take the question upon broader and more comprehensive grounds; and I will beg your Lordships' attention to the question of Customs' duties generally. I doubt whether any valid objection can be urged to the imposition generally of a moderate Customs' duty upon all articles of import, excepting those two great classes of import, the raw materials of industry, and the prime articles of food. By this means a considerable revenue might be raised in a manner to which little serious objection could be made, and the pressure of which would be scarcely perceptible. Considering the heavy demands on the Exchequer of the country, and the large amount of revenue which it has now become essential even for our safety that we should raise, the propriety of levying a moderate tax on all articles of foreign import, with the exceptions I have already stated, becomes a grave and important question; one at all events the decision of which ought not to have been closed prospectively regardless of any emergency which may arise.

But, my Lords, if this Treaty be objectionable when we look to its effects upon our internal arrangements, it seems to me equally so if we proceed to consider the probable influence it may exert upon our external relations. The tendency of such Treaties must be to excite mutual suspicion and jealousy between the contracting parties, each country thinking that she had been overreached by the other. Hence danger may arise to our amicable relations from this cause more serious than the countervailing strength to those relations which we can venture to anticipate from increased commercial intercourse. This apprehension is not merely a matter of anticipation; the effect has already been produced. For example, in one of our more early discussions upon this subject, when it was urged that the present Treaty was one-sided and unfair as regards this country, the noble President of the Council replied that similar objections were urged, with at least equal pertinacity, on the part of France; and in the same spirit the noble Lord, the Secretary of State for Foreign Affairs, observed, "It is said in France that this Treaty is entirely a one-sided Treaty; that it makes France the slave of England." This, my Lords, is an illustration of the tone of international feeling, the jealousy and mutual irritation, which not unnaturally arise out of compacts of this nature.

But I may take a still stronger case. A very remarkable letter has recently appeared with the signature of a distinguished person, who has probably been the prime mover in this matter, M. Chevalier, who first endeavours to prove that France is entirely independent of England as regards the supply of coal, and that any duty upon the export of that article imposed by England would be an act on her part of purely suicidal folly; and he then proceeds, nevertheless, to declare that such is the feeling of the French people upon this question that they would regard any modification of the Article in the Treaty which has reference to the export of coal with great dissatisfaction; and that, were such a modification suggested or sanctioned even by the Emperor himself, it would still be received by the French people as an injustice and an affront on the part of this country.

I will now beg your Lordships' attention to the terms of the Treaty. I think they bear the marks of haste and want of sufficient care and deliberation. A negotiator on the part of France, knowing that he was about to treat with a country possessing coal, iron, and machinery, articles which constitute the raw material of manufacturing industry and warlike armament, important in the highest degree to his nation, would endeavour to obtain the removal of all obstructions to the export of those articles from England. He would at the same time know that the means which Franch possesses of paying for these and other articles of import consist in her brandy, wines, silks, and various lighter articles of taste, for which he would be anxious to secure greater facilities of export. These objects the French negotiator has fully and completely secured.

On the other hand, the negotiator on the part of England would naturally remember that he had many concessions to make that would be eminently beneficial to France; and that the one equivalent which it was desirable for him to secure was a more free and extended market for the manufactured products of his own country. All that has been obtained in this respect is the abandonment on the part of France of absolute prohibition, and the substitution of a protective duty which may for years to come be maintained at 30 per cent. I cannot look upon these terms as characterized by that degree of reciprocal fairness which we were entitled to look for in this Treaty, if it were entered into at all.

All credit to the negotiator of this Treaty for his former services. As an eloquent and successful agitator against a great national grievance, he deserved his country's gratitude and all the honour which he has received. But the very qualities which fitted him for that purpose,—that strenuous and uncompromising one-sidedness, which led him entirely to discard all qualifying considerations, and to fix his exclusive attention upon one great principle in agitating against a great grievance,—seem to me necessarily to disqualify him for the delicate discrimination and cautious estimate of conflicting claims requisite in a negotiator.

This Treaty, we are now told, does not partake of the character of a bargain. Whether this be so or not must, of course, depend upon the sense in which that term is used. In what light, however, was it viewed by the Chancellor of the Exchequer himself when he first submitted the Treaty to the consideration of Parliament? "They think there is a chivalry in free trade which is degraded if it becomes a matter of bargain; whereas, it appears to me, that bargain is the true end and aim of the whole. The only reason why we have not made bargains similar to the present in former years, was simply because we could not make them."

Let us now, my Lords, turn our attention for a few moments to the effects of this Treaty in a fiscal point of view. It has compelled us to give up much revenue that we could ill afford to part with; to surrender taxes that were singularly unexceptionable, and to impose other taxes as a substitute which are open to the most serious objections. We are about to repeal duties on French luxuries; brandy, wines, manufactured silks, gloves, clocks and watches, and articles of Parisian fancy and taste; whilst, instead of these, we maintain high duties on tea, sugar, and beer, the prime articles of consumption of the classes living upon wages.

This leads me to some points which have been alluded to this evening, but which have been brought into more prominent notice in discussions upon this subject out of doors. The principles of "free trade," "differential duties," "development of the policy of Sir Robert Peel;" those phrases have been paraded before the public like the dancing lights of a magic lantern. But let us endeavour for a moment to fix our attention upon them, and ascertain what they have of reality and sound reasoning. It is important that the country should clearly understand what is the true meaning of free trade. It means trade freed, not from those necessary duties which are raised only for purposes of revenue, but trade freed from all charges or duties which arise either from an ignorant jealousy of other countries, or from an equally foolish impression that it is our interest to foster unnatural productions in our own country, rather than to receive them from other countries whence, being produced under more favourable circumstances, they can be obtained in larger quantities, of better quality, and at a lower price. This I apprehend to be the true meaning of free trade. It was so understood and described in the celebrated petition of the merchants of London, presented to Parliament in the year 1820:—

> "As long as the necessity for the present amount of revenue subsists, your petitioners cannot expect so important a branch of it as the Customs to be given up, or to be materially diminished, unless some substitute less objectionable be suggested; but it is against every restricted regulation of trade not essential to the revenue, against all duties merely protective from foreign competition, and against an excess of such duties as are partly for the purpose of revenue and partly for that of protection, that the prayer of the present petition is respectfully submitted to the wisdom of Parliament."

My Lords, are not the duties now proposed to be repealed, in the full sense of the words, "essential to the revenue?" And can we consider the substitute suggested, namely, a heavy income tax, as less objectionable? Every one of the duties proposed to be abolished in consequence of this Treaty might be retained without any violation of the principles of free trade.

But we are told that this Treaty is a development of the policy of Sir Robert Peel. If there be, indeed, any connection between the arrangements now under consideration and the policy of Sir Robert Peel as developed in his Commercial Tariff of 1842, it is, I submit, a connection of contrast and not one of imitation or development.

In the first place that statesman encumbered himself with no commercial treaties. He looked exclusively to the interest of his own country, and the necessities of her financial position; and repealing those duties which he felt could be surrendered consistently with the interests of England and for the safety of the British exchequer, he trusted to the success of that experiment and the force of the example gradually to exercise their legitimate influence over the policy and the measures of other Governments.

Sir Robert Peel entered upon his commercial reforms in consequence of the distressed state of the country. Commodities were passing out of consumption through the poverty of the people. The revenue returns indicated a lessened consumption of articles of popular comfort. Something was necessary to relieve the pressure which then weighed down the labouring classes, and to restore elasticity to the springs of industry. Is there any similarity to this state of things in the present condition of the country? Are we not in a state of unusual, indeed of unexampled prosperity? Has there ever been a time in our history when those who live by wages were in so prosperous a condition as at present? Is not the buoyancy of revenue, and its continuous improvement, year by year, the subject of universal remark and surprise? Can any one say that there is now any unnatural or alarming pressure upon the springs of industry? Has not our trade within a very moderate period increased threefold, from £45,000,000 of exports to about £13,000,000? And is there not every indication that this progressive increase is still in operation? In what, then, consists the similarity between the present period and that at which Sir Robert Peel entered upon his commercial reforms?

But, again, my Lords, upon what principle did Sir Robert Peel proceed? He proposed to remove two classes of duties; duties upon the raw materials of industry, and duties upon the prime articles of the food of the people. Are we proceeding in this course at present? Are we not taking off duties upon the lighter luxuries which are derived from France, and maintaining the duties upon articles of general consumption by the people? The object of Sir Robert Peel was to relieve the physical wants of the labouring classes, by cheapening the cost of provisions and clothing, and to raise their wages by giving increased facilities to manufacturing industry. The taxes which it is now proposed to reduce are not levied upon the necessaries of life, nor upon the raw materials of manufacturing industry.

My Lords, there still remains one consideration; that which has been already alluded to with so much gravity and force by the noble Earl (Earl Grey), the connection between this Treaty and the general financial arrangements of the year. I speak not my own feelings and conviction alone, but those of many intelligent and reflecting persons, friends to the Government and to liberal principles, who entertain serious alarm at the effect which the financial arrangements of Government for the present year must, in their judgment, produce on the permanent financial condition of the country. We are about to surrender large sources of revenue which the country can ill spare, and which there is no necessity for sacrificing. We are contracting the area of indirect taxation, which is at once unwise and dangerous. We are proceeding to levy Customs' duties, heavy in amount, on a few articles; instead of lighter duties spread over a greater number of articles. And what are the articles upon which those heavy duties are to be levied? They are articles of prime necessity with the mass of the people. It is fortunate, indeed, that tea and sugar are not the natural products of France; otherwise, I presume the duties upon those articles must have been abandoned, and we must have parted with those important sources of revenue.

It has, indeed, been made a subject of boast in the course of this debate that we are accumulating our indirect taxation upon a few articles only. Let me entreat your Lordships to consider for a moment what is necessarily involved in this system. Why is so large a revenue raised from these few articles of taxation,—tea, sugar, coffee, tobacco? It is because these are articles of prime necessity with the great mass of the people, and therefore productive of a large revenue. Consequently, if we persist in the principle of raising a large revenue by Customs' duties upon a few articles, these must necessarily be the articles of general consumption with the people; on the other hand, if we repeal the duty upon all articles which yield but a limited amount of revenue, the repeal must fall, for the most part, upon those articles which are in reality consumed only by the comparatively rich classes. To levy a large Customs' revenue upon a few articles, at the same time repealing Customs' duties upon all articles which yield only a small revenue, necessarily involves the principle of taxing the consumption of the people generally, and removing the taxes which press more peculiarly upon the richer classes. The luxuries derived from France are to go untaxed, whilst from tea, sugar, coffee, and tobacco (articles of almost absolute necessity to the mass of the people) a large and heavy amount of revenue is to be raised. Is this a safe system upon which to proceed? Or can we expect that the people at large will tolerate such a system of Customs' revenue?

Let us now take another view of this question. It is surely the duty of statesmen to recognize future responsibilities, and to satisfy Parliament and the country that the measures which they proposed are not only sufficient for the emergencies of the moment, but that they tend to place our financial system upon a permanently sound and safe foundation. I must say that I share with the noble Earl (Earl Grey) the apprehensions which he has expressed with regard to the fiscal condition of the country at the end of another year. We are now abolishing duties which can never be replaced; and for those we are substituting a tax which is imposed only for a single year. What will be the balance against us at the beginning of another year? It is difficult, no doubt, to form a correct estimate upon that point, so complicated are the financial arrangements for the present year. But I believe that the probable deficit has been understated by the noble Earl, and that it will be, according to all reasonable probability, incumbent upon the Government to propose for the next year a very heavy income tax. My Lords, a reduction of estimates is a pleasing dream, the realization of which, I fear, no reasonable person will venture to anticipate with confidence. Is there anything in the political prospects of the country to justify it? Consider the expenses of the Chinese war, very insufficiently provided for in the present Budget. Consider the fortification of our dockyards and coasts, for which no provision has been made. Consider the expense which must be incurred in the improved armament of our military and naval forces; in gunnery and in musketry. Consider the expense which must necessarily attend the establishment of an efficient naval reserve. Consider the large amount brought to the credit of the present year's account from sources which are not really revenue, and which will therefore disappear in the account of the ensuing year. Looking to all these considerations, it can hardly be doubted that the sources of revenue which we are now voluntarily abandoning must be supplied by the permanent imposition of a very heavy income tax.

But, my Lords, how many delicate, difficult, and dangerous questions beset the assessment of an income tax? And what financial provision do we reserve for the emergencies of war, if, during a period of peace, we press thus heavily on our great resource, the income tax? To meet the necessities of the last year, we imposed temporarily a heavy income tax; and we proceeded to collect the whole of that tax upon the last half of the year. By this step, an injustice, perhaps the greatest and most palpable that has ever been perpetrated in any financial arrangement, was inflicted upon one class of persons. At that time, one final payment of the Long Annuities remained to be made. That payment was in reality a repayment of capital, and not of income. Nevertheless, on that payment the Government levied a whole year's income tax. That was a special case of unquestionable hardship and injustice. It was, however, accidental; it could not recur, and therefore it was acquiesced in without murmur. But the repetition of similar cases of injustice, which must arise under an income tax liable to annual variations of amount, will not be borne. These questions, as regards terminable annuities and precarious annuities, the profits of professions and of trade, salaries, &c., will rise up in endless variety. I have been told, and I believe upon good authority, that when Sir Robert Peel first proposed the income tax, he sat up night after night consulting with mathematicians, actuaries, and financial authorities, to ascertain whether any modification of the tax could be safely made with regard to the different classes of incomes. He found, however, that it was impossible to do anything of the kind; that every provision by which it was attempted to meet one difficulty would create a greater difficulty in its stead; and he, therefore, came to the conclusion that it was necessary to impose the same rate of tax upon all descriptions of income. I believe to that conclusion every inquiry upon the subject must inevitably lead.

There is but one mode by which the income tax can be made to approach to equality or justice; that is, by making the tax permanent and invariable in amount; so that the character of the tax will assimilate itself to the character of each varying income. In this form, a moderate income tax may become a steady and fixed element in the financial system of the country, susceptible of sudden increase only in the emergency of war.

There remains another question with regard to the income tax of very serious import, namely, the question of a graduated income tax. In the accounts which have recently reached this country from India, it appears that the Government there are about to impose an income tax of two per cent on incomes up to a certain amount, and of four per cent upon all incomes above that amount. Is this one of those cases in which coming events cast their shadows before? Is there now rising in the East the ill-omened star which is destined shortly to shed its disastrous influence over the financial system of this country? A graduated income tax is one of the plausible and dangerous forms under which the principle of confiscation makes its first insidious approaches.

My Lords, I feel that I have too long trespassed upon your attention. For what purpose, let me beg the House to consider, is it found necessary to bring forward these large Estimates? And for what purpose is it that the country so cheerfully bears the heavy weight of taxation? It is for the greatest of all considerations,—the national security. But for this end there are three great requisites; first, the tone and temper of the people, the feeling of loyal attachment to their Sovereign, and a readiness to devote their property and their lives to the defence of our institutions. In this respect the country is sound; and could any doubt have been entertained upon this point, recent events have given us a most assuring demonstration. Second, the complete and efficient condition of all our defensive armaments. To this state I believe we are surely and rapidly advancing. But beyond this there is a third requisite, a sound and solid condition of our financial system. How much of national weakness, how much loss of moral influence throughout Europe, must arise from any impression that the finances of this country are in any respect in an unsettled or doubtful condition? It is, my Lords, because I fear that the Commercial Treaty, in connection with the financial arrangements which have arisen out of it, have shaken the solidity of our financial system, that I am compelled to withhold my assent from the present Address.

At the same time I feel myself placed in a painful embarrassment. The Treaty before us must now come into operation, and by its provisions the commercial relations of France and England must henceforth be regulated. It has been concluded by the Governments of the two countries; it has obtained the sanction of the other House of Parliament; it has been adopted by the country. Is it then wise, it may be asked, or consistent with our best interests, to disparage the terms of the bargain into which we are about to enter, and by which we must henceforth be bound? I have felt the force of these considerations, and I would gladly have evaded the duty which I am now endeavouring to discharge. But, though I cannot give my concurrence to this Address, I may nevertheless offer my hearty good wishes for the success of the Treaty. Most sincerely and unreservedly do I hope that the apprehensions which have been expressed upon this subject may prove to be unfounded; most earnestly do I hope that all the good results anticipated by the friends of this measure may be fully realized; that it may be the means of substituting the virtuous relations of commerce for the discreditable feelings of international jealousy; that it may extend friendly intercourse between the two great nations by whom it has been contracted, that it may widen the field of industry, and thus augment the comforts and extend the prosperity of our own country.

The Duke of ARGYLL said, he was not inclined to complain that the scope of this debate had extended far beyond the immediate subject of their deliberations, and that it had embraced the whole financial scheme of the Government, because there might be Members of the House who were willing to approve the Treaty, but who retained in their minds certain objections with regard to other portions of the financial scheme; and he was willing to admit that this was an occasion when they had a right to enter into a discussion of the whole question. He therefore accepted the grounds of discussion raised by his noble Friend who had just sat down, and by his noble Friend who first addressed their Lordships in opposition to the Treaty, and would endeavour to give some answer to the main arguments which they had used. In the first place, he complained of his noble Friend who had just spoken, that while he had been charging carelessness against the Government and Mr. Cobden in the framing of this Treaty, he himself proved that he had never read the Treaty with even tolerable care. The noble Lord said he would give an instance—a crucial instance, as he called it—of the carelessness of Mr. Cobden—and that was in respect to the article of rags. It was evident the noble Lord spoke under the delusion that the abolition of the paper duty was part of the Treaty with France. But it was no such thing. The only stipulation in the Treaty having any reference to paper, was that the duty on French paper-hangings should not exceed the amount of excise duty leviable in this country. Mr. Cobden, when he negotiated this Treaty, was not even aware of the intention of the Government to propose to repeal the duty on paper. The repeal of the Excise duty on paper was a separate transaction, and even if Mr. Cobden had been aware of it he could not know whether it would receive the sanction of Parliament. This crucial instance of carelessness on the part of Mr. Cobden and the Government therefore fell to the ground. Another noble Lord had quoted as an instance of carelessness the article on shipping. But though he admitted that there seemed to be some diversity of language beween the French and English versions of the third clause in the Treaty, they were in spirit identical, and he maintained that the interests of British shipping were amply protected in the clause. He gathered from the speech of his noble Friend that there was some misunderstanding as to the real facts of the case with respect to the effect of the changes that were made by the Treaty and the other fiscal arrangements connected with it. The noble Lords, in criticising the financial arrangements of the Government, spoke of the Government increasing unnecessarily, by their remissions of duty, the existing deficiency, and thereby necessitating an increase of the income tax. Now, that was not a correct statement of the facts of the case. The whole amount of remissions that was effected by the Government scheme was not greater than the amount of remissions which would arise under the operation of the existing law. The deficiency arose first from the total lapse of the income tax, and next from the lapse of the tea and sugar duties. By a mistake in the wording of the Act the tea and sugar duties were to lapse altogether this year. The intention of Parliament was, that what was called the war tax on tea and sugar only should fall; but, by a mistake in the wording of the Act, the whole of the duties fell. In estimating the deficiency of the year, Mr. Gladstone assumed that Parliament, as a matter of course, would rectify this error; but he did not assume that Parliament would maintain the higher scale of duty which it was intended should cease with the present year. £2,100,000, the produce of the war tea and sugar duties, was therefore included in the deficiency of £9,400,000, to which his noble Friend referred. The Government had not increased that deficiency in any way. But instead of making remissions on tea and sugar they made them on a series of other articles, which would give to the country an additional advantage by opening the trade with France. He had carefully listened to the speeches of the two noble Lords (Lords Grey and Overstone) with a view to discover what sort of Budget they themselves would have been disposed to recommend. It must have been one avoiding the evils which they had pointed out as arising out of the plan of the Government. And what were they? First, there would have been no sacrifice of revenue—which means no remissions of taxation. What a position the Government would have been in if they had followed this advice! The first step they would have had to take would have been to bring in a Bill to maintain the war duties on tea and sugar; secondly, they would have had them continue the income tax at 9*d.* at least; they would have had them announce to Parliament that they had absorbed in their expenditure of the year all the advantages arising from the falling in of the Long Annuities; that they had postponed all obligations of payment of debt; and, lastly, that they proposed to give no relief whatever to trade or industry. Those were the steps which must have been taken by the Government to avoid the evils of which his two noble Friends complained. But he ventured to say that the Government would not have been able to pass such a Budget through Parliament. The income tax was already complained of as being too high. It had been the experience of every Government that unless they continued to connect the income tax with remissions in favour of trade and industry they could not succeed in continuing it for any lengthened period without danger. Again, his noble Friends complained that the Budget of the Government had rendered necessary a considerable increase of the income tax. He (the Duke of Argyll) ventured to say that the general cause of that increase was not to be found in the remissions the Government were making, but in the large amount of military and naval Estimates which they had been compelled to sustain. The House would recollect that during the Russian war the income tax stood at 16*d.*, and after its conclusion there was a considerable portion of the year in which the war income tax continued. At the opening of the Session of 1857 the whole pressure of the Opposition, and of many others not in the Opposition, was to induce the Government to reduce their Estimates, and to take off what was called the war 9*d.* The Government conceded that point; but it was further contended, with great ability, by Mr. Disraeli and others, that even after the war 9*d.* had been abandoned the Estimates were still much too high, and that a large deficit was in prospect for the ensuing year. It so happened that Mr. Disraeli became Chancellor of the Exchequer before the period when that said deficit was to arise; and what was the course which the Government of the noble Earl opposite (the Earl of Derby) took in that state of things? Why that Government adopted the naval and military Estimates of Lord Palmerston's Government, with some little alteration. But in the course of that year the Government of the noble Earl found it necessary to raise very considerably the naval and military Estimates; but before making that discovery they had announced that they would allow a further drop in the income tax from 7*d.* to 5*d.*, which, of course entailed a further loss of revenue. In the meantime, towards the end of the year, they took energetic steps to raise the navy to what they considered a proper level; but before they came to provide the taxes necessary for the expenditure they had incurred they had gone out of office; and the consequence was that when Mr. Gladstone came into office he found the naval and military Estimates so very large that he was obliged, looking to the means at his disposal, to bring back the income tax to 9*d.*, and to raise the whole of it in half-a-year. That was the necessity imposed—he did not say wrongly imposed—upon the present Government by the policy of their predecessors. It was idle to say, then, that the high income tax was due to the remissions now propoposed by the Government. He would state how the naval and military Estimates had stood since 1857. In 1857-58 the army and navy Estimates amounted to £20,699,000. The income tax was then lowered to 7*d.*, but with half year of the war 9*d.* still to be collected. In 1858-59 the army and navy Estimates had risen to £21,610,000; in 1859-60 they were increased to £26,082,000, and in the present year they had risen to the enormous sum of £29,700,000. He (the Duke of Argyll) contended that in the face of those enormous Estimates it was impossible for the Government to avoid a large income tax. His noble Friend (Lord Overstone) next complained that the measures of the Government tended to alter, in a very dangerous degree, the relative proportions between direct and indirect taxation; but, unless his noble Friend could show that there were essential differences of principle between the remissions of taxation now proposed and those formerly proposed by Sir Robert Peel and by several succeeding Governments, he would fail to prove that the remissions now contemplated could materially alter the proportions between taxation direct and indirect. The produce of the indirect taxation of this country, since 1842, had been increased by no less a sum than nearly £8,000,000, by a process which he (the Duke of Argyll) maintained was identical in principle with that which the Government now proposed to adopt. There had been remissions in the Customs' duties alone to the amount of nearly £11,000,000. But the policy had been one not of remissions only, for there had been additions in the Excise. His noble Friend had adverted to the different circumstances under which Sir Robert Peel, on the one hand, and the present Government on the other, had propounded their financial schemes, and argued that Sir Robert Peel's remissions were only proposed in periods when relief was required by national distress. But although in 1842, when Sir Robet Peel commenced his commercial reforms, there was a considerable deficit, yet in 1845, when Sir Robert carried his measures to an extent almost identical with that proposed by the present Government, there was no public distress. Sir Robert did so from a conviction that his measures would not only promote industry, but would also benefit the revenue. And Sir Robert Peel was right, for in 1845 he did not confine himself to reductions, but proceeded also to abolition of duties upon a very large scale, and yet the revenue recovered itself. His noble Friend (Lord Overstone) had said that the abolition of duties now proposed was not such as Sir Robert Peel would have proposed; but he (the Duke of Argyll) ventured respectfully to dissent from that opinion. A very large number of articles, the duties upon which were abolished by Sir Robert Peel, were strictly analogous to those which were now to be dealt with. Many other articles entering into the consumption of the people, such as butter, he did not deal with, because he had enough on his hands for the moment, but he left them to be considered at a future period. The noble Lord had dwelt with much force on one charge against the Treaty which applied to all treaties; that it fettered our action for the future, but that evil was reduced to a *minimum*, when care was taken that we should not prevent ourselves from doing anything which there was any probability of our doing, and not to promise to do anything that would be injurious to our interests. The question, therefore, came back to this — whether the remissions and abolition of duties proposed were of themselves evil, or whether they were not only innocent, but beneficial alike to England and to France. When his noble Friend argued in favour of an export duty on coal he propounded an opinion which no English Minister would venture to act upon. The plan of an export duty had been tried by Sir Robert Peel, and had failed, for it was found that the duty, although moderate in amount, was almost unproductive, and seriously interfered with the coal trade. By the Treaty we had not undertaken to abstain from doing anything which it was morally possible we should ever think of doing, and as to the Article respecting coal, although objections had naturally arisen at first, he ventured to hope the House would now regard the Article as one which showed a sincere expectation on the part of the French Government of a long continuance of peaceful intercourse between the two countries. Coal was used far more for commercial than for warlike purposes; for, although France might be out of coal for commercial use, yet we might be sure she would always obtain enough for her naval purposes. When the manufacturers of France found that the Emperor was about to expose them to competition with England they naturally asked him to secure for them, as far as he could, a supply of English coal. The reply of the English Government, no doubt, was that there was no intention of reviving an export duty which had already failed; but the French manufacturers required a guarantee that they might not at some future time be suddenly deprived of a supply of coal; and thereupon the English Government said it was willing to promise not to do that which it had already tried and abandoned. He contended, therefore, that this stipulation, perhaps more than any other in the Treaty, indicated a belief on the part of the manufacturers of France in a long peaceful intercourse to the mutual benefit of themselves and of us. Coming to the question of the wine duties, he would observe that some persons spoke of wine as a luxury. It was true that former reductions of wine duties had been ineffectual to increase largely the consumption; but that arose from the fact that the reduction had never been carried low enough to reach an entirely new class of consumers. If the duties were reduced to an extent that would bring wine within the reach of the better classes of artizans and the lower middle classes, he thought there would be a great prospect of the revenue sustaining no loss, and of a great boon being conferred upon the people, both in point of comfort and of health. He was informed by one of the largest employers of labour in Manchester that the working classes exhibited a strong desire to have the best articles of consumption — the whitest bread and the whitest sugar—and, in fact, to have the same articles of food as were enjoyed by the richer classes. The Treaty was objected to as a bad bargain. He (the Duke of Argyll) heard that charge with pleasure, for it meant that France, whatever benefit we might derive from it, would certainly derive great benefit. But what did that imply? It meant that France would send us a considerable amount of imports; and if so, whether or not we sent them a corresponding amount of our goods, the intercourse must be beneficial to both countries. It was possible that France might send us more goods than we should send them in return; but that would be a gain to England, and not a loss. The noble Lord seemed to hold to the old exploded error in respect to the balance of trade. After all, who were the best judges of the character of the bargain? Had Liverpool, Manchester, Birmingham, Sheffield, or any other manufacturing town objected to the Treaty? No! such a pressure had been brought to bear by the constituencies on their representatives in Parliament that this measure had not been carried by any mere party strength of the Government, but by a very large adhesion from those who were ordinarily their political enemies. It was no party victory, but the noblest triumph which could attend the measures of a Government. He would not conceal that Ministers had entered Parliament at the commencement of the present Session with the prospect of no very great Parliamentary strength; They were obliged to depend, not on party organization, but on the character of the measures which they might produce. And so powerful had been the effect of those measures on the public mind, so rapidly had they gained acceptance in all the great centres of our commercial industry, that the Treaty, and every portion of the financial scheme, so far as it had yet been considered, had been carried by majorities unprecedented in our recent Parliamentary annals. Great as was the importance which he attached to the opinion of his noble Friend, he preferred in this instance to rely on the opinion which had been so unmistakeably expressed on an appeal to the verdict of the country as to whether Her Majesty's Government had, or had not, made a good bargain for the people of England. Whatever difference of opinion might exist in regard to the financial scheme of the Government, he hoped the House would not be persuaded to divide against the adoption of an Address which he could assure their Lordships there had been every anxiety to word so that it might not commit the opinion of any Member of that House, in an unnecessary degree, to the measures of Government, or even to the character of this Treaty. The first sentence expressed the desire of the House "to approach Her Majesty with sincere and grateful acknowledgments for this new proof of Her Majesty's desire to promote the welfare and happiness of her subjects;" and in the second paragraph the House intimated that they would "proceed to take such steps as might be necessary to give effect to a system which they trusted would promote the beneficial intercourse between Great Britain and France." His noble Friend (Earl Grey) seemed certainly to have adopted the most extraordinary line of argument. He said he did not want to defeat or interfere with the Treaty; he was perfectly willing to take the steps requisite to give effect to it, but he would not express his hope that those steps might be successful. Other noble Lords, however, would not, he hoped, give to the Address a grudging or a reluctant assent. He was not willing to speak with bated breath, either there or elsewhere, of the financial policy of the Government, which he believed to be sound in principle. It proceeded not on matter of experiment, but on the result of actual experience. Measures precisely similar to those which they were now recommending had contributed in past years to the comfort and contentment of the people, to the simplicity and productiveness of the financial system, to the creation of new rewards in every branch of industry; and by adding to the wealth of England, they had likewise increased her military power. Ministers, therefore, were prepared to recommend those measures to the adoption of the House, although they did not at present ask for the expression of an opinion upon them; and when the noble Earl opposite (the Earl of Derby) came to speak, though he would probably find many faults with the measure, and pass, perhaps, a severe censure on the conduct of the Government, he trusted that, so far as his influence and vote were concerned, the Address would receive the unanimous sanction of their Lordships' House.

THE EARL OF DERBY: My Lords, at this late hour of the evening I am very reluctant to trespass on your Lordships by any lengthened observations, more especially as I feel that the ground has been to a great extent occupied, and the subject entirely exhausted by the able and eloquent speech of the noble Earl who first opened the opposition to this Address, Earl Grey, and by the equally impressive speech from the noble Earl, whose great experience on subjects of this kind, more especially when speaking in opposition to a Government which he generally supports, deserves the most serious consideration on the part of this House. At the same time there are certain points which, it appears to me, have not been made very clear in the course of this debate, and some observations have fallen from the noble Duke who has just sat down which it would be impossible for me to pass over in absolute silence. I do not grudge the noble Duke the little song of triumph in which he indulged when speaking of the large majorities that have supported Her Majesty's Government on questions connected with this Treaty, and which have especially signalized the present question; nor will I trouble myself to inquire to what cause these large majorities are to be ascribed—whether to a general concurrence in the financial policy of Her Majesty's Government, or to the general confidence reposed in the united counsels of Her Majesty's Ministers, or whether or not they are attributable in some degree to the skill and ability with which the various baits have been thrown out to the various specific interests through which those interests find themselves specially benefited by the provisions of a Treaty; and who, for the sake of obtaining advantages for themselves, are inclined to look with a somewhat indulgent eye on the remaining details of the Treaty. It is rather a singular thing that at this moment, when we are approaching the termination of the debate, it does not appear clear to the House what is the precise subject on which your Lordships' opinion is required. One thing, I think, the noble Duke will acknowledge — that whatever may be the political opinions of noble Lords on one side of the House or the other, there has been nothing, in the course or conduct of this debate, to indicate party policy or a party question. For I will recall your Lordships' attention, in the first place, to the state of the benches on this side of the House; and next—without in any way intending to reflect on my noble Friends behind me—to the fact that the most powerful and most eloquent arguments against the measure have proceeded not from political opponents but from political supporters of the Government. I said it was doubtful upon what point we are going to pass a vote this evening. We are not about to pass a vote on the finacial policy of the Government; we are not about to pass a vote on the general expediency or merits of extending our commercial intercourse with France; and we are not even about to pass a vote on the expediency or inexpediency, at this moment or in this manner, of extending our commercial relations with France; but we are asked whether we will take a course —undoubtedly an unusual one—whether we will, by this Address to Her Majesty which has been placed before us, volunteer to signify to Her Majesty our approval of the Treaty, which we are at the same time to pass over with silent acquiescence. If what we are now asked to do does not—as the noble Duke has told us it does not—in the slightest degree bind us to approval or assent to the financial policy of Her Majesty's Government, what is the object of asking your Lordships to assent to it? I had thought that the ground on which the Government rested the necessity of an Address to the Crown was that particular stipulation in the Treaty which requires that the assent of Parliament shall be specifically given to enable Her Majesty to carry into effect the engagements she has contracted. I was prepared to argue that point; and I did understand that it was in consequence of the existence of that Article in the Treaty that Her Majesty's Government departed in this case from the usual course of not laying the Treaty on the table of the House for the consideration, judgment, or condemnation, if necessary, or for the tacit acquiescence of this, and of the other House of Parliament; that they felt there was something peculiar in the circumstances of the Treaty that rendered a specific acquiescence and not a tacit one required. But the noble Duke says that we have nothing to do with the Treaty—that this Address has nothing to do with the Treaty—that it does not call for our assent or our approval—that the Address is so carefully worded that it does not approve of the Treaty. Then why not be satisfied with communicating the Treaty, if the terms do not require the assent of Parliament? And if that is so, the inviting discussion on it is waste of time:—though I must say, that looking at the discussion that has taken place the time of your Lordships has been anything but wasted. I wish, however, to know precisely how the matter stands with regard to the Parliamentary assent to be given to this Treaty. The noble Earl who first moved the rejection of the Address had referred with great confidence to the noble and learned Lord on the woolsack, and was confident of receiving an answer from him, that in point of fact this Address, whether rejected or assented to, made not the slightest difference whatever with regard to the ratification or validity of the Treaty. I waited with patience; but I have yet heard no answer from the noble and learned Lord; but I still hope I shall hear one before the debate concludes. If the noble and learned Lord is prepared to say that the rejection of the Address would be the rejection of the Treaty, then I think noble Lords may well pause to consider whether they will incur this consequence, notwithstanding their objections to the Treaty; but if, on the other hand, the noble and learned Lord is prepared to argue that so far as the Treaty is concerned, the Address is waste paper, then all the objections to the Address fall to the ground, and the objections lie against those who unnecessarily and gratuitously provoke and demand discussion on the question. I speak with all diffidence in the presence of the noble and learned Lord on the woolsack on this subject; but having given my best attention to the terms of the Treaty as connected with the Address, it appears to me that this Address is, in any point of view in which we consider it, absolutely and utterly useless. It is mainly a question what is the meaning of the provision of the 20th Article, by which it is stipulated that the Treaty shall be of no validity, unless Her Majesty is empowered, with the assent of Parliament, to give effect to the engagements contracted under the Treaty. The noble Earl opposite (Earl Grey) argued—and I believe quite correctly—that with regard to the Articles that touched the commercial question in this Treaty, the assent of Parliament would be sufficiently and adequately given by the concurrence of the two Houses on those legislative measures, which, originating in Resolutions of the Committee on Customs, will be then embodied in Bills carrying out the financial arrangements of the Treaty. If so, clearly with regard to these articles, this Address is wholly unnecessary. But there is another Article in the Treaty, to which I wish to draw your Lordship's attention, and particularly the attention of the noble and learned Lord on the woolsack, the terms of which cannot be said to be satisfied by the sanction of Parliament, conveyed by an Address of this kind. I refer to the 11th Article, by which Her Majesty binds herself, for the space of ten years, not to prohibit nor to place any duty on the export of coal. That particular Article in the Treaty is not in the slightest degree touched on by any Resolution or Bill that can be carried in the Commons and sent up here, in consequence of the recommendation of the Committee on Customs. If the assent of Parliament is to be given, in any form, to that Article, it cannot be given by the merely commercial Bills touching the commercial part of the question. I think it is equally clear that the assent of Parliament cannot be given to it by an Address of the two Houses of Parliament, and the subsequent answer of the Crown. For how does the Crown possess this power, which it is advised to dispense with, or for a time abolish altogether? It is not a part of the prerogative of the Crown; but it is a power conferred on the Sovereign for the highest interests of the country by an Act of Parliament. The Crown is empowered, and consequently it is the duty of the Crown, under certain supposable circumstances, for the advantage and security of the country, to prohibit the exportation of a certain article, the export of which may be dangerous to the interests of the country. That authority is given to the Crown by Act of Parliament; and without the sanction of another Act of Parliament, I say the Crown cannot constitutionally dispossess itself of that authority which has been vested in its hands by Parliament for the good of the nation;—the Crown cannot will away to another Power that which has been entrusted to it for the defence and security of the country. Without, then, a word on the policy of the Treaty, without a word on the policy of prohibiting the export of coals—still further, without going into the question whether coal is a legitimate source of taxation—and still more, without the least idea of entering upon the vexed question as to the probable duration of the supply of coal, upon which, as we have heard from the noble Lord who seconded the Motion (the Earl of Cork), we have an abundant supply for the next 5000 years—and upon which I received this morning a paper from another source, satisfactorily proving that the supply of coal could not last 250 years, and between whom I am not prepared to give a decision at this moment—without arguing whether the export of coals at all be or be not desirable, or whether coals can be a legitimate source of revenue or not—I say it is not in the power of the Crown, in my humble judgment, without the sanction of an Act of Parliament to give away that power. In my humble judgment, it is only by an Act of Parliament that the Crown can dispossess itself of the power which Parliament has placed in its hands. With regard to the commercial articles of the Treaty, the Bills founded on Resolutions of Committees on the Customs' Acts, are sufficient assent; but, with regard to them and to this 11th Article, this Address can have no effect either one way or the other. The noble Earl opposite (Earl Grey) and the noble Baron who followed him on the same side (Lord Overstone) entered—as the noble Duke allowed they had a right to enter—into the circumstances of the Budget and the financial position of the country, as bearing upon the policy of the Treaty—because, be it observed that, independently altogether of the merits of the Treaty, and supposing that the arrangements with France were of the most beneficial character, there remains the further question—are the finances of the country in a position, is this the moment, and are these the circumstances under which it is wise, politic, or safe to give effect even to an ultimately beneficial arrangement with France? The case of the Budget has been put before you pretty clearly; and I thought there could be no difference of opinion with regard to the financial position of the country, calmly explained as it has been. But, to my astonishment, I find the noble Duke who has just sat down, has thrown a new light on the subject; he says that the Chancellor of the Exchequer has not, in the slightest degree, increased the deficit he found on entering office. I listened with great attention to the noble Duke, and I am at a loss to know by what process of argument, by what train of thought, he has brought his mind to a conclusion absolutely contradicted by the facts of the case. He says—and I do not contradict him, though I was not exactly aware of it before he mentioned it—that by a clause in a former Act it was not the war duties merely on tea and sugar that fell to the ground, but the whole of the duties. That may be so, but it does not affect the argument at all; because the right hon. Gentleman's assumption of a deficit of £9,400,000 was not based on the supposition that the tea and sugar duties fell in altogether, but that the war duties merely fell in. His balance was the result of a comparison of the expenditure and income of the ensuing year; he took credit for the ordinary revenue on tea and sugar, and only supposed that the war duties fell in. I do not intend to trouble your Lordships with long statistics, for I have not them here. I speak merely from recollection; and here the noble Duke has the advantage of me. If I recollect aright, the Chancellor of the Exchequer calculated the probable income of the year at £60,700,000, and the probable expenditure at £70,100,000, leaving, of course, a deficit of £9,400,000. Now, my Lords, I should be much gratified and no less surprised, to find that the right hon. Gentleman's calculations with regard to his deficit are correct. In the first place, I am afraid he takes credit for an amount of revenue which, I think, will hardly be realized; and, on the other hand, I feel confident that he has much understated the expenditure which is absolutely necessary for the service of the ensuing year. Without going so far as to calculate the expense of the Chinese expedition at £5,000,000, it must be obvious that for an expedition undertaken on such a scale a provision of £500,000 is ludicrously insufficient; and yet, if the expenditure for that service exceeds that sum—if it only exceed it by £450,000—the whole apparent balance of the Chancellor of the Exchequer disappears. But yet the noble Duke says, having found a deficit, the Chancellor of the Exchequer does not increase it. And what does the Chancellor of the Exchequer proceed to do? The first thing he does is to sacrifice £1,100,000 wine duty under the Treaty with France, in which he assumes that the loss to the revenue—or what he calls the gain to the consumer, but of which I believe the consumer will obtain but a portion—what he calls the gain to the consumer by lessening the prices he estimates at £1,700,000; but in consequence of an increase in the consumption of wine to the amount of 35 per cent, which, he says, will follow the reduction of the duties, he calculates a net loss to the revenue of £1,100,000, I should certainly have thought that £1,100,000 some addition to the deficit. Moreover, unless the Chancellor of the Exchequer's expectations be realized, and, without diminishing the consumption of ale and spirits, the increase of the consumption of wines be 35 per cent, the Chancellor of the Exchequer underrates the deficiency he will have to make good. Next, he volunteers to take off £910,000 in other Customs' duties on articles which, individually, are of no great importance, but some of which contribute a respectable sum to the revenue. Then he takes off the paper duty, which he estimates at £1,000,000; and let me observe in passing, that although he estimates in the present year a loss of £1,000,000, he estimates upon next year a loss of £1,230,000. There will thus be in the revenue of next year an increase of deficit to the amount of £230,0000. To the deficit which the Chancellor of the Exchequer found of £9,400,000, he adds a new deficit of £3,100,000, and in the face of that fact the noble Duke tells us that the Chancellor of the Exchequer has made no addition to the deficit which he found. What is the course the Chancellor of the Exchequer takes to supply the deficit thus increased from £9,400,000 to £12,500,000? This £12,500,000 has to be made good by the Chancellor of the Exchequer next year. In what manner does he propose to deal with it? In the first place the Chancellor of the Exchequer reimposes the whole war duties on tea and sugar, and reckons on obtaining £2,100,000 from that source. He next takes an increased income tax, of which he proposes to receive this year three-quarters instead of one-half, at the unprecedented amount of 10*d.* in the pound. That amounts, according to the estimate of the Chancellor of the Exchequer, to £8,400,000. This still leaves a considerable deficit; and after taking several thousand pounds of small additions in the shape of operations in commerce, penny stamps, and so on, he obtains a sum of money sufficient to meet his little chasm of £900,000. Still there was a considerable deficit. And how does he meet that? By taking in the present year the £1,400,000 of malt and hop credits belonging to next year; and, so by the various devices I have enumerated he supplies both the deficit which he found and the deficit which he creates. My noble Friend says there is a casual resource in the course of the present year; but that was included in the estimated revenue which left the deficit of £9,400,000—a receipt, I mean, which he obtained through the interference of my noble Friend behind me (the Earl of Malmesbury) with the Spanish Government. Now, this cannot be calculated upon for the next year; and, therefore, for the service of the next year we should be left in this position—supposing all the Chancellor of the Exchequer's calculations to be fair and reasonable, suppose all to be borne out by the result, instead of having a surplus of £470,000, according to the Chancellor of the Exchequer's own story, we should, at the expiration of the next financial year, have a deficit of certainly not less than £11,000,000. Now, I ask Her Majesty's Government whether they have carried their thoughts so far forward—whether they have calculated in any way the means of meeting that vast deficit otherwise than by an increased income tax, rendered necessary by the course of policy they are now pursuing? The noble Duke and the noble Lord on the other side of the House have submitted that their policy is in accordance with that pursued by Sir Robert Peel in 1842 and 1845. I beg to dissent from that proposition. Although it is quite true that they are at the present moment taking off indirect taxes, and Sir Robert Peel also took off indirect taxes; that is the only circumstance of resemblance between them. The circumstances of the country, the views of the Government, the object for which the taxes are taken off, are as different as light from darkness. Sir Robert Peel reduced and abolished taxes; but he did so in the confident expectation that the relief so given would directly or indirectly give an increased revenue by a larger consumption of the articles on which a lower duty was made payable. But the noble Duke expressed his extreme astonishment that we could not imagine—that we could not conceive—they were pursuing the course of Sir Robert Peel, in the teeth of the fact that Sir Robert Peel lowered the duties on 400 articles of Customs, and the present Government are lowering the duties on 400 articles of consumption, and that Sir Robert Peel imposed a temporary income tax, and they impose an income tax. How, he says, can we see a difference between the course Sir Robert Peel pursued, and the course of policy they pursue? How can we argue, he says, that the course they are now taking will have any effect upon the permanent relations between the direct and indirect taxation of the country? I have not heard a hint from any Member of the Government that from the reductions of indirect taxation which they contemplate under the Treaty and the Budget they anticipate an increased revenue, which would enable them to get rid of the direct taxation, which temporarily they find necessary to place on the Statute-book. I must say, that with regard to the honesty of the course which the Government has been pursuing, and with regard to the Budget brought forward by the Chancellor of the Exchequer, that it is strangely at variance with propositions made in former times by the same right hon. Gentleman. But it is more directly, and remarkably, and signally opposite to the propositions of the right hon. Gentleman who now holds the office of Secretary of State for the Home Department, and who preceded the right hon. Gentleman as Chancellor of the Exchequer (Sir G. Lewis). What was the policy laid down by him as Chancellor of the Exchequer? It was "We cannot afford to take off the duties on French wines; the revenue cannot afford it. We cannot afford to take off the paper duty, because it is an increasing duty, and upon the whole not a bad duty, and the revenue cannot spare it. But, above all," said the Chancellor of the Exchequer of that day, "I protest against the mischievous doctrine of concentrating all your Customs' duties upon a small number of articles of prime necessity, and contend, on the contrary, that it is expedient, in order that the burden may be lightly borne, that your Customs' taxation should be spread over a considerable number of articles, instead of being concentrated upon a few." But what says the Chancellor of the Exchequer of the present day, with his right hon. Colleague sitting by his side, and assenting to the propositions of his Budget? He says, "Take off the wine duties, though the revenue cannot bear it; abolish the paper duty, though the money cannot be spared; but, above all, the merit which we claim for our Budget is a merit dear to every Free-trader—that of having concentrated the whole of our Customs' taxation upon a small and insignificant number of articles." Look a little further forward, my Lords. The noble Earl who commenced this discussion (Earl Grey), referred to the advent of an alteration in the constitution of Parliament. I would ask the noble Duke, who I see is to follow me (the Duke of Newcastle), whether the Government have considered the course which may be pursued by a Parliament elected by those who, if the Reform Bill of the Government become law, will take part in future elections, when that Parliament finds that the whole customs revenue of the country, not amounting to hundreds of thousands but to millions sterling, is raised on articles that enter into the daily consumption of the labouring man—tea, coffee, tobacco, and the necessaries of life? I would ask the noble Duke whether the natural tendency of such a House of Commons will not be to reduce still further the indirect taxation, and to place the burden of taxation on those who are most affected by it in its direct form? I see in this Budget the first step to a permanent, large, and extensive income tax; and that I believe would be full of serious danger in the country. I see serious danger to our system of taxation in a time of peace; but I see absolute ruin by a profuse and lavish expenditure of our resources when there is no need of it, of what ought to be our last and most powerful instrument for raising funds to a large and immediate amount in time of war. There is another and most material question, namely, whether, admitting the Treaty to be a good one, this is the moment which you ought to have chosen for increasing your deficit, and thereby rendering necessary a large amount of income tax. I shall not go into the question whether an increased income tax might or might not have been necessary in consequence of the additional naval and military armaments necessary for the defence of the country. Of this I am sure, that if Her Majesty's Government had been obliged to come forward with a proposition for an increased income tax rendered necessary by such armaments, they would have received no opposition on the part of even those most opposed to an income tax; because all parties would have considered that a proper application of an income tax, the time not being one of actual war, but a time when the circumstances of the world rendered it necessary that our peace establishments should be put upon a war footing in order to provide for the security and independence of the country. The first ground on which I take my stand is this—Even supposing the Treaty to be as advantageous as I think it to be the contrary, it was an injudicious step on the part of Her Majesty's Government, for the purpose of obtaining the Treaty, to make the sacrifice of revenue which we are called upon to do. A noble Earl, the Under Secretary for War, has said, "If you think this Treaty so objectionable, why do you not oppose it? Why satisfy yourselves by opposing the Address on the Treaty?" The answer is that, so far as the fiscal arrangements are concerned, we have already incurred the loss. Already by its vote the House of Commons has thrown away the wine duties; already it has subjected itself to the loss of that convenient £2,000,000, which are to be sacrificed to the Treaty. Therefore, we are placed in a disadvantageous position, when we are asked to throw away the advantages which the Treaty confers on British trade, after the revenue which we derived on articles of French produce coming into this country has been given up. My Lords, I cannot but think that there appears on the face of the Treaty manifest marks of haste. I shall not go into the question whether it was wise to make the Treaty: I shall not go into the question—though I have a very strong opinion on the subject —whether in the financial position of the country we should have bound ourselves to those engagements from which we cannot escape for ten years; but I say that the Treaty bears on the face of it manifest marks of haste and of a want of due consideration. It appears from the statement of the noble Earl opposite that the negotiator was not responsible for the omission of an article to remove the prohibition of the exportation of rags from France; but how is it, I would ask, that the Treaty having been ratified on the 31st January, the negotiations by which it was entered into not being commenced till the 7th, Her Majesty's assent having been given to it on the 25th January, and the Budget, which but for an accident would have been brought forward on the 3rd February, having been brought forward on the 10th of that month—how is it, I ask, that in that Treaty there appears an article providing that on French paper which should thereafter be imported into this country the duty should be at the fixed amounts of the Excise duty on the paper of this country—namely, 14*s*. on one description of paper and 15*s*. on another—when this Treaty was signed on the day before, and ratified a few days after, the meeting of Parliament; and when on the production of the Budget the excise on paper in this country was to be entirely abolished. Although the noble Duke has successfully shown that the question of paper was not so hastily negotiated, yet he must see that there are other points which are not capable of the same satisfactory answer. Whether this Treaty is to be considered as a bargain or not, I take it I am right in assuming that whether France gains on the one side or England on the other, it was intended to place the productions of the two countries on the same footing. It was not intended to give an advantage to French manufactures over English, or to English over French; because there is a power reserved to each nation, by which, in case it should impose any Excise duty on any article of home manufacture, it was entitled to impose a Customs' duty to the same amount on a similar article the production of the foreigner. This being so, I should like to know on what principle you can enter into an arrangement by which the silk manufacture of France is to be admitted duty free into this country, and by which British manufactured silk is, after a certain time, to be admitted into France not duty free, but subject to a duty of any amount up to 30 per cent. There is no stipulation whatever by which France is bound to admit any article of British manufacture at the duty at present charged on it. I do not mean to say that there are not advantages to the trade of England secured by the removal of some of the existing French prohibitions, the absence of which prohibitions will considerably increase our trade with that country; but, as to the exact conditions on which British articles are to be introduced into France, we are wholly in the dark. There is a supplemental convention to be signed by which the rates to be charged on British goods imported into France are to be set out. But we have already signed away our assent to the convention by assenting to the Treaty. We have already given our assent to those stipulations in the Treaty by which duties may be imposed on articles of British manufacture, so long as those duties do not exceed 30 per cent. We may lift up our voice, we may remonstrate, but we have no power to compel France to do any thing more or less than she likes within that margin of 30 per cent. At present there are a vast number of articles in the French tariff on which the duties range very much below 30 per cent. Very good care has been taken of the cotton manufactures. But what is the case with linens? What is the case with silks? The present French tariff on linens is charged on the hundred-weight, and is in some cases 11 per cent. On bleached goods it is in some cases eight. On the silk manufactures it is from fifteen to twenty. The present tariff varies very much, but on some articles it is as low as 5 per cent. Now, there is no stipulation in the Treaty that no additions shall be made to the existing duties. Therefore, as long as no duties are imposed exceeding 30 per cent, the conditions of the Treaty are fully realized, although articles now paying 5 per cent should be raised to 25, or even to 30 per cent. It is very important to bear in mind how the present duties are levied. Upon almost all articles it is by weight, and weight only; and the consequence is, that on the heavier and coarser articles a duty is charged that amounts to absolute prohibition, while on the lighter and finer manufactures the duty is very light as compared with the intrinsic value of the articles. Suppose the French bring down their duties to an average *ad valorem* duty of 20 or 25 per cent, it may still be sufficiently high to be prohibitory on the coarser articles, but it will be raised to such an amount as that the finer articles may be excluded by an *ad valorem* duty infinitely higher than that charged at present on the weight. We must rely on the good nature of the French Government, in construing liberally and largely the engagements into which they have entered, because our Government have placed us in the power of the French Government in the manner which I have just endeavoured to explain to your Lordships. I shall not at this hour enter at greater length into the several provisions of the Treaty. No doubt it will confer some benefits on the British manufacturers; but I think on the other hand that the Government have committed a greater error in binding themselves to it; because apart from the financial considerations, and apart from the time at which it has been entered into, there is another and most serious matter to be considered in connection with it, and that is its political significance. My Lords, I will not say—as seems to be considered by the noble Earl opposite (Earl Grey)—that it was the absolute duty of Her Majesty's Government to have made, as a condition to the adoption of the Treaty, that there should be an unequivocal declaration on the part of France that she would not annex Savoy. But I will say this, notwithstanding what has fallen from the Under Secretary for Foreign Affairs, I think it is impossible that this Treaty could have been considered solely in a commercial point of view. As it has been admitted by the noble Lord at the head of Foreign Affairs, it had a political character. In the instructions for the framing of the Treaty the Secretary of State for Foreign Affairs (Lord J. Russell) wrote—

> "At the same time Her Majesty's Government wish the Government of France to understand that they are about to give, by the steps which they now authorize you to take, no small earnest of the value they set upon strengthening and extending their relations with that country. The productions of France are not, in general, articles of such primary necessity, or of such universal use among the people of the United Kingdom, as to entitle them on these grounds to the first attention of the Government. They are selecte then for relief, in part, indeed, upon commercial grounds, but in part also because of the collateral effects which we anticipate from the conclusion of the Treaty."

What those "collateral effects" were was to be learned from the same despatch—

> "But, over and above these considerations, they attach a high social and political value to the conclusion of a commercial treaty with France. Its general tendency would be to lay broad and deep foundations in common interest and in friendly intercourse for the confirmation of the amicable relations that so happily exist between the two countries; and, while thus making a provision for the future, which would progressively become more and more solid and efficacious, its significance at the present moment, when the condition of some parts of the Continent is critical, would be at once understood, and would powerfully reassure the public mind in the various countries of Europe."

What are those "collateral interests" that are alluded to except the social and political relations, and not the commercial relations, between England and France? What is the meaning of the words, "critical circumstances" in this paper? Why is it deemed necessary to establish social and political relations with France? It is significant that the Treaty is intended to show that the policy of England and France not commercially, but politically, is identical. This is the political inference to be drawn from this Treaty, and from this dangerous misconception of it serious consequences are likely to arise. At the moment you were framing this Treaty, did you mean that your policy, your past, your existing, or your future policy, was, or is, or is to be, identical with France? Had you not at the moment when you concluded the Treaty, the knowledge that your policy in Italy was precisely opposite to that of France? Had you not the knowledge that France had declared her determination, under certain contingencies, to annex Savoy? And with that knowledge, did you not persevere in exciting the population of Italy to reject the proposals made by France, and thus bring about the very contingency which France had told you would necessarily lead to the annexation of Savoy? Under these circumstances did you make known to the other Powers of Europe that which had been made known to you—that under certain circumstances there was a serious danger of Savoy being annexed? Did you consult your co-trustees in the settlement of Europe in 1815? Did you call upon those Powers to point out to France how the confidence of Europe in the future professions of peace and friendship of the Emperor would be shaken by this policy of annexation? You did no such thing. You went on to precipitate the course, which France avowed her intention of following. You did not for three months say a word to dissuade the Emperor from taking that course. You took no steps whatever to remonstrate upon that policy, or to consult your Allies in Europe in regard to this annexation of Savoy. Under these circumstances I think the Treaty to be unfortunate in every point of view. It is, as we know, the firm conviction of the French people, that this commercial Treaty was but a sop given, not to England, but to the present Government, whereby that Government might obtain the assistance of certain parties of whose allegiance there was some doubt a short time ago. And the return for that—not to use so strong a word as bribe—that inducement, would be that, Her Majesty's Government being maintained in power, no very serious opposition to the designs of France upon Savoy was to be anticipated from them. He did not impute such conduct to Her Majesty's Ministers; but it was certainly a very painful position for the Government of this country to be in; and it was very unfortunate that the significant coincidence of the Treaty with the annexation should give so suspicious an appearance to the motives and policy of England in the eyes of foreign nations. I suppose from what we hear, in spite of the late representations of Her Majesty's Government—in spite of an assurance given in "another place" within the last few hours, that no steps would be taken by the Emperor in regard to Savoy without consulting the other Powers of Europe—that that measure will be persevered in. Although it appears that universal suffrage is considered good for France, for Tuscany, for Bologna, and the other States of Italy, we are told now that it is not good for Savoy—that whatever may be the feeling of the people, Savoy must be annexed to France, the Treaties of Europe being summarily, without necessity, argument, or consultation set, aside. Is this a question upon which Europe has no right to speak? Is this a question upon which the King of Sardinia is not to be allowed freedom of action? The King of Sardinia, from the commencement, has told you that the annexation of Savoy to France was not a measure upon which he had given his approval—that, in fact, it had never entered into his mind. Well, my Lords, I ask whether he is warranted in rejecting the allegiance of his subjects, and transferring them to another ruler? Is he warranted in setting aside those pacific treaties which had secured a portion of those territories to Switzerland? And is this the moment at which Her Majesty's Government think it necessary to proclaim to the world their acquiescence in a Treaty by which we bind ourselves to a political identification with the policy of France for the next ten years? Let me not be mistaken. I say that the Sovereign of France has up to this moment loyally fulfilled all the engagements he has entered into with us. I deprecated—I deplored—the unfortunate war that took place last year in Italy; I could not, however, blame the Emperor of the French for the course he had taken in that affair, inasmuch as he had broken no pledge nor violated any Treaty. If, however, on the present occasion, from any pretence—for there can be nothing but a pretence put forward—he, the mighty Emperor of the French—he who is at the head of that Empire, and of a great and warlike people —if he should seriously think it necessary to attach to his Empire a small territory like that of Savoy in spite of treaties, upon the apprehension that his great Empire would be subject to an invasion from the King of Piedmont, I must say it is a pretext so shallow and transparent that I cannot imagine any human being with any regard for truth would put it forward. And that England should calmly submit to such a policy, I confess passes my comprehension. But that the Emperor of the French should condescend to such a pretext for entering Savoy is, in my opinion, too palpable and transparent to deceive any one. Well, what is the consequence? I grieve to think that the consequences must be far from the promotion of peace. They are such as to discourage all hopes on our part of a diminished expenditure by the reduction of our armaments. From this moment all Europe will be in a state of painful expectation and anxiety as to what the next move of the Emperor will be. If the pretext of the apprehended invasion of France by Piedmont be put forward in justification of the annexation of Savoy, what may we not expect from the future movements of the Emperor? Will not the result of such a policy be this;—whereas we have hitherto given implicit credit to the Emperor, and to his declaration that the Empire means peace, whereas we have laboured to persuade ourselves that he would never flinch from his engagements —if this unhappy annexation—and unhappy it will be for the Emperor more than for any one else—does take place, he will induce throughout Europe a permanent suspicion of his future policy which years will not efface, and which will involve the expenditure of millions of treasure in the maintenance of warlike preparations which will be deemed necessary in order to guard effectually against contingencies which no man can foresee, but which every nation will feel it its duty to provide against. My Lords, before I sit down I wish to say a word upon the argument used by the noble Earl against your Lordships dividing on this Treaty. Much as I dislike this Treaty, if I thought that to refuse to join in this Address would produce any effect upon the Treaty, if it would cause any embarrassment to the Government, or increase any difficulty between this country and France, much as I dislike the Treaty, I think it has gone so far, and we have made such sacrifices to obtain it, that I should be sorry to see your Lordships throw any difficulty in the way. But if this Address, as I believe, will have no significance upon the Treaty, if your Lordships will not, by refusing to vote this Address, pass any comment upon the Treaty; if in refusing to pass the Address, we do not pass any censure either upon the Treaty or the Government, but merely protest against the Treaty and against giving any approval, or concurrence in the Treaty, then I do not see the force of the noble Earl's attempt to induce me to refrain from dividing. If the noble Earl looks to the present state of your Lordships' benches, he may see reason to think that any decision to which the House may come to-night will not give a true criterion of the strength of feeling and the predominant opinion of your Lordships' House, and in that sense I admit it may be politic and wise on the noble Earl's part not to press his Motion to a division. Looking at the state of the benches behind me, a small minority on this side, and a large majority on that, independent of the merits of the question, might be misconstrued both in this country and abroad. But my sense of the impolicy of this Treaty is so great that I cannot consent to give my sanction to an Address which may be construed into an approval of it; and if the noble Earl on the whole thinks fit to divide, I shall feel it my duty, in justice to my sincere opinion, to go out with him and say "Non-Content" to the Motion.

THE LORD CHANCELLOR said, the noble Earl (the Earl of Derby) had asked whether or not this Address to the Crown on the part of their Lordships was necessary to give validity to the Treaty. He had no difficulty in saying that it was unnecessary. He was never more surprised than when on a former evening he heard the noble Earl contend that, in order to give validity to the Treaty, it was necessary that an Act of Parliament should be passed approving every Article of the Treaty. By the constitution of the United States a treaty was not binding without the assent of the Senate—but, by the constitution of this country, the Crown might make any treaty by virtue of the prerogative of the Crown and without requiring any sanction on the part of Parliament, so that all the Articles of the Treaty could be carried into effect by the existing law of England. Parliament might indeed censure, impeach, or punish the Ministers who had advised the Crown to conclude any treaty, but the treaty itself was valid. By the 20th Article of the present Treaty with France it was said:—

> "The present Treaty shall not be valid unless Her Britannic Majesty shall be authorized by the assent of Her Parliament to execute the engagements contracted by Her in the Articles of the present Treaty."

It was plain that this Article referred to engagements which Her Majesty might be unable, according to the existing law, to carry into effect without the consent of Parliament. The Treaty altered the taxation and diminished the revenue of the country: these alterations of duty could not be carried into effect without the authority of Parliament; and the consent of Parliament was therefore necessary to enable Her Majesty to carry out these particular engagements, but these only. The noble Earl also inquired whether the 11th Article of the Treaty required an Act of Parliament to make it valid. That Article said, "The two High Contracting Parties engage not to prohibit the exportation of coal, and to levy no duty upon such exportation." His answer was that it required no Act of Parliament. All that was requisite to give effect to that Article was to allow the law to remain as it was. The Article would not in any way interfere with the belligerent rights of the Crown. The Treaty was exclusively a commercial treaty, and like all other treaties was to be interpreted according to the true intent of the parties. In the case of the present Treaty this intention was found expressed in the Preamble, which set forth that Her Majesty and the Emperor of the French "being equally animated with the desire to draw closer the ties of friendship which unite their two peoples, and wishing to improve and extend the relations of commerce between their respective dominions, have resolved to conclude a treaty for that purpose." The noble Earl had referred to the power of the Crown to prohibit the export of coal under certain circumstances. That power had nothing to do with the present Treaty, and could be exercised as though this Treaty were not in existence. It was a power inherent in the Crown and was part of the prerogative of the Crown. By an Act of the 53rd *Geo.* III., facility was given to the Crown to prohibit the exportation of certain articles, including coal. This the Crown could do at common law. The Act was a purely municipal law, and did not affect our relations with Foreign Powers. Whatever our relations with France, the Crown might do in certain contingencies exactly what the Crown might have done had this Treaty never been contracted. The Crown had the power of stopping the export of all articles which were "contraband of war," and coal, if used for belligerent purposes, as for the furnaces of vessels of war, was as much contraband of war as gunpowder. The Treaty only looked to what was to be done commercially, and not to what might be done during war or in the apprehension that war is impending. After the almost unanimous assent which the House of Commons had given to the Treaty, and taking into account the state of public opinion on the subject, he trusted there would be no division of sentiment between the two Houses, but that their Lordships would express their hearty concurrence in the proposed Address.

LORD CHELMSFORD said, it was very important that they should fully understand the position in which they were placed, and what would be the consequence of their refusing to concur with the Commons in the Address to the Crown in relation to the Treaty. Now, the noble Earl who first opposed the Address (Earl Grey) anticipated that he would have the sanction of the noble and learned Lord on the woolsack for saying that if the Address was rejected it would have no prejudicial effect on the Treaty. The noble Earl's expectations had been fully confirmed by what had just fallen from the noble and learned Lord. Considering, therefore, that there was no necessity whatever for this Address to render the Treaty effectual, he, for one, would not incur any of the responsibility of adopting it, as it would be taken to imply approval of the Treaty. The questions as to the greater part of the Articles of the Treaty had already been settled by the Resolutions of the other House on the Customs' duties involved in it, so that whatever their Lordships might do with the Address would have no effect whatever on the Treaty itself. The Resolutions of the House of Commons relative to the abolition and reduction of the Customs' duties required to be embodied in an Act, and it was the invariable rule of their Lordships to give their sanction to any such Act that came up from the Commons. On the question relating to the 11th Article he had the misfortune to differ from the noble and learned Lord on the woolsack. If he understood the noble and learned Lord correctly, he had said that there was no necessity for an Act of Parliament to enable Her Majesty to fulfil the engagements into which she had entered by that Article. Now, by the 150th section of the Act 16 & 17 *Vict.* c. 107, Her Majesty was empowered to prohibit the exportation of any articles which she might judge capable of being converted into or made useful in increasing the quantity of military or naval stores, and there could be no doubt that coal is an article of that description. This is a power vested in Her Majesty to be kept in reserve for any emergency which may arise, and she is not at liberty to divest herself of it, even for a day, without the sanction of the same legislative authority which conferred it. Although, therefore, an Act respecting the Customs' duties will be a sufficient assent of Parliament to those Articles of the Treaty which relate to these duties, without an express sanction of the Treaty itself, yet with respect to the 11th Article, relating to coal, as a power conferred by Act of Parliament, can only be dispensed with by the same authority by which it was created, Her Majesty cannot be authorized to execute the engagement contracted by Her in this Article of the Treaty without an express Act of the Legislature for the purpose, and therefore he was of opinion that his noble and learned Friend was incorrect in his view of the effect of the 11th Article of the Treaty.

THE LORD CHANCELLOR repeated that no Act was necessary. Her Majesty could not lose the power which she had at common law by entering into the engagement provided for in this Article.

THE EARL OF HARDWICKE said, there was one point to which no noble Lord had referred during the debate, arising out of the 3rd Article of the Treaty, in which it was stated that the rates of duty mentioned in the preceding Articles were independent of the differential duties in favour of French shipping, with which duties they should not interfere. On an occasion when a treaty was made with France the Liverpool shipowners complained that the Government had greatly neglected their interests in not having urged on the French Government the necessity of giving further advantages to the shipping of this country than it at present possessed. The steam shipping of England was able to compete with the whole world; but at no period of our history had the sailing shipping interest of this country suffered greater depression than at present. The owners of sailing ships, which were chiefly employed in carrying cargoes of cotton, thought they had been much neglected by the Government in connection with this Treaty. At this moment British ships coming from America, for instance, laden with cotton, and entering a French port, were compelled to pay very large differential duties as compared with vessels belonging to the United States. The effect of that was to give an undue advantage to the chief competitor with whom the British shipowner had now to contend; and he complained that that state of things, instead of having been altered in his interest by the recent Treaty, had been perpetuated to his injury.

LORD WENSLEYDALE said, that as his noble and learned Friend (Lord Chelmsford) had made a sort of appeal to him, he must say he had at least a great doubt whether his noble and learned Friend on the woolsack was right in his opinion, that the 11th Article did not require a statutory authority to be given to Her Majesty. As a question of constitutional law, he should have thought that the power granted to the Sovereign by an Act of Parliament—the 57th *Geo.* III—to stop the exportation of coal, was a power to be exercised from time to time, according to his discretion, with a view to the public good, and ought not to be parted with absolutely for a term of years.

LORD CRANWORTH said, he should be deserting his duty if he did not say that he thought the view taken by his noble and learned Friend on the woolsack was the right one.

THE DUKE OF NEWCASTLE: I assure your Lordships that under any circumstances I should feel strongly the difficulty of my position in having to address you at the close of a debate of such importance and duration as this; but I feel it the more under existing circumstances, because I have to follow not only a speech of the noble Earl opposite (the Earl of Derby) in which he has brought forward sundry grave charges both against the Treaty and against the Government, but also a speech of a noble Friend of mine, who addressed your Lordships earlier in the debate (Lord Overstone), and who, from the feeling which I know he entertains towards her Majesty's Government, would not have spoken in the spirit in which he has unless he felt warmly the sentiments to which he gave expression. The House will forgive me if, before I travel into matters more germane to the Treaty, I advert for a moment to the close of the speech of the noble Earl, in which he dwelt so warmly on what he called the "political significance" of this Treaty. If I understand the meaning and intention of the expression, I deny the political significance; but I readily admit the political bearing and importance of the Treaty. The noble Earl endeavoured to show that the language used by the Foreign Secretary must have reference to the annexation of Savoy. But, in the first place, I would call your Lordships' attention to the fact, that the negotiation for this Treaty commenced at a moment when the question of the annexation of Savoy was not before Her Majesty's Government. Again, the remonstrances made by the Government of Her Majesty to that of France on that subject, although couched in the strongest language, were made in a perfectly friendly spirit towards that Government; and I have yet to learn that because you are engaged in friendly remonstrance with another Power on a matter connected with its foreign policy, you are to be precluded from drawing closer the ties of amity with that Power by international arrangements —unless, indeed, there are circumstances which disentitle it to such consideration. I could, indeed, better understand the argument—that this was not the moment when we should enter into this friendly Treaty, when an hon. and learned Gentleman, who was connected with the Government of the noble Earl (Sir H. Cairns), spoke in "another place" in the strongest language of the Emperor of the French and his Government, charging the Emperor with treachery, and his Ministers with falsehood. But now those tactics have changed, and noble Lords turn round and say that the conduct of the Emperor has been candid and fair; that the announcements of M. Walewski have been perfectly truthful and honest. Well, if so then, whatever blame may attach to the Government in your opinion, these objections fall to the ground. I now come to the graver charge raised by the noble Earl opposite against Her Majesty's Government. But before I deal with his accusation, I must contradict him upon a matter of fact. It is not the fact that we were in possession of the intentions of the Emperor for three months and that we never made any communication to the other Powers. I stated the other night that as soon as the Emperor's intentions assumed a tangible shape, we did make communications to the three Powers, Austria, Prussia, and Russia; and that copies of the despatches we sent to Earl Cowley were forwarded to them for their information. What is the charge made against the Government? The noble Earls opposite say that it is declared—although they do not profess to believe it—that this Treaty is a sop to England, not to say a bribe. I deny that there is any connection between the two things. I deny solemnly before your Lordships, on the part of my colleagues, that there is any connection between the negotiations for this Treaty of Commerce and the cession of Savoy. They are as separate as any two transactions can be, and I can only say, if the telegram upon which the noble Earl opposite has relied be true, whatever course we may take, it will not in any way be influenced by having carried this Treaty to its consummation. The noble Earl has also said that he does not see the motive for this Motion, and spoke of it as an unusual course. I can only say that it is the very one which Mr. Pitt adopted in 1787, and that its motive is one of which the noble Earl ought to be the last to complain, for he asked my noble Friend the President of the Council some days ago what opportunity would be given to the House of discussing the Treaty; and therefore, while following precedent, we have taken that course which we thought was most likely to be satisfactory to the noble Earl, by proposing an Address to the Crown, in order that any objections which might be felt to the Treaty might be raised and met. There is, indeed, no doubt that, whether this Address be carried or not, it will not in any way affect the carrying out of the Treaty. But then, again, the noble Earl attempted to show that this Treaty was a matter of bargain. No doubt, in a certain sense, it is a bargain; but in the sense intended by the noble Earl, it certainly is not. It is not a bargain, for we do not give up anything that we wish to keep, and we do not ask for anything that it is inconvenient for others to concede. It is really an interchange of gifts—perhaps not of equivalents; for how could we, who have for years been removing our restrictive duties, expect to be able to give equivalents to a country which, until now, has maintained a highly prohibitive system? This Treaty is valuable in a sense that has not been touched upon to-night —it is useful, if not necessary, to lead France into that path which we have been so long treading. We first led France by the Methuen Treaty into a highly restrictive system, and it is proper we should now set her right. But with regard to ourselves it is important. In 1842 France effected a treaty with Belgium which has materially affected our trade, and I have returns here which, at this hour, I shall not quote, but which show that in many articles— linen and coal, for example—our trade has fallen off, while the trade of Belgium has advanced. Shall we not, then, take steps to restore the legitimate course of trade between this country and France? The question has been argued as though this Treaty with France was a novel transaction. I could understand the argument from my noble Friend (Earl Grey), but not from noble Lords opposite. France has always been an exceptional case, and from 1830 down to the last three or four years all Governments have endeavoured to strengthen the connection between the two countries by means of treaties. My noble Friend (Lord Overstone) was in error in supposing that Sir Robert Peel never proceeded by treaty, for in truth there was a constant negotiation carried on by Lord Aberdeen, in the Administration of Sir Robert Peel, with France, with a view to modify their protective system. The noble Earls opposite certainly ought not to complain of this proceeding, for they exerted themselves greatly to effect a commercial treaty with France, and this very article of coal was a prominent feature; the main obstacle in 1852 being that there was an objection to exchange coal for brandy. In the course of his speech the noble Earl touched lightly on the question of wine, stating that the remission of duty on it would be likely to create a deficit in the revenue; he apprehended also that the wine imported would displace malt liquors, and injuriously affect the revenue in that manner. But when Mr. Pitt concluded his treaty with France, an enormous increase in the consumption of wine took place; and we may expect even a greater improvement from the present Treaty. From 1781 to 1785, just previous to Mr. Pitt's treaty, the average annual import of French wine into this country was 83,800 gallons. Immediatly after the treaty in the following year the quantity increased from 83,000 to 969,000 gallons; and that this was no exceptional year is proved by the fact that from 1787 to 1792, when of course the treaty fell to the ground, the average yearly importation was 727,000 gallons. If malt be displaced it may be a misfortune in other points of view, but not as it will affect revenue, as the practical result will be that a lower duty will be displaced by a higher. Much has been said in the course of the debate on the question of coal. I will not now go into the discussion of the quantity of coal that remains in this country, but from calculations I have made, from the returns of the mineral survey of England and from other sources, I can say they do not bear out any anticipations of an early failure of the supply. It has been contended by my noble Friend (Lord Overstone) that we have a right to put an export duty on coal, because we have a monopoly of the material; and the tea duties levied by the Chinese, and on opium by the Indian Government were cited in support of the argument. But the assumption is erroneous; we have not that monopoly of coal that would render it safe to impose an export duty. We much underrate the capability of France to produce coal, and certainly Belgium can largely supply her. Indeed, the export of coal from Belgium to France has been much larger than that from England. An export duty on coal has already been tried; the experiment failed, and the duty was abandoned in 1845. My noble Friend (Lord Overstone) asserts that we are contracting the sphere of our indirect taxation. I admit that the articles on which Customs' and Excise duties are levied have been reduced to forty-four; but it is a mistake to suppose that in the sum produced by those articles the proportion between our direct and indirect taxation has been greatly lessened, or that we obtain from indirect taxation less than formerly. In 1842 the revenue from Customs and Excise was £33,542,000. Between 1842 and 1858 the Customs' and Excise duties repealed amounted to about £11,100,000. But so far from the revenue having lost these £11,000,000, the amount now raised from Customs' and Excise duties is £40,087,000, showing an actual increase over the same revenue in 1842 of nearly £7,000,000, notwithstanding the reduction of £11,100,000. That is conclusive with regard to the policy of a remission of duties. It has been stated that the time is approaching when the direct taxation will bear a greater proportion to the indirect taxation than formerly; but, under the operation of the new tariff the indirect taxation is no less than 78 per cent of the whole revenue of the country. Under all the changes made since 1842 it has never been less than 71 per cent of the whole taxation, and it was only so low as that during the Russian war. Is it not then proved that the remission of duties is really a sound system. The noble Earl said that by the Treaty the Government have abandoned all power to impose any addition to the Customs' duties in the event of a war, or any other emergency; but if he refers to clause 9, he will see that they have not precluded themselves from increasing those duties. Now I wish for one moment to refer to the observations which fell from the noble Earl opposite, who expressed a wish to receive an explanation as to how it happened that between the 17th of January and the date of the ratification of the Treaty no provision had been inserted in the Treaty based upon the remission of the Excise duty on paper. My answer to that question is that the Treaty was not negotiated by a Member of the Government, and the noble Earl must be aware that it is in a matter of this kind absolutely necessary that entire secrecy should be maintained, inasmuch as the result of a contrary course might be that an inducement would be held out to the practice of every kind of fraud and evasion by those interested in the trade about to be affected by a remission of duty. The noble Earl says he is undecided as to the course he will take with regard to the vote which is about to be taken, and that if he thought the carrying of the Amendment was likely to be prejudicial to the Treaty or inconvenient to the course of public business he would not vote for it. I really must leave the noble Earl to decide for himself which course he will take; though I must say I should deeply regret if the Address were negatived, for many reasons. I feel confident that the inclinations of the noble Earl are right, and that he would not wish to place this House in opposition to the vote come to by the House of Commons. I hope the Treaty will be sanctioned by your Lordships as it has been by the other House, because I feel certain, notwithstanding all that has been said this evening, that it will, if peace be maintained, add to the wealth and happiness of the people of this country—that it will enlarge our fiscal means, and by increasing eventually our revenue, will equally tend, even in the event of war, to the future strength and security of England. Under these circumstances, I do earnestly hope that your Lordships will give your sanction to a measure, which is calculated to improve the condition of both countries, and moreover the relations existing between them—a measure which even those who oppose it admit to have received the approval of the people at large.

Earl GREY said, an appeal had been made to him by the noble Lord opposite not to press his opposition to the Address to a division, and he was unwilling to act contrary to that advice. He must at the same time observe that, entertaining a strong feeling that the House ought not to record the solemn expression of its unqualified approval of the Treaty under discussion, and knowing that many noble Lords who held a similar opinion had trusted to his declaration that he intended to afford them an opportunity of recording that opinion, he did not feel quite justified in depriving them of that opportunity.

On Question, "Whether to agree with the Commons in the said Address, &c.?" their Lordships divided:—

Contents 68; Not-Contents 38: Majority 30.

Resolved in the *Affirmative.*

And a Message sent to the Commons to acquaint them that the Lords had agreed to the said Address, and had filled up the Blank; the Lord Steward and the Lord Chamberlain of the Household to attend Her Majesty with the Address on the Part of this House; the Lord Steward to wait upon Her Majesty humbly to know what Time Her Majesty will please to appoint to be attended with the said Address

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House adjourned at a Quarter before Two o'clock, A.M., till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 15, 1860.

Minutes.] Public Bills. — 1° Ecclesiastical Commission; Bankruptcy and Insolvency; Common Lodging Houses (Ireland).
2° Inclosure; Marine Mutiny.
3° Consolidated Fund.

AUSTRALIAN NAVAL STATION.

QUESTION.

Lord ALFRED CHURCHILL said, he wished to ask the Secretary to the Admiralty, Whether Her Majesty's ship *Fawn*, which has recently sailed for Australia, has been sent there as an augmentation to the squadron at present on that station, or for the purpose of relieving another vessel ordered home; whether the attention of the Government has been called to the fact that France has within the last year reorganized her Military and Naval Establishments at New Caledonia, and has now made it her principal station in those seas; and whether it is intended to place our Naval Commanding Officers upon a more equal footing with the French by creating the Australian station into an Admiral's command?

Lord CLARENCE PAGET said, the *Fawn* had been sent to relieve a vessel which had been ordered home, and not despatched by way of augmentation to our naval force in the Australian Colony. With respect to the increase of the French establishment at New Caledonia, he had to inform the noble Lord that it was a mistake to suppose that France had an establishment at that station. They had, however, an Admiral in the Pacific, and a Governor in New Caledonia, under his command. We had a Commodore at the Australian station, and it was not the intention of the Government to convert that station into an Admiral's command.

REGISTRATION OF VOTERS.

QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Secretary of State for Foreign Affairs, if it is his intention to introduce any measure during the present Session to render the Registration of Voters more frequent?

Lord JOHN RUSSELL said, there was no intention on the part of the Government to introduce during the present Session any measure to render the Registration of Voters more frequent.

NEWSPAPER STAMP.

QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether Newspaper Proprietors who may have in their possession any stamped sheets on the day when the proposed new regulations for the abolition of the impressed Stamp take effect will be allowed to use them, and to retain the privilege of sending them free by post?

The CHANCELLOR of the EXCHEQUER said, that some arrangement would undoubtedly be made to prevent the Proprietors of Newspapers from being losers of the price of the impressed stamp; but he could not hold out the hope that, a precise day being fixed for the commencement of the new system, provision should at the same time be made with the view of allowing certain persons to retransmit newspapers by post as was done at present. He regretted to have to add that, in consequence of the indisposition of Sir Rowland Hill, it was found impossible to frame the regulations which it would be necessary to make in connection with the proposed alteration as rapidly as he had expected. He trusted, however, that no long period would elapse before he would be in a position to announce that those regulations had been framed.

RESTS FOR PORTERS.—QUESTION.

Mr. SLANEY said, he wished to ask the Secretary of State for the Home Department if provision can be made for rests for porters and others carrying heavy burdens on or near the great lines of public thoroughfare, in place and in addition to those removed?

Sir GEORGE LEWIS said, he was afraid he could give the hon. Gentleman no satisfactory answer to his question, as neither the Secretary of State nor the Commissioners of Police had any authority with respect to the point to which it related.

EATING-HOUSE LICENCES.—QUESTION.

Mr. HARDY said, he would beg to ask Mr. Chancellor of the Exchequer when the second reading of the Eating House Licences Bill will be taken?

The CHANCELLOR of the EXCHEQUER replied, not before next week certainly; but he would to-morrow announce the day. The Bill had been printed and circulated, so that all persons might know its contents.

DRAWBACK ON WINE DUTIES.

QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask Mr. Chancellor of the Exchequer, Whether any arrangement has been made with the Wine Merchants regarding a Drawback of the Duty on Wine in Stock?

The CHANCELLOR of the EXCHEQUER replied, that the Wine merchants were now engaged in considering the subject. They had thought fit to call a general meeting of the trade, giving notice to all dealers throughout the country. They had informed him that they would not be able to hold the meeting before Tuesday next, and until that meeting had been held he should not be able to make a communication to the House.

CHINESE EXPEDITION.

QUESTOIN.

Mr. BAILLIE said, he rose to ask the noble Lord the Secretary of State for Foreign Affairs, Whether the China Vote will be taken to-morrow, and whether the Papers relating to the subject which have been promised will at once be laid on the Table of the House?

Lord JOHN RUSSELL said, he proposed to take the Vote in question to-morrow, and to make a brief statement with reference to it. The papers to which the hon. Gentleman referred were not yet quite ready.

Mr. HORSMAN said, he wished to inquire whether the Vote for the expenses of the China war will be the first Government business to-morrow evening?

Lord JOHN RUSSELL said, that Vote would be taken the first thing to-morrow.

ELECTORAL RETURNS.

QUESTION.

Sir JOHN PAKINGTON said, he wished to point out that the Government had laid before the House a Return, a very complete Return, of the rating of the Boroughs and Counties; but he was sorry to say that in the Returns there was a column of the number of occupants between £10 and £50. What he wished to ask was, Whether this column included the Freeholders who occupied between those two amounts?

Sir GEORGE LEWIS replied, that the Returns referred to were merely an abstract of a larger Return, known as Mr. Locke King's Return, moved for last Session. It contained nothing new. In fact, the column referred to gave a Return, prepared with great labour by the Poor Law Board, and he believed it was an accurate and trustworthy Return. He spoke from memory, but he believed that it gave a Return of all holders, but it did not distinguish between males and females, and certainly it did not distinguish between cases of resident and non-resident occupiers, nor did it distinguish the cases of Freeholders who were occupiers of their own property. On the contrary, it included Freeholders and mere occupiers; and therefore a considerable deduction would have to be made from the total, in order that one might ascertain what would be the actual number of persons who would have the franchise under the Reform Bill, but he was not aware that in a limited time it would be possible to make a better Return than that on the Table.

THE INCOME TAX.—QUESTION.

In reply to Mr. Crawford,

The CHANCELLOR of the EXCHEQUER said, in case the discussion on the China Vote should not be protracted beyond a late hour he proposed to ask the House to take the proposal of the Government in reference to the Income Tax into consideration to-morrow in Committee of Ways and Means.

Mr. WALPOLE said, that having understood the right hon. Gentleman to propose in his financial statement that three-quarters of the amount of the Income Tax would be raised in 1860, and that certain differences in the rate of Duty in the case of incomes below £100 and above £150 would be made, he wished to know whether he intends in his Resolutions on the subject, to introduce any alteration in the proposal which he originally submitted to the House?

The CHANCELLOR of the EXCHEQUER replied, that it was not intended to make any such alteration. In case of exemptions no mention was made of them in the preliminary Resolutions provision being made for them in the Bill which might be subsequently introduced. As to the levying three-quarters of the Income Tax in the manner to which the right hon. Gentleman referred, that was a course which might be taken, strictly speaking, in accordance with the Law as it stood.

BANKRUPTCY AND INSOLVENCY BILL.

LEAVE. FIRST READING.

The ATTORNEY GENERAL *:—Sir, I rise to move for leave to bring in a Bill for the consolidation and amendment of the laws relating to bankruptcy and insolvency; and I can say most unaffectedly that I have considerable apprehension in bringing this measure before the House—an alarm arising not so much from the inherent difficulty and importance of the subject, but principally from the fact that the House of Commons has again to listen to what promises to be the reform of those laws which they have from time to time been led to believe were effectively reformed by measures that had been repeatedly introduced and passed by the House. The evils complained of in the law of bankruptcy have been denounced over and over again. They were complained of even by Lord Eldon, although they were not reformed, and I believe it may be safely said that no country in Europe had so bad a law or one so justly complained of as the law of bankruptcy and insolvency in this country. The evils of the law grew to so great a height that in 1831 there was brought forward a complete measure for its radical alteration. In 1842, that attempt having proved to be wholly ineffectual, another alteration was made; and in 1849 Parliament was again told that a perfectly new system must be introduced; and accordingly a completely new code of law was passed on the subject. I am sorry to say that the evils which now exist are complained of even more loudly than those which previously existed, and accordingly we are bound to admit that the last state of this law is even worse than the first. The difficulty arising from this condition of things is that he who now addresses himself to the subject finds the whole ground encumbered with the remains of previous alterations of the law; he is not at liberty to sweep away that which is done with, and erect a new and simple edifice; he is obliged to adopt the building that exists, and construct entirely out of old materials. There are difficulties, undoubtedly, that meet one in the nature of the subject itself. In principle, nothing ought to be more simple than a law of bankruptcy. Bankruptcy is nothing in the world more than taking the whole of the debtor's property by one universal execution, or by one universal surrender—for the benefit of his creditors; and all that would be required would be a tribunal simply for the purpose of ascertaining the extent of the rights of those who are interested in the distribution, and some simple machinery for realizing the property and dividing it among the parties entitled. In theory, then, one would imagine that it was most easy to construct a tribunal and establish an institution that should devote itself to the task of realizing the property of the insolvent, and, with the advantage of an organized body, that this could be done at a very small and reasonable cost. The House will hardly believe that, as the result of the various alterations which have been made, such is the enormous number of official persons who have been introduced into the establishment of bankruptcy that at the present time the expenses of the administration of an estate in the Court of Bankruptcy amount to very nearly, if not quite, 33 per cent upon the property realized. It is hardly possible to bring home to the mind a correct idea of the enormous amount of error or impurity of management involved in that admitted result. For every £100 of a debtor's estate realized in bankruptcy the sum of £33 is deducted for the costs of collection and distribution. Now, in ordinary life 5 per cent for the collection of property is considered a very high rate of charge; but the unfortunate creditor whose debt amounts to £600—even if that be realized—has to submit to a deduction of £200 to satisfy the claims and provide for the maintenance of the parties appointed by the State to conduct this business, taken out of his own hands. I have a return recently made to me by the Bankruptcy Court, from which I find that on the whole sum realized the expenses are put down at £33 13*s.* 5*d.* per cent, and the same thing is plainly shown from a general Return published in a Parliamentary paper of Session 1857, when the expenses amounted to very nearly the same rate of £33 per cent. Now, this is unquestionably an evil which alone would be sufficient to demonstrate the utter impropriety of the existing system. I therefore come before you with great confidence to urge the necessity of an alteration; but I am admonished by the failure of those who have frequently essayed the same thing that I am now attempting to do—not to be too confident of the success of the measure which I am about to propose. That measure has been prepared with the utmost amount of care, knowledge, and labour which I could bestow upon it; but I earnestly hope you will receive it with a determination to take nothing upon trust, but maturely to consider all the details, so that by the application of legal minds, and the valuable information of men of mercantile pursuits brought to bear on the subject, we may have some confidence of arriving at a satisfactory result. I now proceed to describe the existing evils, and the mode by which a remedy should be applied to them. There is one part of the question with which, although not unwilling, I am at present afraid to meddle. I mean the subject of the entire abolition of imprisonment for debt. I would gladly have included that relief in the measure I shall ask leave to introduce, but I feared that it would be encountered with so much diversity of opinion as to render it expedient to omit it from the Bill. At the same time it might easily be made the subject of another measure, to accompany the one about to be brought in, if the House should think such a course desirable; and, if I see anything like the existence of a general desire to that effect, another measure will be introduced. But the first evil to which the present Bill addresses itself is the monstrous anomaly of there being in this country two different systems for the administration of insolvent estates, namely, the system of bankruptcy and the system of insolvency. This state of things has originated, like many other anomalies in our law, not from any theory or preconceived design, but as the result of accident, and because our legislation has frequently been nothing in the world more than a series of expedients to meet daily wants and exigencies, not prepared or arranged in anything like a comprehensive system. Accordingly, you have had a bankruptcy law which possesses more of a criminal than a civil character. You made no provision whatever for the discharge from imprisonment of the insolvent debtor who is no trader, and for a long time your gaols were crowded with unhappy and wretched insolvents, for whom there were no means of deliverance from incarceration. At last there was introduced a Bill, not founded on any systematic revision of the law of insolvency, but suggested merely by feelings of compassion and charity, which provided, in some degree, for the delivery of insolvent debtors who were not traders. This arrangement continued, until you have now the machinery, by which, in certain cases, insolvent debtors are released, but only through the medium of imprisonment. This brings us to the vicious part in the administration of our law of insolvency—for the principle, unquestionably, ought to be that if the insolvent is willing to give up the whole of his property and submit himself to examination, and is found not to have been guilty of any fraud, such as obtaining goods on credit by any deceitful proceeding, he should be as much entitled to be discharged without imprisonment as is the trader. What you have done, however, is, that you have sent the insolvent to prison, and subjected him to the degradation of incarceration, and all this merely that you may wring from him a full discovery and surrender of his property for distribution among his creditors. Imprisonment as a punishment for incurring debt or becoming insolvent without fraud is inconsistent with the dictates of humanity. Treading in the path of all the distinguished men in the other House who have adorned the jurisprudence of this country, we therefore propose entirely to abolish the distinction between bankruptcy and insolvency, and to make one law applicable to both. The result of this will be that the creditors of the insolvent will have no motive or reason for sending him to prison; they will without difficulty be able to obtain a discovery of his estate and the possession of his property, together with all the advantages they now enjoy with respect to the trader, without the necessity of incarcerating him. On the other hand, I hope means will be found under this Bill by which, not only will our gaols be relieved from their insolvent inmates, but an end will be put to a spectacle frequently witnessed, to the general reproach of this country—namely, that of persons put into prison for debt remaining there and defying their creditors by persistently refusing to make a disclosure of their estate. I propose, in the first place, that any person shall be at liberty to present a petition for an adjudication of bankruptcy against himself. The course of legislation on this subject has been this: In the year 1849 provision was made that no debtor should obtain an adjudication of bankruptcy against himself who was not able to produce an estate sufficient to pay his creditors 5*s*. in the pound. That had the effect of diminishing the number of bankrupts, and of augmenting in the same proportion the number of insolvents. Persons who would have applied for an adjudication of bankruptcy were compelled to submit to imprisonment, and were then discharged by means of the Insolvent Debtors' Court. In 1854 this was partially remedied, and, instead of an estate to the extent of 5*s*. in the pound, the insolvent petitioning for an adjudication of bankruptcy against himself was required to show that his estate would yield the sum of £150. This, however, still debarred a great number of insolvents from recourse to the Court of Bankruptcy, and the number of applications to the Insolvent Court was augmented. I find that in consequence of that alteration in the law the petitions filed by debtors in the Insolvent Debtors' Court in 1858 amounted to 3410, of which number 2183 were the petitions of small traders. It is seen, therefore, that, owing to the difficulty of applying to the Court of Bankruptcy, traders are driven into the Insolvent Debtors' Court, and submit to imprisonment in order to obtain their release and discharge. Now, I propose that every insolvent willing to make a full disclosure and surrender of his property shall be adjudicated a bankrupt upon his own application, and shall not be put to the necessity of producing an estate of the value of any prescribed amount of money to entitle him to present his petition. On this particular subject the House is aware that there is one marked difference between the law of insolvency and the law of bankruptcy. The future property of the insolvent discharged by the Insolvent Debtors' Court still remains liable to his creditors. As far as regards the fraudulent debtor that is perfectly reasonable, but as respects the honest debtor it is a most cruel and wanton provision. The true principle of the law of insolvency is, that in the absence of fraud the faithful disclosure and surrender of his property entitle the debtor to his discharge. The man is emancipated, if he has acted fairly and honourably; he is sent out that he may begin the world again and have the benefit of his future industry and exertions. But if you send him out to have all his subsequent earnings or acquisitions of property loaded with the burden of his past liabilities, to what end or purpose do you discharge him? It will paralyse his future exertions, and deprive him of the opportunity of benefiting by his discharge. The advantage to the trader is found by experience to be comparatively trifling, and this is therefore a provision which, while it puts a stop to the exertions of the debtor, is attended with no corresponding result to the creditor. In conformity with the opinions of all those who have attended to this part of the subject, I propose that, in the absence of fraud, no bankrupt shall be obliged to make his future acquired property liable for debts contracted before his bankruptcy. I have had communications from a great variety of persons upon this subject, and many of them dwell upon a circumstance of great importance—that, as the law now stands, a discharged insolvent cannot even insure his life or make any provision for his wife and family;—for, if he does, a creditor, if he can show that the insolvent has any property not absolutely required for his wants, may—no matter what interval of time has elapsed from the insolvency—take it away from him. I think it would be better not to have any discharge at all than to deprive a man of his whole estate, and turn him upon the world probably only to be brought up again ten or fifteen years hence and stripped of all he may since have acquired. That being so, I will next describe the mode in which I have endeavoured to provide for the relief of the gaols. I have already stated that the insolvent is to be entitled to petition for an adjudication of bankruptcy against himself. If he is unable to bear the expense of that application, he is to be brought before the Court and allowed to petition *in formâ pauperis*. The House is probably aware that there is now a fund in the Insolvent Debtor's Court applicable partly to defray the expense of these pauper applications. To meet the case of persons who wilfully remain in prison and refuse to disclose their property, I provide that, after a man has been in prison fourteen days upon a committal for debt, which constitutes an act of bankruptcy, he shall, whether he will or not, be brought before the Court, be examined as to his property, and be adjudged a bankrupt, which will have the effect of vesting the whole of his estate in the assignee for the benefit of creditors, and shall then be discharged from prison under an order of protection. I think, therefore, that the operation of these three things—the power of the insolvent to apply for an adjudication against himself, the ability of the pauper insolvent to get a discharge without expense, and the power of compulsorily bringing before the Court an insolvent debtor who wishes to remain in gaol rather than disclose his property—will practically have the effect of abolishing imprisonment for debt, because even a creditor who desires to imprison his debtor from a malicious feeling will have no interest in doing so when the debtor will be able to procure his discharge in a very few days. In this way, Sir, the two systems will be entirely blended together, insolvency will be merged in bankruptcy, and there will be a common adjudication of bankruptcy affecting both traders and non-traders. Out of this, however, arises a material consideration, to which I specially invite the attention of the House. The non-trader cannot be subjected to the same law which now affects the trader, because the acts of bankruptcy which may be committed by a trader are many of them of a very technical and artificial nature; and a gentleman or a person in the highest station, and perfectly solvent, might by accident be involved in the commission of an act of bankruptcy without being at all aware of the consequences of that which he had inadvertently done. I therefore propose that those technical acts of bankruptcy, such as denying yourself to a creditor at your home, and others of the same kind, shall not be included in the law of bankruptcy, but that there shall be substituted for the list now in force a few plain and simple tests of insolvency. If the debtor absconds and leaves the realm, there can be no doubt as to what ought to be the consequence. If, being abroad, he remains abroad to defeat his creditors, there can be no dispute as to the manner in which he ought to be dealt with. If he make any fraudulent disposal of his property, or any part of his property, or any fraudulent preference, being insolvent, there can be little doubt that the same rule ought to apply to both trader and non-trader. If he cause himself to be committed to prison, or if he permit part of his property to be seized and sold under an execution, that is a tolerably clear proof of a state of insolvency. Further than this, if a judgment be recovered against any person, though he be not a trader, this Bill provides a mode of summoning the judgment debtor before the Court, when, if he is unable to show that he can within a reasonable time satisfy or give security for the satisfaction of the judgment, he is to be made bankrupt. These are the principal acts of bankruptcy which will remain in operation under this Bill. They are, I apprehend, unmistakeable *criteria* of general insolvency, and there is, therefore, no reason why they should not apply alike to the cases of traders and non-traders. There are a number of minor details which I will not now describe; these are the principal points which deserve attention in breaking down the partition between bankruptcy and insolvency. The next great evil in the existing system is the mode in which our predecessors have provided for the administration of the law—a mode presenting the most singularly absurd blending and admixture of judicial and administrative functions that ever was seen. Nothing can be more necessary than to keep perfectly distinct and apart judicial and administrative duties, but you have vested the administration of the law of bankruptcy in Judges, who at one and the same time, and in one and the same manner, have to discharge purely judicial and purely ministerial functions. If you go into the Bankruptcy Court in London, you will find there five commissioners, who are all Judges and all administrators. You have five heads and five mouths, and you have, of course, every variety of rule, and principle, and mode of administration. If you enter the court you will probably find going on at the same time a meeting of creditors for the choice of assignees, over which the Judge presides, but in doing so has no judicial functions to discharge; an audit or dividend meeting, in which his duty is equally ministerial; and perhaps at the same time there is an examination of a bankrupt or of some creditor going on, over which he is contemporaneously and simultaneously supposed to preside, and probably at the same time he will be reading one of the journals of the day. I mention that not invidiously, nor with any intention of casting reproach upon the commissioners. I mention it rather as an illustration of the painful state of things in which the Judge has to preside over matters which do not require the exercise of the judicial mind, and may therefore without reproach, though probably not with very great decency, occupy himself in the manner that I have described. There is no necessity whatever for having five administrators of the law of bankruptcy in a single city. There is no necessity for this compound of judicial and ministerial duties. I have had a most accurate examination made of the mode in which the commissioners in London—of whom I speak with great respect—the fault is in the system, not with them—transact their business, and I find that the ordinary rule which has existed for a considerable time is, that each commissioner sits three times a week. On the average each sitting lasts three hours, but two-thirds of this time are occupied with ministerial or administrative business; matters requiring judicial intellect or the application of legal knowledge really do not occupy more than one hour out of the three. The result, therefore, is, that the five commissioners may be considered as spending in judicial duty, properly so called, only three hours each during the week, which makes a sum total of fifteen hours. Now, as a general rule, a Judge—I will take, for instance, the Master of the Rolls, any of the Vice-Chancellors, or any of the Judges of the common law courts—is occupied from ten in the morning until five in the afternoon. The ordinary practice of the Master of the Rolls or a Vice-Chancellor is to leave his court at half-past three or four o'clock, and sit in chambers for an hour, or sometimes more, according to the necessities of business. I propose, therefore, to sweep away the commissioners in London altogether, and, to repeat a phrase which, unfortunately, we have been too frequently obliged to use, to release them from their duty; but, after they are so released, to leave them in possession of the full amount of their existing emoluments. If any necessity shall arise requiring assistance on the part of these commissioners I shall expect them, during the time they continue in receipt of their salaries, to give that assistance and to act as auxiliaries in the administration of justice. Each of the five commissioners receives a clear salary of £2,000 a year. They have long been in the enjoyment of their position—they were all, I believe, appointed as long ago as 1832 or 1833, and they are all, therefore, advanced in years. I mention this, not with the view of anticipating an early termination of their emoluments—far be it from me to wish any such result—but the House will see that the continuance of their salaries will be of necessity but for a very short period of time. What I propose to substitute in place of the commissioners is one single Judge, as far as the principal court is concerned, to be put upon an equality in every respect with the Judges of the courts of equity and with the Judges in the courts of common law, and to receive a corresponding emolument. There will be no difficulty in finding numbers of men not only eminently qualified for the office, but able, any one of them, to discharge with the utmost ability the whole of the duties now performed by the five commissioners. The single Judge will sit, as the other Judges of the land sit, *in foro contentioso*, transacting in open court the judicial business properly so called. I propose to remedy one great evil that now exists. The appeal from the country commissioners is at present an appeal only to the Court of Appeal in Chancery. I propose to give an appeal directly to the single Judge sitting in bankruptcy, whose business will be purely judicial, the administration of ministerial duties now performed by the commissioners being transferred to the registrars. The House is aware that there are in the Bankruptcy Courts a number of officers called registrars, all of whom are barristers of considerable standing, and who, in fact, are now in the habit of sitting to a large extent in the room of the commissioners. I propose that all undisputed adjudications of bankruptcy, all meetings of creditors for the choice of assignees, all private examinations of witnesses or of bankrupts, all audit meetings, all dividend meetings, all examinations of accounts, shall be conducted by the registrars, who will then hold the same relation to the Judge as is now held by the masters of the courts of common law, or by the Judges' clerks in the case of the Master of the Rolls and the Vice-Chancellors in Equity, but with an immediate power of reference, in case of dispute or controversy arising, to the Judge in chambers, who will be empowered at once to adjourn the matter, if it deserves further discussion, to himself, to be argued and decided in open court. I thus relieve the Judge from all that ministerial and administrative business which is now performed by the commissioners, and I obtain the means of removing, to a great extent, the inconvenience of which so much complaint is made. The administration of bankruptcy, as the House is aware, has been centralized in certain localities. Take, for example, the London district. If a creditor is obliged or desires to attend the Bankruptcy Court to vote in the choice of assignees or to examine the bankrupt, he is compelled, supposing he lives in Southampton or Yarmouth, to come up to London for that purpose; and the original misfortune arising to him in the bankruptcy is frequently made ten times more galling and bitter by the amount of inconvenience, expense, and embarrassment to himself personally that proceeds from the necessity of his following the Bankruptcy Court, and quitting his business, to come to a distant locality in order to assert his rights or meet any demand that may be made upon him. With the view of remedying this evil to a great degree, I propose that in the London district the registrars shall be sent to hold meetings, as well for the choice of assignees as for all other administrative or ministerial proceedings, to different localities, to meet the convenience and wishes of creditors. Here I must mention that in the London district there is, of course, an enormous amount of business, a considerable portion of which consists of very small bankruptcies—that is, of bankruptcies where the estate is almost nothing. I propose, therefore, that there shall be in the London district an auxiliary court to deal with these small estates. In the London district there is no power to transfer small bankruptcies to the County Courts. Hence it becomes necessary, to prevent the chief court being overwhelmed with business of that kind, to establish in the London district a tribunal somewhat similar to the County Courts in the country districts. I propose that the Insolvency Court in Portugal-street, under the denomination of an assistant court to the Court of Bankruptcy, shall be continued for the purpose of administering the estates of all bankrupts where the assets do not exceed £300. That being the system of administration in the London district—a system which I think will work satisfactorily and economically—I wish I could say that I had been enabled to propose an equally good arrangement for the country districts. The district courts of bankruptcy were established in 1842, previous to which we were in the habit of sending down fiats of bankruptcy to local commissioners appointed for the purpose—a very fruitful source of expense, of trouble, and I might almost say, of malversation, inasmuch as assets got into the hands of persons from whom they were never afterwards recovered. Accordingly, the District Courts were established in 1842; but I believe that if the County Court system had existed at that time there never would have been an establishment of district courts of bankruptcy. I painfully contrast, as far as our administration is concerned, our system of bankruptcy with the County Court system in Scotland. The Scotch have adhered to the ancient Saxon institution of Sheriffs' Courts, and they have a system of administration in bankruptcy which works extremely well, for its expense is represented as not exceeding 12 or 13 per cent, and it is carried out in the counties chiefly by the Sheriffs' Courts, that answer every purpose. I should be glad if I had it in my power to devise a plan for removing the whole of the District Courts of Bankruptcy, and vesting the administration entirely in the County Courts; but there are two things that altogether prevent the possibility of this being accomplished at present. I may say at once, that the bankruptcy law being a system of great nicety, requiring very considerable legal knowledge and practice, I could not with perfect confidence transfer its administration all at once to the Judges of the County Courts. A great number of these are gentlemen of high reputation, and deserving of esteem in their profession; but a number were also selected from the Judges of the Small Debts Courts, which existed at the time when the system was introduced, and I do not think they would constitute satisfactory inaugurators of a scheme requiring so much minute attention. Again, if I were at once to sweep away the district courts, I should propose to deal with the commissioners in the same liberal way as I propose to deal with the London commissioners, but it is impossible to do this with the means which are available. Accordingly, I introduce into the Bill a provision of this kind—that on the occurrence of any vacancy among the district commissioners, it shall be in the power of Her Majesty, by Order in Council, to make a new arrangement and distribution of the business, and to appropriate the district in such divisions as may be deemed convenient to the existing County Courts, and to parcel out accordingly the district among the County Courts, and to clothe the County Court Judges with all the jurisdiction possessed by the commissioner who has occasioned the vacancy. I think it possible that a mode may be found of exercising this power so as gradually to absorb the whole administration of bankruptcy into the County Courts, and to provide, not only a far more economical, but a much more convenient administration of the law of bankruptcy throughout the country. An enormous amount of evil is at present experienced from the immense area attached to any one district of bankruptcy. For instance, to the district of Bristol is attached nearly the whole of Wales; and when a debtor, a creditor, or any person amenable to the bankruptcy law is living at Pembroke, for example, he must come to Bristol in order to attend the court. It costs him one day to get there, and if the business, fortunately for him, comes on immediately, it costs him another day to get through it, and a third day for the purpose of going back again. The original loss of the creditor by reason of the failure of the debtor is probably not so much felt by him as the annoyance, trouble, expense, and inconvenience attendant on being dragged from home and carried to a place 120 miles distant. This makes it desirable that the jurisdiction should be transferred to the County Courts, and the transference may be effected in a manner rendering the gradual absorption of the district courts into the County Courts not difficult. These are the principal subjects on the head of the administration of the law and the constitution of the tribunals, to which I beg to call your attention; and I would only say on the subject of expense, that the constitution of the new court, when it comes into play in London, will be very much less than the constitution of the existing establishment in point of cost. I take the liberty of pointing out that one great defect in the existing law is this, that if you go into the Court of Bankruptcy at all, you cannot escape from that court until you administer the whole of the estate. This is a serious inconvenience. A creditor may wish to invoke the aid of the Bankruptcy law for a particular purpose; but he is unable to obtain that aid without winding up the whole estate, when once within the walls of the court, and having it completely administered there; that is to say, without sacrificing one entire third of the whole of the property. That is a great injury. Therefore I am anxious to provide that if creditors are compelled to resort to the Court of Bankruptcy for any particular purpose, they may at any time they please, provided a certain majority of the creditors consent thereto, suspend the proceedings, take the whole estate out of the Court of Bankruptcy, and commit it to any mode of private administration which they may consider more economical or expedient. There is another advantage which will attend the plan proposed to be established by this Bill; an honest debtor may desire to make a disclosure of his affairs to his creditors, with the view of making some arrangement and preventing the necessity of bankruptcy, but the very disclosure puts him in the power of some particular creditor or some individual who wishes to pursue, perhaps, a private end of his own, and who opposes an obstacle in the way of completing an effective arrangement, by prosecuting an adjudication of bankruptcy. I hope to provide a mode of relieving persons in this situation from the embarrassment I have referred to. According to the plan embodied in the Bill, immediately on adjudication of bankruptcy a meeting of creditors will be appointed, and at that meeting if a majority of the creditors present should deem it advisable not to go on with the bankruptcy, or to proceed with it only in a limited extent, they will have power of coming to an arrangement for the purpose, notice of this resolution being given to all the creditors; and then, if a majority of three-fourths in value should determine to suspend the prosecution of the adjudication of bankruptcy they may suspend it at once, and no further steps will be taken under it. Thus the honest debtor, without committing an act of bankruptcy, may petition for an adjudication, and make to the creditors a proposal of compromise or arrangement. If the creditors confide in him, and find his proposal convenient, suitable, and just, then three-fourths in point of value concurring together will have the power of making a conclusive and binding arrangement, without the possibility of being interfered with by an adverse individual. This power is given to the creditors to be exercised at any time, and is not limited to the first instance. In this way I propose to make the law of bankruptcy a part of the law of debtor and creditor, and to avoid the necessity for the great cost, inconvenience, and suffering which at present are the only terms on which parties can get the benefit they desire. We are all aware that a great stigma attaches to the name of bankrupt. Accordingly a most natural wish exists on the part of the honest man to avoid the reproach of bankruptcy. As I have already said, there is great difficulty in gratifying such a wish, because the moment he exposes his affairs he lays himself open to adverse proceedings. Now, upon examining the statistics of this subject, the House will be surprised to find that the contrast between the number of adjudications in bankruptcy and the number of trust deeds and deeds of arrangement is immense. In 1858, and for a series of antecedent years, the adjudications, as compared with trust deeds and deeds of arrangement, presented this remarkable contrast, that whereas in 1858 the number of adjudications was 660, the number of trust deeds and deeds of composition and arrangement are computed to have been more than 8,000. But why is it that in cases of insolvency creditors are content to put up with the imperfect relief of the trust deed, where they have no supervision by the law, no power of examining the debtor, no stringent authority for compelling the investigation of accounts? The answer is, partly the expense, partly the immense inconvenience, partly the stringent provisions of the bankrupt law, which are founded upon great inhumanity as well as great want of policy—all these things together conspire to induce the creditor to prefer the trust deed, imperfect as it is, to proceedings by adjudication in bankruptcy. But will it not be just still to allow the creditor to make his election, while at the same time you give him the whole benefit of the bankrupt law? I have endeavoured to accomplish that object. If a debtor is desirous of meeting his creditors, and of giving up all his property by deed of composition, arrangement, or assignment, he will be enabled to do so, and will have for a certain period of time a secure opportunity afforded him for that purpose—secure, I mean, against the intervention of a creditor who may destroy the whole plan by procuring an adverse adjudication in bankruptcy. But I give this privilege to the debtor only upon certain conditions, which are that the deed of arrangement and composition shall be brought into the Court of Bankruptcy and registered there; that he shall pay for that registration the sum, and only the sum, which he would have paid for an adjudication in bankruptcy; and that as soon as the deed is registered the debtor, the trustees and the creditors shall at once be placed in the same relative position as if the debtor had been adjudicated a bankrupt, and the trustees had been duly appointed his assignees. They shall have all the benefit of the bankrupt law. They may resort to it to the extent to which they may need its interposition, while, as to the debtor, there will be no reproach, no obloquy, no public proceedings, save so far as publicity may be requisite to the creditor. The creditors may resort to the Court of Bankruptcy to secure the examination of any person whose evidence they may require. In this way the whole law of bankruptcy will be at once incorporated with the law which regulates the relations of debtor and creditor and trustees; and the administration of the estate will go on, the creditor knowing that he may at any time invoke the interposition of the Court, and derive the same advantage as though there had been an actual adjudication in bankruptcy. The benefit to the creditor and trustee by this arrangement will be exceedingly great, because if a question arises involving matters of legal controversy, power is given to the creditors and parties interested to state a case for the opinion of the Judge in bankruptcy, and they will accordingly receive the aid of the Court, and get the matter decided by the Judge, thus deriving the same advantage from the tribunal as if they were actually and legitimately within its walls in the position of bankrupt, assignees, and creditor. The importance of this particular part of the Bill in regard to the cost of proceeding cannot well be over-estimated. At present, among the principal sources of the revenue of the Court is a most injurious and oppressive tax, levied in the shape of a percentage upon all the estates brought into the Court. Power was given by the Bill of 1849 to tax every estate administered in bankruptcy with a percentage varying from one-eighth of a pound up to £5 per cent. Any rate between these two *termini* which the commissioner may deem proper to inflict upon the estate, according to the exigencies of the case, he has the power of imposing. The result therefore is that every large estate has of necessity been driven out of the Court of Bankruptcy. If you could by any possibility avoid it, you would never go to the Court to administer an estate which produced assets of £100,000 or £200,000; and the small estates, again, though subjected to a smaller percentage, suffer from the system to such an extent that but little is left for the creditors. The revenue of the Court of Bankruptcy is in this position:—In 1858 the percentage levied by the official assignees in the manner I have described was £41,407 12*s*., but in 1859 it was only £29,922, showing an immense falling off in the business. The stamp duties, in like manner, in 1858 were £21,201, but in 1859 they yielded only £13,850. In fact the Court of Bankruptcy would itself have been bankrupt had it not been for a very fortunate provision made in 1831, in the appointment of official assignees, who at once applied themselves with great industry to recover and get in estates which had been lost sight of and neglected under the antecedent administration in bankruptcy, and who succeeded in recovering many hundred thousands of pounds. This money was invested in the Bankruptcy Court, and then, there being another provision that all the monies when received from the estates, and prior to the declaration of any dividend, should be paid into the Bank of England, there arose of course a large amount of floating balances, which the Accountant in Bankruptcy deals with in much the same way as corresponding balances are dealt with by the Accountant General in Chancery. He invests, from time to time, under the orders of the Court, all sums of money not absolutely needed; and in this way the Bankruptcy Court derives a revenue, which in 1858 amounted to £49,605. That fund, however, has been drawn upon in order to meet and supply the deficit arising from the failing revenues of the Court, and, accordingly, the interest of that fund in 1859 was only £46,170, showing a diminution of £3,500. These are the three principal supplies to meet the expenses of the court, which will be found set forth in a Parliamentary paper of the 14th February, 1860. The whole expenditure of this Court during 1859 amounted to £82,459. But in this sum are included compensations and retiring annuities to the amount of £20,200. These compensations are the penalty paid for errors made in the construction of the court in former times, which errors we were obliged to atone for by keeping up the salaries of persons previously engaged in the administration of bankruptcy, but displaced by the reforms subsequently introduced. These retiring annuities for the offices of Patentee of Bankrupts, the Clerk of the Hanaper, and the Lord Chancellor's officers in bankruptcy will be thrown into the funds of the court, and be no longer a charge on the suitors. Why should the present suitors pay for the errors of a former time? My right hon. Friend the Chancellor of the Exchequer has most judiciously consented to transfer the sum of £20,200 on account of these retiring annuities to the Consolidated Fund. This will be a relief to the same amount to the funds of the Court of Bankruptcy; nor can the charge endure for a very long time; though I have certainly found that sinecurists live for an indefinite period. The relief thus given to the funds of the court will enable it to diminish considerably the charges on the suitors. There will be abundant funds for the ordinary wants of the court, and it will be enabled to remove all fees, except those on registration and adjudication. As to registration, in cases where the estate is under £1,000, the registration fee will be £5; if above £1,000 and under £3,000, it will be £10; if above £3,000, it will be £15. The average of these fees will be £10. I propose to abrogate at once all the percentage fees paid on the amount of estates, and to reduce all the fees paid to the court to the smallest possible amount. The expense of an application to the court will, in point of fact, be little, and that expense the creditors themselves will have the power of controlling and checking by their own inspection. This will be a great benefit to those who are now deterred from seeking the aid of the law by the expense of the proceedings. There is one charge for remuneration to the Bank of England for keeping the account of the court; it is £3,160 a year, and sometimes more than that; yet I find by the quarterly return of the balances of cash that the account of the court shows a balance of not less than £60,000 in the hands of the Bank. I think that holding that balance is of itself an abundant remuneration, and I therefore propose to discontinue this payment. These are a few of the changes that I hope will greatly relieve the suitors in the Court of Bankruptcy. I proceed now to state the mode of procedure to be adopted by the court, and to describe particularly the relative positions of the official assignee and the creditors' assignee. An adjudication will be made immediately the petition is presented, but in case of a contested adjudication, a period of not less than three days, and not exceeding seven, will be allowed to elapse; that interval, however, will not interfere with the measures to be taken for the preservation of the property of the estate. An official assignee will be appointed to the estate, who will be charged with that duty. At present there are persons employed in the court, such as accountants, auctioneers, and messengers, who each demand, and each receive fees, according to the ancient and cumbrous system. I propose to abolish the messengers altogether. What a messenger does is this—he hires a man for 3*s.* 6*d.* a day, who does the work, and he charges I know not how much for what his deputy does for 3*s.* 6*d.* I have here a return of the profits of the messengers of the court that really makes one's mouth water, considering what they do. The fees leave a very considerable income after defraying the expense of the deputies. One gentleman returns his profits in one year, for doing nothing, as £1,296; another, £1,361; another, still more fortunate, £1,767. I have taken the figures as they first meet my eye; others might be found still higher. This expense will be entirely done away with. The official assignee will have the charge and custody of the estate up to the appointment of the assignee under the adjudication. Many burdensome charges will be taken off the estate; it will be in the power of the creditors' assignee to go to the Judge in chambers and obtain the necessary authority to keep open the trade, carry on the business in which the bankrupt was engaged, and prevent the necessity of breaking up the establishment; he will keep things in the condition required for the payment of the creditors, till they shall have the power to speak for themselves. The Bill proceeds on the principle that the estate of the debtor belongs to the creditor. If, at the meeting of the creditors, they determine to go on with the bankruptcy, an assignee will be chosen. Then comes the question, what is the position of the official assignee relative to the creditors' assignee? There has been much controversy on the point, and I have been pressed to remove the official assignee. Now, the position in which they at present stand is that they are the only persons who can receive and give a discharge for money. This has been found very convenient in one respect, because it has, as I have already observed, tended to create that large and floating balance in the Bank of England—a balance which has enabled the Bankruptcy Court to hold its head above water. It has, however, been justly complained that the official assignee reduces the creditors' assignee to a mere cypher; that he usurps all his functions, and that the creditors are, as it were, through their appointed organ, displaced and removed from their proper position. Now, in order to obviate the objections to the continuance of that state of things which exists, I am about to make a proposal, which I trust the House will duly weigh, and which I have no doubt will form the subject of a great deal of discussion when the Bill goes into Committee, should it reach that stage. I propose, then, immediately on the selection of the creditors' assignee—supposing the creditors should determine to choose an assignee from among themselves, or apart from their own body—the official assignee shall be bound to render to him a full and particular account of all his receipts and payments, and to hand over the whole of the property of which he has taken possession. I propose, however, that immediately afterwards the official assignee shall stand in the position of auditor of the accounts of the creditors' assignee, and to impose the obligation on the creditors' assignee of paying all the moneys he may receive into the Bank of England. That I look upon as a wholesome and a necessary precaution; and there is one great benefit which will, I think, result from the change. At present, the official assignee is trusted in all things; but I am sorry to be obliged to say that experience shows us the folly of trusting any person whatsoever implicitly and without check; for during the comparatively short period of time that official assignees have discharged their present functions, defalcations have been discovered—I say discovered, because what the actual amount of those defalcations may be it is impossible to know—to the extent of £110,000 or £120,000. I further propose to introduce into the Court the great invention of printing, which has been so slow in finding its way into the administration of the law, that even at the present moment we still use instead of printed deeds, that cumbrous, inconvenient, and expensive parchment—for I will undertake to say that one-fourth of the existing litigation would be avoided if the mode of ascertaining the contents of deeds and their accuracy and of rendering one's self familiar with their contents, were made more easy by the course which I suggest. I propose, therefore, in conformity with that opinion, and with the mode of proceeding adopted by railway and other incorporated companies, that the creditors' assignee shall render periodical accounts of the whole of his receipts, the payments he has made, and all the other circumstances relating to the estate; that these accounts shall be audited and examined by the official assignee; that immediate recourse shall be had to the registrar or the Judge, if any question should happen to be raised thereon; that the accounts shall be vouched by the creditors' assignee; and that the official assignee shall be charged with the duty of seeing that all moneys that have come into the hands of the creditors' assignee have been faithfully paid into the Bank as soon as they have been received. I propose, moreover, that printed copies of those accounts when audited, in the form of a balance sheet of the bankrupt's estate, shall be sent through the post to every creditor, so that very shortly after the bankruptcy, printed accounts in the common form of those used by railway companies will be placed in the hands of each creditor, without calling upon him to travel outside his door, or to employ an attorney to ascertain how the estate is being administered. I ought to have stated that, in order the more expeditiously to effect this object, I have made provision that when the creditors are ascertained, a printed list of the names of those who have a claim to the amount of £10 shall be sent to each creditor. By these means I think the efficient discharge of his duties on the part of the creditors' assignee will be secured. He will be kept in check by the official assignee, and the creditors themselves will find in the antagonism which will exist between those functionaries, that due regard is paid to their interests. With respect to the emoluments of the official assignees, I may say I do not think it would be right that those gentlemen should be allowed to suffer materially by the change in the law which I am about to introduce. I propose, therefore, in conformity with the recommendations of the Commission over which the right hon. Gentleman the Member for Cambridge University presided in 1853, to give to each of these official assignees, independently of office expenses, an annual and certain salary of £800 a year, with power to the Judge to augment that salary according to the work done up to a *maximum* of £1,500 per annum; and I have no doubt that if the quantity of business which I anticipate should be transacted under the new system, the official assignee may safely reckon on receiving a liberal recompense for the amount of duty which he may be called upon to discharge. That being so, I trust some security will be afforded for the faithful rendering and administration of accounts in bankruptcy. I shall now proceed to state the proposal which I desire to make with regard to another power which I think it is expedient to confer upon the creditors in case it should appear to them that the estate in which they happen to be interested should be capable of being better administered and dealt with in a more simple and economic form. I propose in the first place that, in a case in which the assets are found not to exceed a sum of £1,000, a certain majority of the creditors may, if they think it right to do so, transfer the administration of the estate to the County Court. Probably, if I succeed in reducing the expenses in bankruptcy to the extent which I am sanguine enough to hope will be the case, this power will seldom be exercised; but I have nevertheless deemed it desirable to make provision for it in the present Bill. The County Courts have, I may observe, got an ample staff, including a treasurer, to perform all the functions which are discharged by the official assignee and the registrar in bankruptcy. The next point to which I beg leave to call the attention of the House is another great reform of the law, to which I trust it will give its assent. Hon. Members are well aware of the strange admixture which exists in bankruptcy of civil and criminal law. You have here got a criminal jurisdiction of a most singular character, because it is a jurisdiction which treats the bankrupt as a criminal without at the same time giving any definition of his offence. Nothing more, in fact, is given in these cases than a mere description of moral misconduct, extravagance, recklessness, and a general want of prudence. I find from the returns before the House that on the subject of the classification of certificates, the Commissioners of the Court of Bankruptcy have exhibited this remarkable variety in their adjudications:—Commissioner Evans, out of 479 applications for certificates made in five years, only granted 17 first-class certificates, or one in 28; Commissioner Fonblanque, out of 453 applications in the same five years, granted 31 first-class certificates, or about one in 14; Commissioner Fane, out of 653 applications, granted no fewer than 161 first-class certificates, or one in less than four. How is it possible that there can be any kind of consistency or keeping in the administration of the law, or in the principles by which it should be regulated, when we see such a difference in the adjudication of these functionaries? In the other two courts I find first-class certificates given in about one case in every eight and one in every eleven. This is a most painful exhibition of the uncertainty attending the administration of justice. If we were to contrast the proceedings of the courts in the country with that of the Judges of Appeal in Bankruptcy we should find a still more painful extent of inconsistency and contradiction. The system is all the more injurious because it leads to a great amount of litigation and discussion on the application of the bankrupt. Hence those long examinations we frequently see in the daily papers; hence, also, those appeals from the courts of first instance to the Court of Appeal in Chancery, and the continual reversal of decisions given in the court below. This is a great blot on our institutions. If you please, make your criminal law with regard to any fraudulent contracting of debt as stringent, as severe, as is compatible with the object of the criminal law; but let there not be that which is neither law nor certain justice—a most painful, indefinite amount of discretion, realizing the old reproach, that the bankrupt's conduct is measured and determined according to the length of the Commissioner's foot. I propose to lay down rules, to be strictly applied by a court of criminal jurisdiction, to reserve to the Court of Bankruptcy in which the bankrupt is prosecuted the power of suspending his discharge, and to make the suspension of the discharge co-extensive with the punishment inflicted on him. These are the principal provisions of the Bill on the subject of certificates. In deference to the expressed opinions of others, I propose to embody clauses which will provide for the case of a debtor who commits an act of bankruptcy, giving his creditors, in case of his death, the same power of administering his estate in bankruptcy as if he had remained alive. I confess that I do not myself see any necessity for this change. At present, in consequence of the improved administration of the Court of Chancery, the estate of a deceased debtor may be administered there in the simplest and most expeditious way, at an amount of cost very little exceeding 5 per cent on the amount of his debts. I do not enter on other details of the Bill, having already made pretty large demands on the time and attention of the House. I trust that if the House shall agree to read it a second time the Bill will receive a searching investigation in committee, where I shall look for a very great improvement of its details, with a view, I trust, to the establishment of a simple, uniform, expeditious, and economical system—a system somewhat corresponding to our position as the greatest mercantile nation in the world. I hope the House will permit me to fix a day before the Easter recess for the second reading. I do not anticipate there will be much discussion on the second reading, but a great amount of laborious attention will have to be given to the details in the Committee, and it will be most desirable to have the Bill sent up to the other House by the beginning or middle of June. The House will observe that the winding-up of joint-stock companies has been omitted from this Bill. That is a subject of a very comprehensive nature, on which the Lord Chancellor has introduced a Bill which has passed the other House and come down here, and of which I propose to move the second reading one day next next week. The hon. and learned Gentleman concluded by moving for leave to bring in the Bill.

Sir FITZROY KELLY said, he sincerely congratulated the country and the House that this great question—this long-promised, long-desired, and much-needed measure, had at length been undertaken by the Government, which—should the Bill be found, as he declared with unfeigned sincerity, his belief that it would be found, entitled to public support and approbation—had the power to carry it through both Houses of Parliament. He also congratulated the House and the country that the Government had been assisted —he might say represented—on this occasion by his hon. and learned Friend, whose abilities and long experience well fitted him to undertake this great and important measure. It would be inconvenient at that stage to enter at any length into the consideration of a Bill that presented so much that was worthy of praise, and so little that was open to censure or even to criticism. He would advert, however, to one or two points for the purpose of directing the attention of his hon. and learned Friend to them, for he felt that at the proper time they would merit serious consideration in their minutest details. He heard with great satisfaction that it was intended, at whatever cost and sacrifice, entirely to put an end to the present Bankruptcy Courts. He did not know precisely what system would be adopted in the provinces; but in expressing his entire concurrence in the abolition of the existing Court of the metropolis, he would venture to detain the House for a moment, when he reminded them of the long and consistent opposition which an analogous measure experienced in former years; he alluded to the measure which abolished the Ecclesiastical Courts, and led to the institution of the Probate Court, and for which measure they were also indebted to his hon. and learned Friend. For four years in succession, during which that measure was in one form or another before that, or the other House of Parliament, many persons, including himself, earnestly warned the Government of the day against attempting to pass any measure for the establishment of a new court of justice for the administration of a separate branch of the law, without introducing a system of common law procedure. He did not know what was the framework of the Bill of his hon. and learned Friend in reference to the mode of conducting the business of the new Court; but he would venture to throw out a suggestion as to the expediency, not to say absolute necessity, of investing this new Court with powers of *viva voce* examination of witnesses in open court, and of trial by jury where necessary, and the other portions of the procedure in the common law Courts, which had been introduced into the Probate Court, so that the country might be satisfied the new tribunal would possess the jurisdiction both of a Court of Equity and of a Court of common law. Subject to these suggestions, he doubted not but the scheme of the Goverment would, with suitable machinery, greatly improve the state of the law in what was, in this commercial country, perhaps its most important branch. He collected, from the statement which they had heard, that the Bill likewise aimed at entirely abolishing the distinction between traders and non-traders, so that their liability to the Bankruptcy laws, as well as those affecting the general relation between debtors and creditors should be precisely the same. He trusted that one of the great results of the measure would be, that the estates of insolvents might be administered with satisfaction to their creditors, in many, perhaps in most cases, without a resort to the Court of Bankruptcy at all. But it should be remembered that serious difficulties beset the proposal for now bringing for the first time within the operation of the Bankruptcy laws all classes of persons who might be included under the category of non-traders. It was easy to deal in that manner with commercial men, who could not long absent themselves from their places of business, without, in substance, committing an act of bankruptcy. But unless great care was taken in applying the same rule to all classes of persons, rich and poor—he knew not whether Peers were made subject to the Bill — much practical mischief and injustice would be inflicted. Much caution would be required, for example, in the first step, by which they should declare bankrupt private gentlemen accustomed to a country life, and wholly unacquainted with commercial habits, and who, while travelling abroad—not for a week or a month, but for years together—might perhaps have left ample sums in the hands of their agents to meet their obligations, and yet not know what was going on at home in regard to their affairs. Unless caution were exercised, this provision, he feared, might introduce infinite mischief and injustice to an entire class of persons. He understood that his hon. and learned Friend, so far from wishing to abolish the office of official assignee, intended to bring that functionary prominently forward, as a person of great importance under this Bill; but he also intended, as he understood, to associate with the official assignee, in all cases of bankruptcy or of voluntary liquidation, a creditors' assignee.

THE ATTORNEY GENERAL: After the proposed change, the estate of the bankrupt would be in the hands of the creditors' assignee.

SIR FITZROY KELLY: As he understood, after the adjudication in bankruptcy, there was to be an official assignee and a creditors' assignee; but it was to be in the power of a certain proportion in number and value of the creditors to withdraw the proceedings altogether from the Court of Bankruptcy, and to convert them into a process of voluntary liquidation.

THE ATTORNEY GENERAL: The official assignee would hold the bankrupt's estate until the creditors' assignee was appointed, but then he would give way to this latter person; remaining, however, for the purpose of receiving and auditing the accounts of the creditors' assignee.

SIR FITZROY KELLY: The question whether the creditors' assignee should take the place of the official assignee, or should act with him, was one on which great difference of opinion existed, and which would, no doubt, be open to careful consideration in Committee. He came now to the consideration of a more important question—how estates were to be managed in cases where there had been a bankruptcy, and subsequently the matter had assumed the form of voluntary liquidation; and also in cases where there had been no bankruptcy, but the creditors had agreed on a scheme of liquidation, and where the Bankruptcy Court should only be resorted to in case of necessity or to enforce the arrangement agreed on. He thought that the way in which such cases were to be dealt with was by far the most important point in a bill of this kind. His hon. and learned Friend the Attorney General had alluded to the vast disproportion there existed between the number of bankruptcies as compared with voluntary liquidation. Upon this head he (Sir F. Kelly) would take leave to remark that no system of bankruptcy, no system of law between debtor and creditor could be complete unless it were founded on the maxim which lay at the bottom of the whole question—that when it was once clear that a debtor was insolvent his creditors should have legal omnipotence and should have the entire management and control over his estate. Whether in the case of an insolvent debtor the first step should be taken by the debtor, or by a creditor, or by the body of the creditors, it was essential that, without passing through any court, the debtor and the creditors should be brought together, and if they could agree on a scheme of liquidation that that scheme should be carried into practical effect, with no other reference to the Bankruptcy Court than for the purpose of giving effect to the resolutions and acts of the creditors. He should look with anxiety to see whether in such a case the Bill gave full power to the creditors to act for themselves. Again, it was a very essential question whether, in case the creditors should wish to effect a complete liquidation and winding up of the affairs of the bankrupt, without reference to the Court of Bankruptcy, they would be allowed to vest the estate of a debtor in assignees or trustees of their own nomination, without having thrust upon them, against their will and possibly against their interests, the services of an official assignee. With regard to the "dead clauses," he was happy to hear, on such high authority, that in the Court of Chancery estates of deceased persons could be wound up at an expense of only about 5 per cent; for if that were so there would be nothing to do but to adopt that course. He wished to say one word upon the commercial question. In every measure of bankruptcy, in every report of a Commission or a Committee for some years past, the very first difficulty stated to stand in the way of reform was the great charges now imposed upon bankrupts' estates, originally amounting to £40,000 a year, but now, he believed, reduced to about £20,000, and which he rejoiced to hear the Chancellor of the Exchequer has now consented to charge upon the Consolidated Fund. These charges were on account of a number of officers who were in office twenty, thirty, and even thirty-five years back, and who had no more claim in justice on the estates of bankrupts of the present day than on those of any individual Member of that House; and, under these circumstances, one could not but wonder that such an abuse had so long existed. He thought it very creditable to the Government that they had determined to put an end to this most flagrant abuse. He believed it would be only the beginning of a system of economy at which every one who had the misfortune to be interested in the estate of a bankrupt or an insolvent would have reason to rejoice. He scarcely understood, even from the luminous statement of his hon. and learned

Friend, the connection between this Bill and the measure for the winding-up of joint-stock companies; but he could not refrain from expressing his opinion that the laws affecting the distribution of the estates of individuals and of companies ought to be made substantially alike. The latter was no doubt a question of great difficulty and complication, but unless the two Bills were prepared together there would be great danger of inconsistency between the two measures. Great inconsistencies were fatal blots in legislation. It was essential that both measures should be substantially the same, and that they should work together in entire harmony one with the other. These, however, were matters of detail which must be looked to in Committee. In conclusion, he begged leave to thank the hon. and learned Gentleman for the great attention which, in the midst of his numberless avocations, he had bestowed upon this subject, and to assure him that he should have his most hearty concurrence in his endeavours to render this measure worthy of the country and of the reputation of the learned and distinguished man who had introduced it into Parliament.

Mr. EDWIN JAMES said, he rose to thank his hon. and learned Friend the Attorney General for the consummate ability, the unrivalled industry, and the great courage which he had evinced in the preparation of the Bill which he had just submitted to the House. The subject was so vast, and the legislation which had taken place on the subject was so intricate, that the administration of the law of bankruptcy in our jurisdiction had become a scandal to the nation. No Judge, scarcely any lawyer, could tell what the law was, or, such was the infinite variety of acts upon this subject, where to look. There had been three or four consolidations, or rather attempts at consolidation, of the bankruptcy laws, so that the most painstaking Judges were at a loss where to find the last subsisting enactment. As to the practical administration of the law, the hon. and learned Gentleman had not at all exceeded the actual facts in what he said about the Commissioners in Basinghall Street. How happened it that there was a large disparity between bankruptcies and composition deeds—between matters before the public court and private arrangements? It happened because the commercial men of the first commercial state in the world had no confidence whatever in the manner in which the law was administered. One Bankruptcy Commissioner sat in open court, another in a private room; one day a Commissioner gave his decision one way, the next another Commissioner decreed in a manner the very reverse of his brother functionary; witnesses were examined in private rooms, subjected to the most important examinations without the presence of a Commissioner, and submitted to all sorts of interrogatories; important matters were going on in Court whilst, as the Attorney General said, the Commissioner was sitting with a newspaper in his hand, and exhibiting the most sublime indifference. As to the question of expense, it did not seem to be at all considered that the estate was for the benefit of the creditors, but was looked upon as a carcase upon which vultures were to gorge themselves—official assignees, messengers, brokers, auctioneers, accountants. All who were engaged in commerce shunned the Bankruptcy Court. As to private arrangements, he reminded the House that there were dishonest and unjust creditors as well as dishonest and unjust traders. A trader who had struggled through misfortune, and had placed his estate before his creditors, who had been guilty of no dishonesty, might yet be forced into bankruptcy by some dishonest creditor who got hold of some bill of exchange, and who, by the terror of bankruptcy, sought to extort money from the debtor, his relatives, or the creditors, and thus to ruin an estate which, if privately administered equitably for the advantage of all, would have yielded a fair dividend to every creditor. He approved, therefore, of that portion of the Bill which facilitated voluntary arrangements without the interference of the Court. He also approved of the abolition of the distinction between trader and non-trader, and, to meet the difficulty suggested by the hon. and learned Gentleman opposite (Sir F. Kelly), he would venture to point out that a man was only to be adjudged bankrupt in case it should be shown to the satisfaction of the Judge that he was abroad for the purpose of absconding, or of avoiding payment of his debts. And what could be a greater disgrace than that a man should live abroad and defy his creditors in England to touch his estates? With reference to the application of the new law in the country districts, some defects in the Bill might be remedied in Committee. It seemed to him that the bankruptcy laws should not be subject to Commissioners sitting at Liverpool, Leeds, and Bristol; and this was a part of the measure to which the attention of the House should be directed. He believed, too, the County-Court Judges were not the persons to have this jurisdiction committed to their care.

Mr. BOWYER said, he could not let the Motion pass without expressing a fear that the bankruptcy laws could not properly be applied to persons who were not traders. He thought when the matter came to be more fully considered, it would be seen that the principles and policy of the public laws upon which the bankruptcy laws were founded, and the stringent powers given to the Commissioners, were not applicable to persons who were non-traders. The great power which the Court of Bankruptcy possessed of dealing with entailed estates, estates under settlements and reversionary interests, would, he thought, be somewhat alarming to the landed nobility and gentry. In no country in the world was the law of bankruptcy applicable to persons who were not traders.

Mr. MALINS said, he would congratulate the House and the country upon the fact that they were at length likely to have a rational system of bankruptcy established; for anything more irrational than the system that had prevailed for a long time past—namely, of drawing a distinction between those who were insolvent traders, and those who were insolvent non-traders, it would be difficult to imagine. He had urged this topic upon the attention of the House some three or four years ago. He then said that it was most unreasonable to keep up that distinction. He had also pointed out the necessity of abolishing the Court in Basinghall Street, and establishing one Judge, with the rank of Vice Chancellor, who would be able to discharge all the duties in the ordinary hours of judicial business; and without attempting to cast blame upon the gentlemen who filled the office of commissioners, he stated, what had been confirmed by the Attorney General that night, that the occupation of the Commissioners did not exceed nine hours a week each, and that there could not be a more successful system for making Judges inefficient and encouraging them to indulge in reading the newspapers when they ought to be transacting business than giving them very little to do. He rejoiced, then, that his hon. and learned Friend had resolved, by his comprehensive scheme, to sweep away the distinction between the insolvent trader and non-trader. So far as the landed interest were concerned, he saw nothing in the measure that was calculated to give them alarm. The way to preserve their property was to conduct their affairs with prudence. If a man's expenditure exceeded his income, he must expect to get into difficulties; and whether he was gentle or simple, his property ought to become the property of his creditors, and the utmost facility should be given, as proposed by the Bill, for the creditors taking possession of that property. He should, therefore, give his strongest support to this part of the Bill. Indeed, he thought he should give his support to every part of it, for there was no part which did not meet with his cordial assent, and certainly none more than the proposal to sweep away all distinctions and classes of certificates, and to facilitate the obtaining a certificate or discharge under bankruptcy, in order as speedily as possible, which was the true policy of all laws, to restore the insolvent trader to the capacity of again trading and putting himself and family in a respectable position in the world. His hon. and learned Friend had stated that there would be an appeal from the country Commissioners to the Judge of the Court to be established in London; but he did not say whether there was to be any, and what, appeal from that Court itself. He apprehended, however, that provision would be made for that. [The Attorney General: Yes, to the Court of Chancery.] He was glad to hear that. It was also proposed to preserve the Court in Portugal Street for the administration of small estates; but was his hon. and learned Friend aware that that Court at present existed without any right of appeal?

The ATTORNEY GENERAL said, he proposed to give the right of appeal to the Chief Judge of the Court of Common Pleas.

Mr. MALINS said, he was glad to hear that the hon. and learned Gentleman would likewise get rid of the anomaly which now enabled that Court to set all the tribunals in the country at defiance. He would give his cordial assistance in making this Bill a complete measure, and he hoped the Government would give every opportunity to his hon. and learned Friend in order that it might be passed this Session.

The SOLICITOR GENERAL said, that his hon. and learned Colleague must feel gratified at the manner in which the important measure just explained to the House had been received on both sides. With regard to the double administration and double code applicable to trader and non-trader, he believed that the conclusion had long since been arrived at that they ought to be put an end to; but the question arose, how, in effecting that object, must they proceed with respect to acts of bankruptcy; and upon this point he conceived that the Attorney General, in determining boldly, had acted rightly. His hon. and learned Friend subjected the trader and non-trader to one tribunal. It was important that no unfounded alarm should find its way to the minds of country gentlemen and others, who were not connected with commerce; and he thought he might take upon himself to say that nothing would be found in the Bill to cause any just or reasonable apprehension amongst those classes on the ground that unwittingly, or by some unintentional omission, they might have their estates subjected to the administration of the new system of bankruptcy law. What was now proposed was, not that non-traders should be subjected to a new and unheard-of law; but that they should be brought under a single tribunal, which would administer the insolvent estates of all classes alike.

MR. BAZLEY said, he begged leave, on the part of the mercantile and manufacturing portion of the community, to thank the hon. and learned Gentleman the Attorney General for the very excellent measure he had proposed as an amendment of the existing bankruptcy law. He was glad to perceive that the Bill was founded on the great principle that the property of a bankrupt ceased to be his own, and belonged in reality to his creditors. He wished, however, to take that opportunity of urging on the hon. and learned Gentleman the expediency of devising some means for ensuring that the cash balances in the Bank of England should be as small as possible, and that assets should be divided among the creditors as soon as possible. As to the general provisions of the Bill, he hoped to see them speedily become the law of the land.

MR. MURRAY said, he would venture to suggest that the Bill should be made a model Bankruptcy Bill for all our Colonies. A firm in London often had a branch at Sydney, another at the Cape, and others perhaps in some distant parts; and, if it stopped, there was now an entire want of system in bringing the assets into one place, and dividing them fairly among the creditors. The local creditors harassed the parties and frequently got paid, so that by the time the London creditors transmitted their powers of attorney the assets were gone. He would ask the hon. and learned Gentleman to extend the machinery of his Bill, so that creditors in England might derive equal benefit from bankrupts' property in the Colonies. This was the case in India under the Indian Act; and, if the assistance of the colonial legislatures could be procured, such an extension of bankruptcy jurisdiction would be most valuable. With regard to the unsatisfactory character of the present system, he believed that the Attorney General had understated the case. In administering the law there was the most marked difference between the practice of the Commissioners in granting certificates, and the anomalies which thus arose were much to be regretted.

MR. E. P. BOUVERIE said, he readily admitted that his hon. and learned Friend the Attorney General had brought the subject under the consideration of the House with his usual clearness and ability. But it appeared to him that very serious objections existed to the proposal of his hon. and learned Friend that the distinction between bankruptcy and insolvency should be completely abolished. That distinction was founded on the very nature of the two cases. A trader, without the smallest fault upon his part was liable to be ruined at any moment by some unexpected commercial disaster; and the law therefore very properly provided that after he had surrendered all his property he should start again in life a perfectly free man, and should be entitled to all the future rewards of his industry. But the insolvent, or the non-trader, almost necessarily incurred his debts in consequence of his own thoughtlessness and extravagance; and he (Mr. Bouverie) believed the country would not endure that such a man should escape from every liability against his after-accruing property. That was certainly a question of great difficulty and importance; and he hoped that the House would not, without the most careful consideration, assent to the change proposed in the Bill. There was another point to which he would for a moment direct their attention. His hon. and learned Friend proposed to pay all the compensations under that measure out of the Consolidated Fund. But that would only be a return to the practice against which every modern Chancellor of the Exchequer had protested of adding interminately to the charges upon that fund. Besides there was at present a large sum, which yielded about £40,000 a year, upon which the suitors had no claims, and he thought that was a suitable fund out of which to pay the compensations, rather than adding them to the public burdens. He admitted some portions of the measure would be great improvements; but the House must not suppose that this or any change in the bankruptcy law would produce general satisfaction. Creditors lost so much money by bankruptcies that, under arrangements, there must be a great amount of dissatisfaction.

Mr. HADFIELD said, he very much doubted whether the time had not come when imprisonment for debt ought to be abolished altogether. He wished that greater facilities had been given by the Bill to private arrangements. But the main features of the measure would, he believed, be generally approved by the commercial community.

The ATTORNEY GENERAL, in reply, expressed his thanks to the House for the favourable reception which it had accorded to the proposal which he had made, and his readiness to take into his consideration any suggestions which might be offered to him with a view to rendering it as perfect as possible. He admitted, in alluding to the observations which had been made as to a conflict of jurisdiction being likely to arise between the mother country and the Colonies, that the question was one which required further notice, and thought it was matter for regret that in China, where commercial transactions on so large a scale were carried on, the community there should be allowed to continue destitute of a law of bankruptcy and insolvency, and be in consequence obliged to avail themselves of the facilities afforded by the French and American tribunals. In conclusion he had only to express a hope that, considering the amount of discussion the subject would require, the House would permit him to fix the second reading of the Bill for that day fortnight.

Leave *given.*

Bill to amend and consolidate the Laws relating to Bankruptcy and Insolvency in England, *ordered* to be brought in by Mr. Attorney General, Lord John Russell, and Mr. Solicitor General.

Bill *presented* and read 1°.

Mr. Bouverie

WHITBY RECTORY.

PAPERS MOVED FOR.

Mr. THOMPSON said, he rose to move for a Copy of all Correspondence between the Ecclesiastical Commissioners and the Archbishop of York or his agent, and between the Ecclesiastical Commissioners and any other persons, relative to the renewal of the lease of the tithe rent-charge of the parish of Whitby, and the augmentation of the income of that living.

Mr. DEEDES said, that on the part of the Ecclesiastical Commissioners, he had no objection to the production of the papers, which he had no doubt would sufficiently show the propriety of the course which the Commissioners had pursued.

Motion *agreed to.*

Copies or Extracts *ordered,* of "all Correspondence between the Ecclesiastical Commissioners and the Archbishop of York, or his agent and between the Ecclesiastical Commissioners and any other persons, relative to the renewal of the lease of the Tithe Rent Charge of the parish of Whitby, and the augmentation of the income of that living."

CUSTOMS ACTS—COMMITTEE.

Order for Committee read: House in Committee.

Mr. Massey in the chair.

The CHANCELLOR of the EXCHEQUER begged to propose an amended Resolution, reducing the duty on hops from the 1st of January, 1861 (not under treaty):—

"That on and after the 1st of January, 1861, in lieu of the Duty of Customs now chargeable on the article undermentioned on importation into Great Britain and Ireland, the following Duty shall be charged, viz.:—Hops, until the 1st of January, 1862, the cwt., 20*s.*; hops, on and after the 1st January, 1862, the cwt., 15*s.*"

Mr. DODSON said, he had given notice of an Amendment to leave out the words "Hops, on and after the 1st of January, 1862, the cwt., 15*s.*," and add the words "from and after which date the duty shall absolutely cease and determine," with the view of establishing perfectly free trade in hops; but on reflection, and after consultation with friends on whose judgment he relied, he thought it desirable not to pledge the House to any prospective abolition of another source of revenue. With the permission of the Committee, therefore, he proposed to modify his Amendment, so as to leave the question to Parliament to determine, whether there should be any and what duty on hops on and after the 1st of January, 1862. The Excise duty on hops was peculiar and oppressive to the producer, and he wished to remind the House that this duty and the Customs' duty on hops were inseparably connected, and that they must stand or fall together. The Excise duty on hops was levied, not on the hops used in the manufacture of beer, but on the hops actually produced. In some seasons the production exceeded the consumption. The consequence was that the producer paid frequently out of his own pocket duty on hops that were not consumed. He could give numerous objections to those duties, but he would refer those who wished to obtain a good knowledge of the question to a pamphlet written by Mr. G. P. Bacon, Secretary to the Society for Promoting the Repeal of the Duty on Hops. The Excise duty was peculiar, because the consumption of hops was strictly limited by the operation of the malt duty; but owing to the uncertain nature of the crop, the amount of hops produced was uncontrollable. The only element under control was the extension or reduction of the acreage; but even that was most inefficient. In 1852, 46,000 acres yielded five times as large a crop as 54,000 acres in 1854. The result was that by no fault or improvidence on the part of the producer more hops were produced than were required for the consumption of the year, and as the Excise duty was levied, not on the manufactured article, not on the hops which found their way into the brewer's vat, but on the raw material at the source of supply, the producer had to pay out of his own pocket a duty on the quantity in excess. He contended that this was contrary to all the doctrines of political economy. The average Excise duty paid upon each acre of land in England during a period of twenty-two years was £16 16*s.* 3*d.* In 1855, when there was a large crop, the average in Sussex was between £14 and £15 per acre, and yet that land was not let for more than 10*s.* per acre; consequently, the Excise exacted a duty amounting to between twenty-eight and thirty times the rent of the land. Indeed he could go on preferring indictment upon indictment against the tax. Every element which went to make up a bad tax, was, in short, most ingeniously combined in the hop duty. It was said that the duty upon hops did not affect the consumer, but only the producer. That, however, was not the case. There was expended in this country £2,000,000 annually in the production of hops, and if they established free trade in hops, which was the object he had ultimately in view, and that amount was increased by half a million or a million, would not the consumers of beer, barley-growers, and maltsters be proportionately benefited? It would be equivalent to a reduction of the malt duty, and would give a stimulus to the growth of barley. He had a high authority for saying that the price of hops did affect the consumer of beer, the barley-grower, and the maltster. In 1854 the crop of hops fell short, owing to a blight, and the present Chancellor of the Exchequer, who then held that office, moved a Resolution to suspend half the Customs' duty on foreign hops for a year, expressly on the ground that if that course was not adopted the consumer would suffer by the high price of hops. The proposition of the right hon. Gentleman was carried by a majority of three to one, and in the succeeding year the right hon. Gentleman the Member for Radnor (Sir G. C. Lewis), who was then Chancellor of the Exchequer, confirmed the views which his predecessor in office had expressed. In opposition to the assertion of some hon. Members, he had the authority of Mr. Pressley, the Chairman of the Board of Inland Revenue, for saying that the hop duty was a very elastic tax if judiciously and liberally reduced. In his evidence before the Committee, that Gentleman showed that in 1829 the duties on beer, malt, and hops brought £7,112,416 to the Exchequer, of which more than £3,000,000 were obtained from the beer duty alone. In 1857, the duty on beer having been abolished in the interval, the revenue from malt and hops alone yielded £6,402,984, or within half a million of the amount produced before the £3,000,000 of beer duty were swept away. Different Chancellors of the Exchequer had considered this subject, and had defended the duty solely upon the ground of the state of revenue at the time. The right hon. Gentleman the Member for Buckinghamshire had, indeed, gone so far as to describe the levying and collection of the hop duty as an enormous system of fiscal blundering, and not a word had been said in favour of the tax except by the right hon. Gentleman the present Home Secretary, who defended it on the ground that it was easy of collection. That might be a recommendation of a good tax, but it was no defence for a bad one, because the easiest system would be to resort at once to confiscation. The repeal of the duty would be attended with a great saving; the persons who collected it were not connected with the permanent Excise, but were employed upon that duty alone; there would, if the hop duty were abolished, be no further necessity for their services. The only reasons which he could assign for the maintenance of the duty so long were that it was a tax which was not supposed much to affect the consumer, and that the hop-growers were a small and weak interest, to whom Chancellors' of the Exchequer were not obliged to defer. If the hop-growers had brought their interest to bear upon the House with the same force with which the paper-makers, glass-blowers, and other bodies had presented their claims to consideration, he was satisfied that the hop duties would long ago have been swept from the statute-book. He, however, hoped that the Chancellor of the Exchequer would not look simply to the pressure which the hop-growers put upon him, but would consider the justice of their case. The duty was full of injustice and inequality, and therefore demanded his attention. He did not propose to embarrass the financial arrangements of the year by asking for the immediate abolition of the duty, nor ask to pledge the House prospectively to the abolition of another source of revenue. His moderate proposition was, that the right hon. Gentleman should take the duty for one year only, leaving it to a future Session—and probably a future Parliament—to determine in 1861 whether any or what duties should be levied on hops; and he hoped that by economy and retrenchment, together with the increased receipts from other sources of income, they would be enabled to dispense with this impost at the end of the year.

Amendment proposed, to leave out the words "in lieu of"

Sir BROOKE BRIDGES said, he rose to second the Amendment. It had been said the hop-growers were divided in their opinions regarding the objectionable character of these duties, but he could assure the House that there was a perfect unanimity among the growers, who formed a large portion of his own constituency. Their views were precisely similar to those of the constituents of the hon. Gentleman who had just addressed the Committee. No one could deny that beer was the best beverage that could be had for both poor and rich, and, therefore, those who were producers of hops, malt, or any other article used in the manufacture of beer, were entitled to the consideration of the House. He contended that if, with due consideration for the interests of the revenue, any relief could be given, the hop-growers were entitled to receive it, and he hoped that the House would consent to the modest proposition now made. All the hop-growers asked for the present was that no duty should be fixed to continue upon hops, either Customs' or Excise duty, after the period mentioned in the Amendment, but that it should be left open to future consideration whether it would be desirable, after that time, to continue any duty at all.

Viscount HOLMESDALE said, he wished to request the attention of the Committee while he pointed out one mode in which the existing Excise duty inflicted excessive hardships upon the hop-planters. It sent into the market at the same time a large quantity of hops; the merchants knew that the whole must be sold in order to enable the farmers to pay the duty; they took advantage of that fact and reduced their prices. Hops had recently been entered for exportation for the sake of the drawback allowed by the Excise, taken into the middle of the Channel, and there thrown overboard, the drawback being more than the price which the hops would have brought in the London market. With the exception of the duty on chicory, the hop duty was the only impost levied on the raw and unmanufactured produce of the soil, and what the growers wanted was that they should be relieved from the old-fashioned trammels of protection, and that the Customs' and Excise duties should be swept away together. It might be that in Kent hops would still pay the cost of production; but he believed that the proposal of the Chancellor of the Exchequer, if carried into effect, would put an end to the cultivation of hops in those districts where, as in Sussex, hops of an inferior quality only were grown, and he would ask the Committee to think twice before they adopted a course which would create an enormous amount of misery among the population of that county.

Mr. JOHN LOCKE said, that many of his own constituents were engaged in the hop trade, and he did not agree that all the misfortunes of the hop-growers sprung, as the noble Lord seemed to think, from their customers. It was by the latter who purchased the hops that the duty was paid; and as they had large stocks on hand at the present time, it was most important to them that the reduction of the duties should be deferred until they had got rid of their existing stocks. There was generally great dissension amongst the various classes of hop-growers; and it was singular now to find that there was perfect unanimity. This, however, he presumed, had been brought about by the proposition that the English hop-grower was to pay 14*s.* per cwt., whilst the foreigner paid only 15*s.* He would support the proposition of the hon. Member for East Sussex (Mr. Dodson), but he did not see why hon. Gentlemen should not endeavour to obtain a fair differential duty, and it did seem extraordinary that the hon. Member for East Sussex should be so anxious to get rid of the 6*s.* differential duty which would exist between the proposed duties of 14*s.* and 20*s.* Why did they not propose to add the words "on and after the 1st of January, 1862, 20*s.* per cwt.," instead of 15*s.* He knew that by treating these matters as abstract questions they might arrive at any conclusion they liked, for such questions were very abstruse. They could not, however, be sure that in 1862 all these duties would be swept away altogether, and it was better not to leave the matter to chance. As to the propriety and justice of a differential duty of 6*s.*, the hop-planter and the hop-merchant were in the same position. The proposition of the Chancellor of the Exchequer was that the duty should be paid on the 1st of January in each year; and if afterwards the hops sold badly there might be a loss not only of the cost of production but of the duty also. This duty was in addition to £26 an acre for cultivation, and other very heavy charges; whilst, on the other hand, the foreigner received the best consideration. The foreigner produced his hops at about half the expense which the Englishman paid. He was not going to use a protection argument, because of course that was quite wrong, but he wished to bring before the Committee the gross unfairness which would be perpetrated under the proposed system. Of course it would be said, if the foreigner could produce at a cheaper rate our own growers should not cultivate the article, whatever might be the effect on the labourer or the owner of woodland or anybody else from their ceasing to do so, and therefore he did not put that point forward, but he did say, "do not give that protection to the foreigner which you refused to your own people." The foreigner paid the duty only when he chose to bring the hops in, and beyond that he could bond them if he pleased, in this country, and pay the duty upon taking them out of bond when he sold them, while the Englishman was to be forced to pay the duty on the 1st of January. What he claimed from the Chancellor of the Exchequer was, that the Englishman should be placed upon the same footing as the foreigner. By obliging him to pay the Excise duty on his hops before they were sold, he would be deprived of the use of the money advanced for the duty, and therefore entitled to demand that a countervailing duty, representing his loss in that respect, should be placed on foreign hops. He had no doubt he should be told that these advantages to the foreigner were strictly in accordance with the principles of free trade; but as those principles were applied to his constituents they did not like them. They had heard so much about free trade that he almost began to fancy that it was an advantage to have a burden imposed upon you from which the foreigner was exempt. He repeated, he regretted that the hon. Member for East Sussex did not insist that the Customs' duty should remain 20*s.* against the British Excise duty of 14*s.*

MR. DEEDES said, he thought the Committee would be of opinion that the hon. and learned Member (Mr. John Locke) in the latter part of his speech, had very much answered the accusation which he had made against the Mover of the Amendment and his noble Friend. He had that night taunted the hop-growers with never having been in their present state of mind. He had told them that it was very desirable to maintain the Customs duty at 20*s.*, instead of reducing it to 14*s.*, and he had alluded to the difficulties which the foreign and home-grower would experience by the proposed Resolutions of the Chancellor of the Exchequer. But the hon. Gentleman had entirely forgotten the circumstances in which the English hop-growers had hitherto been placed. The Committee had not now to deal with the question whether the hops of East Kent were better than those of West Kent, but with a new system which the Chancellor of the Exchequer was about to introduce with regard to the sale of hops. Now, he believed that that system would put the hop-growers and also the hop-merchants, whose interests were identical to a great extent, in a very different position from what they were in before, and it was that difference of position which had led them to consider what was the best course to follow. If the hop-grower saw that such advantages were to be given to the foreign grower he might fairly ask himself this question: "What is likely to be my future position? Shall I be better off by sweeping away every duty of every description, or allowing the differential duty now proposed to continue." He believed that the hop-growers had taken a wise course in resolving not to embarrass the Chancellor of the Exchequer by asking him to come to a determination now, but at a future time to endeavour to bring things into such a state that they should be relieved from all duty, and have the whole world thrown open to them. What would be the consequence? Naturally, at first, that those persons who could only grow an inferior quality of hops must go altogether out of the market, and employ their capital in other pursuits, in case the foreigner was able to send in a better article here. But that would be better for them than to go on from day to day and hour to hour without knowing what their position was likely to be in reference to the article they produced. He had always objected to the system of credit. He thought that system one of the most unwise and impolitic that was ever proposed by a producer or sanctioned by a Chancellor of the Exchequer. His language had always been this—"Whatever the duty which may be put upon you by the Legislature there ought to be a fixed time when you should be called upon to pay; that you should then pay it; and that under no circumstances should there be a remission." He was of opinion, therefore, that the Chancellor of the Exchequer had done well in naming a day when all the duty should be paid in future. He understood that the right hon. Gentleman contemplated deferring that period from the 1st of January to the 1st of March, or two months later. [The Chancellor of the Exchequer: Only for one year]. He (Mr. Deedes) thought that it should be so as a general rule, and, if it were, it would not embarrass the right hon. Gentleman the least in the world, because it would bring the whole amount into his financial year, and would be only just towards the growers, as relieving them from the pressure of the buyers. The system of bonding had been offered to the foreign hop-grower and denied to the home producer. Now, when it had been stated in that House that the home-grower would be satisfied if he could bond his hops and pay the duty upon them when he found a market, the reply had always been that it would involve too large an outlay for warehouses, and that the system could not be adopted. He (Mr. Deedes) did not believe that there was any great difficulty in the matter, but that means might be found of bonding home-grown hops, the expense of which might be met by the bonder when he took them out, and without expense to the public. In this way equality would be established between the home and the foreign producer. On the part of the hop-growers of the district with which he was connected, he could state that they were ready and willing to stand the chance of perfect and entire free trade, to stand or fall by it whatever the result; and he found it difficult to imagine how a Government that was conducted upon the principle of free trade could say with positiveness, "we will not entertain this proposition." In point of fact the Resolution of the hon. Gentleman went no further than this, because it simply asked that after a certain time the subject should be disposed of by the Chancellor of the Exchequer. The hop-growers were fairly entitled to that consideration, and he hoped that those who felt an interest in the matter would give it that consideration, and that future Chancellors of the Exchequer would adopt that course towards the hop-growers.

Viscount PEVENSEY said, that the question then at issue was, whether there should be free trade in hops as proposed by the hon. Member for Sussex, or a fixed protective duty as proposed by the Chancellor of the Exchequer. The House had had a Free-trade Budget and a Free-trade Treaty, both introduced under the right hon. Gentleman's auspices; and certainly the right hon. Gentleman had assumed a novel and somewhat curious attitude in not agreeing to an Amendment which was based upon those free-trade principles with which his name had been so long and so justly connected. Not only had he now come forward as the champion of a fixed protective duty—not only were the relative positions of the right hon. Gentleman and the British farmer reversed—not only was he the partizan of Protection whilst the British farmer was clamorous for free trade, but the right hon. Gentleman extended his Protectionist sympathies to the producer beyond the Channel, and proposed that when the foreign producer came here to compete with his English rival it should be upon conditions that were most advantageous to him and most disadvantageous to the English producer. He (Viscount Pevensey) wished to see the duties of Excise and Customs, so far as hops were concerned, altogether abolished; at the same time he was quite aware of the vast amount of competition which the home-grower would have to meet from the influx of foreign hops. It was impossible to forget what took place as the result of former reductions of the hop duty, first from £8 11*s*., then to £4 11*s*., and then to 45*s*. But in 1854, when the Customs duty was reduced to 20*s*. by Order in Council, the importation of foreign hops which followed caused a depreciation in the price of the home-grown article to the extent of from 40 to 50 per cent. With regard to the operation of the Excise duties, he would, by a few details, show most unmistakeably the extreme severity with which they pressed upon home-grown hops in low-priced districts. He would quote the case of the county which he had the honour of representing. The present quotation of the market value of Sussex hops ruled between 60*s*. and 80*s*. He would take first the *maximum* market value with the *maximum* cost of production, and then the *minimum* value of the produce with its lowest computation of the cost of cultivation. If the *maximum* cost of cultivation was put at £24 per acre, and the produce of that acre at 9 cwt., with the duty at 19*s*., or £8 11*s*. on the entire acre, the total cost of production, before the planter went into the market, would be about £32 11*s*. If the *maximum* market price was 80*s*., his produce would fetch under the present prices £35 10*s*., that is to say, a remunerative price of £3. But how stood the planter who only obtained 60*s*.? His cost of production would be £20, according to the evidence taken before the Committee in 1857; with the same average produce per acre and the same duty of £8 11*s*. he would pay £28 11*s*. in all; while with the sale of his hops at 60*s*. he would obtain £20, that is to say, he would sell at a dead loss of £6 per acre. If the tax was just in itself, it would be fairly argued that the agriculturist should turn his attention to other more profitable sources of income; but the fact was, that the tax itself was contrary to every condition of our present fiscal system, inasmuch as it taxed production, and did not affect in the remotest degree the interests of the consumer; and the justice of the plea of the planter consisted in the fact that if the Excise duties were removed, being in themselves unjust as well as severe, he would compete without fear, not only with the foreigner but with his own more favoured high-priced countrymen. He (Viscount Pevensey) would appeal to the Chancellor of the Exchequer on another ground. The right hon. Gentleman, when advocating the repeal of the Paper Duty, spoke eloquently in favour of fostering and encouraging agricultural labour. How does the right hon. Gentleman put those doctrines into operation if he advocates the continuance of the Excise impost? From the year 1855 to 1859 the amount of acreage of hop-land under cultivation has fallen from 57,757 acres to 45,665. Perhaps the Committee will hear with surprize that this decrease of acreage within five years is almost equal to the entire amount of acreage now under cultivation in the whole county of Sussex and in the Weald of Kent. But what does the decrease of 12,000 acres represent in point of agricultural labour, which the right hon. Gentleman is so desirous of encouraging? Why, it represents the throwing out of a seasonable employment, at the lowest computation, 25,000 people. And what class is it that is thus driven from employment? They who compose it are not the able-bodied—they are not a class who could turn their attention to other employments; but they are the poorest of the poor—the weak and the aged—the woman and the child, who look to the pittance they gain in the hop-picking season as an important item in their slender means of livelihood. He (Viscount Pevensey) trusted the right hon. Gentleman in his zeal for the welfare of the agricultural population would think this point worthy of his consideration. He would not enter more fully into questions affecting the Excise duties, as they would be more conveniently discussed at a future period, but would assure the Committee, that if the Excise duty and other shackles which cramped the industry and enterprize of the English producer were abolished, he believed that our hop-growers would be able to come into the market and compete on fair terms with the foreigner. Under these circumstances, and considering the precarious and expensive nature of the crop, he hoped the House would not refuse to deal fairly and justly with the Excise duty when it came substantially before them, and still less, in the first instance, that they would not reverse so many decisions which they had arrived at in favour of the general principles of free trade, but would, by a large majority, express their concurrence in an Amendment which was founded on that free-trade principle which had been adopted as the basis of our modern commercial legislation.

Mr. AYRTON said, he would vote against the Amendment. It was not a fair or legitimate way of raising the question involved. They were discussing the Customs duty on foreign hops, and that should be decided by the House first. The hon. Gentlemen opposite strongly opposed the income tax, which was the only means that enabled the Chancellor of the Exchequer to reduce any duties; they ought not to require the Legislature to make a gap in the revenue without suggesting a mode of filling it up. If the Amendment did not ask for the repeal of the duty on hops, it was a very idle one.

Mr. DODSON explained. He had merely proposed that the Chancellor of the Exchequer should take the duty for one year, and then leave it to the future.

The CHANCELLOR of the EXCHEQUER said, that the hon. Mover of the Amendment was mistaken in supposing that the reason the hop duty was maintained was because Chancellors of the Exchequer found it convenient. On the contrary, if the measure in this matter was to be the comfort of the Chancellor of the Exchequer, the hop duty was one of the most troublesome with which he had to deal. Every one who had held the office would bear witness to the perseverance and pertinacity with which the hop-growers pursued their object—the repeal of the duty. The noble Lord opposite (Viscount Pevensey) had referred to former decisions of the House of Commons, and seemed to think the Amendment a re-affirmation of the principles of free trade. If he understood the proposition it really amounted to this—that because they were about to admit foreign produce on terms approaching equality, therefore, no Excise duty could be levied on the corresponding British commodity without violating the principle of free trade. If that doctrine were true it would be entirely fatal to the malt duty, which produced six millions, and to the spirit duties, which produced nine millions a year. The principle of free trade was one which was fully applicable when the duty was not for fiscal purposes, but not for the purpose of putting a fictitious price upon articles produced at home. Now with regard to the hop duty it was a remarkable thing that this House had never thought fit to pass a vote for the abolition of the duty. It had been resolutely asked for, and demands had been made for the repeal of the duty, and they had been energetically supported, but these demands had never been conceded by the House. No doubt there were objections to the duty, first, because it was an Excise duty, and those duties were not desirable; and next, it was an unequal duty, and bore unequally on the produce of one district as compared with the produce of another; but if it were compared with Excise duties generally, he could not say that it was more obnoxious than others, and it was less exceptionable to the course of trade than any other Excise duty. He thought no Gentleman would undertake to assert that the Excise law as applied to hops caused a decrease in the production of the article. It was also a mistake that the duty on hops cost a large amount in the collection, for the fact was that the charge in that respect was insignificant. It was, moreover, alleged that hopes were subjected to an undue burden with respect to tithes. That might be a reason for the Amendment of the law of tithe, but he must decline to furnish a receipt for tithes in reference to a charge on the public exchequer. The inequality of the duty, as bearing on the produce of one district as compared with that of another, was, he might add, to a great extent remedied by levying the tax upon the acre. It was, however, contended that the duty deprived the grower of his capital, and he admitted that the long period during which the hop-grower had hitherto been allowed to postpone the payment of the tax, afforded a stimulus in the production of hops to those who never ought to have been hop-growers; but when the duty came to be levied on the produce, at the time when in the ordinary course of business he was enabled to sell his hops, he could not conceive how the grower could under these circumstances be deprived of his capital. An hon. Member (Mr. Deedes) had argued that it was desirable the duty should be levied on the 1st day of March instead of the first day of January, but that was not the question under discussion, although he was not prepared to say that the 1st of January was the latest day which could be fixed for the purpose. He might also observe that great complaints were made that the effect of the proposal of the Government would be to give the foreigner an advantage which the English producer did not enjoy, and the hon. and learned Member for Southwark (Mr. John Locke) had contended that the proposed allowance of 6*s*. was a proof that to allow a smaller sum would be an injustice to the latter. He was of opinion, however, that the allowance of 6*s*. might be justified on the principle that when a considerable alteration in our fiscal laws was effected, bearing materially on different interests, it was as well to introduce that alteration in a manner as lenient as possible. Much stress had also been laid on the privilege of bonding which the foreigner would possess; but did any hon. Gentleman imagine that the producer in this country would pay an additional 1*s*. duty to avail himself of that privilege? [Mr. Dodson: Yes, I believe it.] It would be very strange if he were to do so, because that additional 1*s*. would represent something like 18 per cent. If, however, it could be shown that the foreigner who paid 15*s*., possessed an advantage over the English producer who paid only 14*s*., he was quite ready to admit that that was an inequality which ought not to exist; but he must candidly state that no deputation had waited on him to represent that the duty of 1*s*. over and above that which was to be imposed on the English planter did not afford full compensation for any advantages which the system of bonding might confer on the former. Again, it was alleged that the abolition of the hop duty was a proposal which ought to be supported, on the ground that beer would thereby be cheapened. Now, while he was prepared to admit that beer was a good sound national beverage, yet he must decline to accede to the abolition of the hop duty on the ground that the price of beer would be lessened. He might add that he felt quite assured no measure which the House had adopted or was likely to adopt could tend to impair the general fondness of the English people for that article. That, however, was not the question before the House, and he for one objected to the proposal of the hon. Gentleman behind him on the ground that it tended to affect the position of the House with respect to the revenue derivable from hops in a coming year. The question of the repeal of that duty was one, he might add, which was always open. The hon. Gentleman would be at perfect liberty to move for leave to bring in a Bill to repeal the hop duties next year. The question was always open. What did he intend? To place these duties in an exceptional and peculiar position. The hon. Gentleman did not intend to give a pledge, but half a pledge, to repeal these duties. Was that a pledge which the House would give? He was quite at liberty to propose the reduction or abolition of any tax; let him by all means do so, and propose a substitute. A large portion of our revenue was made terminable next year. The House chose to make it so in order to strengthen its own constitutional control over the taxes, and upon grounds which were special and distinct. Did those grounds apply to the hop duty? Did the income tax and the hop duty stand on the same footing? The income tax was a special and powerful resource which had never yet been declared by the House of Commons to be a part of the permanent revenue. That question had been adjourned from time to time, and no Parliament or Minister had yet thought fit to face it. The income tax had always been granted from year to year, or for a very short term of years. It was totally different with the hop duty, which had existed for forty or fifty years, without any change at all, part of the permanent revenue of the country. The war addition to the tea and sugar duties was carefully defined for a period after the war, to create an expectation that when that period came Parliament and the Government would endeavour to remove it. No such consideration applied to the hop duty; there was no reason why it should be placed on a temporary footing any more than the duty on fire and marine insurances, the repeal or reduction of which was desired, and, he admitted, ought to be desired by the country. Were those duties, then, to be all made terminable next year? That would be a most imprudent course. Hon. Gentlemen opposite objected most resolutely to the financial proposals of the present year as throwing too heavy a burden on the finance of 1861; he trusted, therefore, they would feel the force of the appeal he now made to them, that they should not make a grievous and needless addition to the great mass of taxation that was already terminable. Such a course would shake public confidence, and even public credit. It was impossible for the Government to acquiesce in the proposal of the hon. Gentleman. It was in vain to say that it did not interfere with the financial arrangements of the year. The Government would not be parties to storing up needless embarrassments which were not required by any consideration of the public interests. Even if the hon. Gentleman were to succeed in the vote he proposed, that would not decide the main question, which was that of the Excise; and it would be the duty of the Government to persevere in resisting any vote whatever which might tend to establish this dangerous principle, so incompatible with the sound and solid administration of finance, that the Parliament of one year, on grounds alleged in a case like this, should decide what should be done nearly two years hence. He thought he had shown every disposition to accede to the wishes of Gentlemen connected with the planting and growth of hops. He had already made a reduction of 30 per cent on the duty, thereby sacrificing a revenue of £100,000, and given the English producer a differential duty of 6*s*. Any further possible accommodation he was prepared to give; but to abandon this duty for the service of the present year was impossible. For these reasons he felt bound to oppose the Motion of his hon. Friend in the form in which it was now put, and continue that opposition to it, whatever form it might subsequently assume.

Mr. HARDY said, that it might be supposed from the speech of the right hon. Gentleman the Chancellor of the Exchequer, that there was nothing done by the Motion relative to hops this year, and he told them it was an unprecedented proceeding to attempt to interfere with what was to be done in the matter of hops in the year 1862. Why did the right hon. Gentleman himself interfere? If he had been satisfied to take a Vote for this year alone, they would have contented themselves with a general Motion on the subject; but the right hon. Gentleman had dealt in the most remarkable way with the duty. The right hon. Gentleman the Chancellor of the Exchequer had given no reason for the change he proposed in 1862, nor why a duty upon hops, which was, in fact, a tax on the raw produce of the ground, should be levied at all; nor, if it was to be levied, why the method he proposed should be adopted. The right hon. Gentleman was not asked to pledge himself to any course in 1862, but merely to leave it an open question. He (Mr. Hardy) had studied this question but recently, but he felt that it would be for the benefit of both the hop-grower and the hop-merchant, that there should be no duty whatever. But even this was not asked for at present, the hop-growers wanted only to have a fair field left open for the future. It was a very objectionable feature of the present duty that the same amount was paid upon low as upon high-priced hops. Was that a state of things that should be countenanced? There was scarcely any duty of a more fluctuating character than that upon hops. In 1839 it was £379,000, in 1840 it fell to £62,000, in 1841 it rose to £266,000, in 1846 it was £443,000, in 1849 it fell again to £145,000, in 1852 rose to £447,000; but in 1854 it fell to £86,000, and in 1855 rose again to the enormous amount of £728,000, while in 1856 it fell again as much as £300,000, —namely, to £480,000. These figures showed it was not a duty that the Chancellor of the Exchequer could at all calculate upon, and was not, therefore, to be viewed as a tax which it was desirable to keep as a permanent tax, for no fixed amount could ever be relied upon. It was a duty that pressed so heavily upon hop-growers that they had actually been known to take their hops out into the Channel, and to throw them overboard, merely for the purpose of getting the drawback upon them. From the manner, too, in which the duty was at present levied it was rendered one of an extremely objectionable character, for it actually made a good harvest of hops a disadvantageous thing to the grower. This had already been stated by a previous speaker; but as an incident confirming the fact he might add that in one of the hop districts when such a circumstance had occurred the clergyman of the parish had stated that it was impossible to have a thanksgiving because the crops were so abundant. Thus the gifts of Providence were by our laws turned into a curse, and careful and expensive culture ruinously burdened. The peculiarities attending this tax rendered it one of so burdensome a character to the farmer that the greater the crop the worse it was for him; for the production exceeding the consumption the farmer paid duty upon that which he could not sell, and therefore in many cases preferred allowing his hops to be blown away to becoming chargeable to the duty. By affirming the Amendment the Committee would be conferring an immense benefit upon the hop-growers, and doing nothing disadvantageous to the country.

The CHANCELLOR of the EXCHEQUER said, that so far from wishing to pledge the House to any course, he merely wished to leave this matter in the same position as any other duty, save that on tea and sugar, which was wholly exceptional. His own Resolution had contemplated merely the present financial year and its necessities, but it was at the request of the hop-growers themselves that he had proposed to legislate for 1862. The effect of the Amendment, if carried, would be to leave this, a question of taxation, in a state of doubt and uncertainty.

Question put, "That the words proposed to be left out stand part of the proposed Resolution."

The Committee *divided:*—Ayes 138, Noes 104: Majority 34.

Original Question put, and *agreed to.*

		s.	d.
Hops, until the 1st of January, 1862 . . .	the cwt.	20	0
Hops, on and after the 1st January, 1868	the cwt.	15	0

The CHANCELLOR of the EXCHEQUER moved, "That in lieu of the Duties now payable upon Ships with their tackle, apparel, and furniture, there shall be charged upon all Ships foreign built of wood, and upon all Ships built of wood in Her Majesty's Possessions abroad, on the Registration thereof as British Ships at any port or place in Great Britain and Ireland, the Duties of Customs following, that is to say—For every Ton of the gross Registered Tonnage of such Ships, without any deduction in respect of engine-room or otherwise, 1*s*."

Resolution *agreed to.* House resumed; Resolutions to be reported *To-morrow:* Committee report progress; to sit again *To-morrow.*

CUSTOMS ACTS—REPORT.

Order read, for further Consideration of Postponed Resolution [13 reported 6th March]; Motion made, and Question proposed, "That the said Resolution be now taken into further consideration."

Mr. BALL said, he would appeal to the Chancellor of the Exchequer not to press the consideration of this subject at so late an hour (half-past 11).

Mr. C. W. PACKE said, he would support this appeal.

The CHANCELLOR of the EXCHEQUER said, that there was so much business before the House, and the Easter vacation would occur so shortly, that he was afraid he could not accede to this request.

Sir FITZROY KELLY, who had given notice of an Amendment, rose to address the House, amidst cries of "Adjourn, adjourn."

Mr. DEEDES also made an appeal in favour of the postponement of the subject, observing that many Members interested in the subject had left the House with the understanding that it would not be brought forward at so late a period.

Mr. LYGON moved the Adjournment of the House.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 58; Noes 93: Majority 35.

Question again proposed, "That the said Resolution be now taken into further Consideration."

The CHANCELLOR of the EXCHEQUER observed that there were two Amendments on the business paper. The one, relating to raising the duty on foreign malt from 25*s*. to 26*s*., he apprehended could not, in point of form, be moved on the present occasion, and the other, which raised the question of the prohibition to the importation of foreign malt. It would be convenient to know whether either of these Motions was really intended to be debated, because the Customs Bill, after the sense of the House should have been taken upon some points connected with the paper duty, which followed pretty much in the train of the recent Vote of the House, would be in a condition to go forward, and there would be nothing else to delay it.

Sir FITZROY KELLY said, he had learnt from Mr. Speaker that he could not now move the Amendment of which he had given notice, to fix the duty on foreign malt at 26*s*. instead of 25*s*.

Sir BROOKE BRIDGES moved the Adjournment of the House, observing that this was an important question, especially to the agricultural interest. The Chancellor of the Exchequer ought to recollect that it had been stated that many Gentlemen had left the House not expecting the subject to come on.

The CHANCELLOR of the EXCHEQUER replied, that there were two questions involved. The Government had made an engagement not to lay upon the article imported any additional duty greater than the average of the duty to which the maltster was subjected by the Excise regulations here. They could not estimate this at higher than 25*s.* a quarter, and therefore, although the difference between 25*s.* and 26*s.* was small, it would be a breach of faith if they accepted the 26*s.* Amendment proposed by the hon. and learned Gentleman. But if it were intended to raise a debate on the whole question of the admission of the foreign malt, as a question of principle, that debate might be taken as well in Committee, and then much time would be saved, for the Customs Bill might pass through the other stages first.

SIR FITZROY KELLY said, the question was a very important one to graziers and to growers of barley, as well as to the manufacturers of malt, and he therefore gave notice that, when the Report of the Committee on Customs was brought up, he should move to recommit the Resolution concerning malt.

Motion made, and Question proposed, " That this House do now adjourn."

Motion and Original Question, by leave, *withdrawn.*

Further Consideration of Resolution *deferred* till *To-morrow.*

House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Friday, March 16, 1860.

MINUTES.] PUBLIC BILLS.—1ª Consolidated Fund (£4,500,000.

TREATY WITH FRANCE.

THE LORD STEWARD acquainted the House, That HER MAJESTY had appointed *To-morrow,* at One o'Clock, to be attended with the Address of both Houses on; and a Message was sent to the Commons to inform them thereof; and that the Lords had appointed the LORD STEWARD and the LORD CHAMBERLAIN of the Household to attend HER MAJESTY and therewith on the part of this House; and to desire the Commons to appoint a proportionate Number of its Members to go with them.

The Chancellor of the Exchequer

Message from the Commons, that they had appointed Mr. BYNG, Mr. BAINES, The Viscount CASTLEROSE, and The Lord PROBY to go with the Lords (mentioned in the Message of this Day) to wait upon HER MAJESTY with the Address.

DIVORCES (IRELAND).

PETITIONS.

THE EARL OF WICKLOW *presented* a Petition from Inhabitants of Dublin praying that the Law relating to Divorce may be so Amended as to allow Irish Suitors to sue for a Divorce in the English Courts. He wished to know whether it was the intention of the Government to introduce any measure on this important subject.

THE MARQUESS OF CLANRICARDE *presented* a Petition to the same effect from Rowan Francis Cashel, of Demarara, County Tipperary. The petitioner stated that he did not possess the means of prosecuting a Divorce Bill in their Lordships' House.

THE LORD CHANCELLOR said, that "justice to Ireland" required that the prayer of these petitions should be granted, although the larger portion of the population being Roman Catholics believed in the indissolubility of marriage, and so could not resort to the divorce clauses of the Act. But they might avail themselves of judicial separation, and the Protestant portion of the people were entitled to the full benefit of the new jurisdiction. He had himself introduced into the Bill of last year a clause enabling persons in Ireland to avail themselves of the provisions of that measure. That proposition had received very general support from the Irish Peers, but in the other House of Parliament it had raised a storm of opposition which rendered it impossible to carry such a proposition. He would support any Bill to extend the Act to Ireland, but could not undertake to re-open the subject on the part of the Government, and bring in a Bill for that purpose.

NAPLES.—QUESTION.

THE EARL OF ELLENBOROUGH wished to put a question to the noble Duke the First Lord of the Admiralty. Very alarming reports were in circulation relative to the state of affairs in Naples. Those reports might be extremely exaggerated; but undoubtedly it was quite impossible that the state of things represented to be existing there could long continue. Among other things, the public were told that there was a considerable number of Her Majesty's ships in the Bay of Naples. Assuming these statements to be true, he wished to ask the noble Duke, Whether any special instructions had been given to the officers in command of those ships as to what their conduct should be in the event of individuals being driven by a sense of personal danger to claim their protection?

The Duke of SOMERSET said, there could be no doubt that the state of affairs in Naples was lamentable. No special instructions, however, had been given to the officers of British ships which were stationed there for the protection of British residents and of British property. The rule with regard to reception on board Her Majesty's ships of persons in personal danger was not that protection would be afforded to persons flying from justice or desiring to escape the sentence of a court of law; but it had always, he believed, been held that the British flag did afford protection to any refugee flying for safety of life in any country, on account of his political opinions, either from the tyranny of Monarchs or the violence of a mob. Beyond that, officers receiving refugees on board their ships would, of course, not allow them while they were on board their ships to hold communication with their partizans on shore, but would simply give them that hospitality which humanity demanded and justified.

The Earl of ELLENBOROUGH said, he was perfectly satisfied with the assurance of the noble Duke as he understood it—that the action of British officers should be confined to the performance of the duties of common humanity.

Lord REDESDALE: Surely what the noble Duke has said requires explanation. Does he mean to say that if a man is flying from high treason, he is to be protected on board a British ship, supposing he should be lucky enough to escape thither? Should we recognize such a doctrine, if a person charged with high treason were to take refuge on board a French ship of war lying in one of our harbours? Let us take care, my Lords, that we do not lay down doctrines because we are strong and Naples is weak. Let us take care that, whatever principles we lay down as to Naples, we should be able to assert and to enforce against all the world, and to maintain as to French harbours as well as Neapolitan.

The Earl of MALMESBURY would remind his noble Friend the First Lord of the Admiralty that a British officer might be placed in a very awkward position if he was called upon to judge as to the particular nature of the prosecution from which an individual might be trying to escape. A man might be escaping from political prosecution, or from a prosecution instituted in an ordinary court of justice by the constituted authorities. How was the British officer to know what was the case? A man came alongside a British ship in a boat with a pitiful story, and it would often be impossible for the commanding officer to know whether the individual was flying from such a prosecution as that to which the noble Duke alluded, or from one of quite another kind. He was certain we should not permit such a doctrine to be carried out in our ports.

The Duke of SOMERSET: I laid down no principle; I confined myself entirely to what had been the practice of former years, and I took the precaution of looking back to the records of the Admiralty. If there is a revolution, and refugees of one party or the other come on board, they have been often received, though the officers, anxious to relieve themselves from responsibility, take the earliest opportunity of sending them away to a place of safety. That has been the practice as to political offenders. It has been followed repeatedly and in many instances. I limited myself entirely to what had been the practice. I did not pronounce any opinion as to what I thought ought to be the course pursued. As to whether a refugee is flying from political persecution or ordinary justice, our officers must judge for themselves in each case, consulting Her Majesty's Ambassador or Consul on the spot, on whose advice they will act.

The Earl of DERBY: My Lords, I believe that no one doubts that this practice of giving hospitality to political refugees ought to be limited to periods of civil convulsion and revolutionary violence, and is not applicable to ordinary times, even although there may be some degree of disturbance. And I have not yet heard that there is any serious difference between the the Government of Naples and the great mass of the people. I may disapprove of the system of Government pursued, but that is a question purely between the Government and its own subjects, and there is nothing at present which indicates a state of things in which alone British naval officers have a right to interpose. I hope, therefore, that the Government are prepared to lay this limitation on the principles they have laid down—that the interference of British officers ought to be limited to times of civil convulsion and revolutionary violence, and that they ought not to interpose under ordinary circumstances.

EARL GREY: My Lords, I understood the noble Duke to say that no special instructions had been issued to officers in command of ships. My Lords, I think that is quite right. It is impossible to foresee the circumstances that may arise, or to define beforehand in what cases protection should be given. It was one of the most difficult questions that a Government or an officer can have to decide. Undoubtedly there are some cases in which the very prospect of a refuge from the consequences of an unsuccessful attempt would have a tendency to encourage civil commotions. On the other hand, there may be cases of persecution and cruelty, in which common humanity may make it impossible to refuse shelter. It is difficult to define beforehand these cases; it is a matter for the exercise of a sound discretion; and looking at the past conduct of British officers, I think they have shown that they are well able to exercise such a discretion. I, for one, am content to leave the matter on the footing in which it at present stands, and hope nothing will be done to increase the difficulty of the position in which our officers are placed.

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

THE EARL OF CARNARVON: My Lords, I rise to ask a question of the Government with regard to the papers laid upon the table yesterday, which respect the proposed annexation of Savoy and Nice to France; and especially with regard to the two remarkable despatches of Count Cavour, on the 3rd of March, and Earl Cowley, on the 9th of March last. In his despatch of March 3rd, Count Cavour states that he had received an assurance from the French Government of the most formal character that they would not proceed further with the annexation of Savoy, except under three conditions. The first was that no territorial changes should be effected contrary to the wishes of the people; next, that due regard should be had to the interests of Switzerland; and, lastly, that there should be a preliminary consultation of the great Powers. In the same despatch Count Cavour proceeded to give himself a deliberate assurance that the Government of His Majesty the King of Sardinia would never consent, even with a view to the greatest advantages, to cede or exchange any part of the territory of Savoy without consulting the wishes of the inhabitants; and he also went on to repeat the same assurance with regard to the other two conditions. A similar assurance on the part of the French Government was given by M. Thouvenel to Lord Cowley, as appears in the despatch of Lord Cowley of March 9th. Here, then, there was a double engagement on the part of France and Sardinia, both Powers pledging themselves equally, on the one hand not to infringe by violence, nor on the other hand by collusion, the treaties of 1815. Now, this morning, my Lords, I read in a telegram what appears to be a direct contradiction on the part of both these Powers to the assurances thus given. It states that the Government of Sardinia has consented to a demand from France, the effect of which appears to be to do away with and violate all these conditions, as regards alike the promise to ascertain the wishes of the people, and to consult the views of the great Powers, on the question of annexation; for it contains these words, "The treaty will be followed by a vote of the municipalities" (not the people generally) "of the two contracting Powers, and there will be afterwards communicated to the Great Powers the nature of the new territorial arrangements." Thus two out of the conditions are abandoned; and the third, as to the regard to be paid to the interests of Switzerland, is equally thrown on one side; for we are told that by this new arrangement Sardinia cedes to France Savoy up to the Alps; so that the whole of the passes of the Alps will be in possession of France, who will also obtain the districts of Chablais and Faucigny. My Lords, I make now no comment upon this. The effect of it is too plain. But if anything further were required, it is furnished by the fact, also stated in the telegram, that the Swiss Minister at Paris has handed to M. de Thouvenel a protest against the annexation proposed on the part of France. My Lords, I ask whether the Government are in possession of any information which can at all qualify or throw light upon this most startling, and, I will add, flagrant discrepancy between words and acts—between promises and performances? My Lords, I have the more reason for asking the question because, in the despatch of the 9th of March, I find that M. de Thouvenel tells Earl Cowley that he is about to draw up a circular despatch to be sent to the representatives of France at the Courts of the Great Powers parties to the Treaty of 1815, explaining the views of the Imperial Government. Now, that despatch will have probably been received—M. de Thouvenel expected it would be sent off on the Tuesday or Wednesday following. I ask whether it is in the hands of the Government?—if so, whether it throws any information on the subject?—and whether (as the Correspondence already produced would be incomplete without it) the Government will without any further delay lay it upon the table of the House?

THE DUKE OF NEWCASTLE asked their Lordships whether they believed that the question asked by the noble Earl was really one which ought to be addressed to Her Majesty's Government? What was the question put? He had no hesitation in saying, that if the noble Earl were a member of the Sardinian Parliament, it would be hardly fair for him to put such a question to Count Cavour. How it could have been put to Her Majesty's Government, was to him inexplicable; and the more so after the mistakes which had been made in this and the other House of Parliament in the early part of the Session in reference to telegraphic communications. The noble Earl asked him whether he could explain the discrepancies that existed between the two despatches referred to, and the telegraphic communication that appeared in the newspapers that morning. He had, once for all, to repudiate, on the part of the Government, all responsibility for those newspaper telegrams. How was it possible for him, or for any other Member of the Government or of that House, to argue upon the authenticity or correctness of telegrams that appeared in the newspapers? It would be impossible to conduct the diplomatic measures of the Government, if an attempt were made to visit the Government with the responsibility of those pieces of intelligence, and to require them to explain such discrepancies as those alluded to. That there was a great and flagrant discrepancy between the two despatches and the telegram in question, there was no doubt; but the Government knew no more about the telegrams than any other Member of the House; and it was, therefore, perfectly impossible for him to explain those discrepancies. The noble Earl asked him further—and he admitted that that was a more reasonable question—whether he thought that the circular despatch of M. Thouvenel could be laid on the table? That despatch had only been received within the last twenty-four hours—it was a despatch of considerable consequence, as might be anticipated from the mode in which it was announced. No time had as yet been afforded to Her Majesty's Government for the full consideration of it. And it was, therefore, premature to ask them to lay it upon the table. He was sure that the noble Earl opposite (the Earl of Derby) and every Member of that House would admit that there was no disposition on the part of Her Majesty's Government to withhold from the Legislature and the public any communications that could properly be laid before them. He did not recollect, during his experience, any instance in which, with such rapidity and alacrity, the despatches had been laid on the table of both Houses of Parliament; even, he was inclined to admit—sometimes with danger to the due course of negotiations. There were despatches before their Lordships which had arrived within the last ten days. He sympathized with the interest which noble Lords took in the subject. At the same time he urged them to exercise the utmost discretion in putting questions as rapidly as they had, and at any rate to refrain from asking the Government to explain discrepancies which existed between Statesmen abroad, and telegrams which came to this country, and which were not authentic, until proved to be so by subsequent despatches.

THE EARL OF MALMESBURY said, the answer of the noble Duke was perfectly fair. The despatch referred to had only arrived a short time ago; and no noble Lord on that side of the House of any experience would wish to extract anything from the Government that would be mischievous to the public service. But, on the other hand, while he gave to the Government entire liberty to refuse to answer any question which they thought ought not to be answered, he thought that the noble Duke ought to give the noble Lords on his side of the House the liberty of putting any question to them on all points on which they desired information. His noble Friend having seen telegraphic despatches of great importance in the public prints of that morning, naturally asked whether the Government had received any information on the subject; as it was likely that the Government might have received similar telegrams from our Ministers abroad. Although the noble Duke was quite justified in refusing to answer the question, under such circumstances as he had stated, he thought that the noble Duke was rather hard upon his noble Friend in saying that he had no right to ask him such a question.

THE POLICE IN IRELAND.

QUESTION.

The Marquess of CLANRICARDE asked, Whether it was intended to send any portion of Irish constables to the camp at the Curragh, as a part of the military force there assembled, or to any depôt or military school of instruction in England. Since he last addressed their Lordships on this subject, one of the Judges of Assize in Ireland had noticed the inefficiency of the police, and attributed it, as he did, to their assuming too military a character.

The Duke of NEWCASTLE said, that he would say, as he had said before, that he agreed with the noble Marquess that it was not desirable that the constabulary force of Ireland should assume too military a character, although he believed it was right they should be organized on a different footing from the police of this country. In reply to the first part of his noble Friend's question, he had to state that there was no intention of sending the constabulary force of Ireland to the camp at the Curragh, or any other place, with a view to military exercise. In regard to the second portion of the noble Marquess's question, the facts were these:—The arms with which the constabulary had been provided were very old, having seen at least twenty years' service; they were inefficient, and of the old smooth-bore principle. It was intended to provide them with new arms; and, of course, they ought to be of the best kind. Those would be the Enfield rifle. With a view that they should know how to use them it was intended to send five officers and sixteen head constables to Hythe, in order to be instructed in the practice of those rifles. They would afterwards be enabled to convey the instruction to the whole force. There was, however, no intention of investing them with a more military character.

DIOCESE OF ROCHESTER.—QUESTION.

Viscount DUNGANNON asked Her Majesty's Government, Whether, in the present vacancy in the See of Rochester, it was in contemplation to divide any portion of the present diocese, so as to establish a Bishopric at St. Alban's; or, whether it was intended to transfer the See and Title of the Bishopric of Rochester to St. Alban's, and to throw the Town of Rochester and its dependencies into the Diocese of Canterbury? He took the opportunity of putting the question at that time as a fair opportunity now existed of making a most desirable alteration.

Lord EBURY said, that in the absence of his noble Friend the Earl of Verulam, the Lord Lieutenant of Herts, and before the noble Duke answered the question, he wished to remind their Lordships of what had been done in this matter. A Commission was appointed in 1835 which took into consideration the boundaries of the dioceses in England and Wales, and, in their report upon the best mode in which these dioceses might be remodelled, they recommended that, after the avoidance of the See of Winchester, a portion of that diocese should be transferred to the diocese of London. In 1858 another Commission was appointed, to consider the special circumstances of the four metropolitan sees, London, Winchester, Canterbury, and Rochester. The Commissioners pointed out that the area of the see of Rochester was as large as that of Winchester, although the population was not so great, and that the benefices were still more numerous. They also stated that when, on the avoidance of the see of Winchester, a portion of that diocese was transferred to London, the diocese of Rochester would have a larger area and a much larger number of benefices than Winchester. The Commissioners added that these four metropolitan sees contained 5,000,000 souls, 1,900 beneficed clergymen, and a more than ordinary number of curates. One of their recommendations was that a new diocese should be formed out of that portion of the diocese of Rochester, which lay north of the Thames, and it was proposed that the town of St. Alban's should be the seat of the bishopric with the abbey for the cathedral church. The difficulties to be overcome in forming three new dioceses were three—a cathedral, an episcopal residence, and an income for the Bishop. Recently some of the inhabitants of the proposed new bishopric went to the Government and endeavoured to meet these difficulties. The county of Hertford offered to restore the abbey of St. Alban's as a cathedral for the new bishop, and they also suggested how the two remaining wants of an episcopal residence and income should be supplied. The clergy of the Church of England very much needed additional overlookers and more pastoral encouragement, and this want prevented that union and organization which were at present so much wanted in the ministration of the affairs of the Church. The noble Viscount at the head of the Government stated to the deputation that he should prefer to see the question taken up as a whole, instead of being treated in detail. He hoped the matter would not be allowed to drop through, and taking advantage of the present favourable opportunity the Government had only to appoint Commissioners again to consider this matter, and then the details might easily be arranged.

The Duke of NEWCASTLE said, his noble Friend proposed the appointment of a Commission to inquire into this case, but the probability was that before any Commission could report, the see of Rochester would be filled up. He would not enter into the general question raised by his noble Friend as to the necessity of increased ecclesiastical supervision in the dioceses referred to, nor as to the extension of the episcopate throughout England. No doubt the population had greatly out-grown the spiritual provision in many of the dioceses, and he agreed with him in thinking that increased episcopal supervision, both of the clergy and the people, was necessary. His noble Friend behind him had kindly undertaken to answer the question put by the noble Viscount, for he stated to the House the answer that a deputation had received from his noble Friend at the head of the Government—namely, that the case was one requiring serious consideration, but that it ought not to be taken up as an isolated question, and that he recognized the propriety of dealing with the whole subject of the extension of the episcopate on a more extensive scale. In the meantime he (the Duke of Newcastle) was authorized to state that any clergyman who might be recommended to the see of Rochester would hold the see subject to such arrangements as the Government and Parliament might hereafter make.

The Duke of MARLBOROUGH thought the answer of the noble Duke far from satisfactory. They usually found that when Her Majesty's Government were asked to take up a great question of this kind the answer was that the subject was too wide and must be dealt with in detail, and when they asked the Government to go into detail and take up a particular case that they thought might be so dealt with the answer was that it could not be taken up in detail, but as a whole. This was an unsatisfactory mode of proceeding, and he thought would create dissatisfaction out of doors. How was it possible to deal with the great subject before them as a whole? The difficulties which were to be overcome existed in particular cases, and *à fortiori* difficulties would be found besetting the question as a whole. He believed he was correct in saying that the funds in the hands of the Ecclesiastical Commissioners were forestalled by reason of the great amount of parochial destitution existing throughout the country, which rendered it almost impossible to provide an adequate fund to be applied to the endowment of new sees; but the Ecclesiastical Commissioners might render a proportion of aid to such funds as might be provided by the liberality and Christian feeling of the people. He was informed only the other day of the munificent amount of the offers now in the ecclesiastical office, of funds in aid of the endowment of parishes. There was an amount of liberality existing in the country which, if it could be drawn forth, would be amply sufficient to provide the necessary endowments. All that he asked was that facilities should be placed within the reach of such persons for carrying out their intentions. By the course they were following they were putting a damper upon the Christian liberality of the country. In the case of this particular diocese there had long been a strong desire that it should be divided, and if encouragement were given he had no doubt funds would be forthcoming. He hoped the Government would give their attention to the matter, and act in accordance with the importance of the subject.

Lord REDESDALE wished to know from the noble Duke whether they were to understand that some steps would be immediately taken with a view to the increase of the episcopate. He believed it would conduce to the real economy of the revenues of the Church if additional bishops were appointed in many places; for by such means the true action of the Church might be put into more effective working. Was there, he would ask, any serious intention to take steps by which the episcopate might be increased?

The Duke of NEWCASTLE said, he

was not then in a position to answer the question of the noble Lord.

Viscount DUNGANNON said, there was a great necessity for the provision of increased ecclesiastical superintendence in many parts of the country.

VALUATION OF RATEABLE PROPERTY (IRELAND) BILL.

COMMITTEE.—REPORT.

House in Committee (according to Order).

Lord REDESDALE wished to know what was the precise object of this Bill. It was entitled "An Act to defray one moiety of the expense of the annual revision of the valuation of rateable property in Ireland out of the Consolidated Fund." He wished to know why these expenses, which in all other parts of the country were defrayed by local charges, should in Ireland be paid out of the public revenue.

The Duke of ARGYLL said, he confessed he had felt some reluctance to take charge of an Irish Bill; but he had done so in this instance, not expecting that any opposition would be made to it. The valuation of Ireland, which was one of the most important and useful works of its kind in Europe, had been accomplished entirely at the expense of local proprietors. But the annual revision of the valuation was used for many public purposes, as the limitation of the franchise, the decisions of lawsuits, and others. The Chancellor of the Exchequer had thought it a fair case that one half of the expenses of this annual revision should be borne by the public; and the Bill had passed the House of Commons without a dissentient voice. It appeared also that the Valuation-office in Ireland had been hitherto treated as a temporary institution only, and the clerks employed in it consequently did not share in the privileges of other public servants. By this Bill they were placed regularly upon the Civil Service establishment.

Lord MONTEAGLE heartily concurred in the principle of the Bill, and thought it would be very desirable if such a valuation as that which had been made for Ireland were made for England also.

Lord REDESDALE thought, from what the noble Lord opposite had said, that it would be desirable if this subject were seriously taken up for England. His only objection to the Bill was, that it was one out of many instances in which Ireland did get a great many things done for her that England did not.

The Duke of Newcastle

The Marquess of BATH was understood to remind the noble Lord that the comparison he had made was hardly fair, when they considered the different circumstances of the two countries.

Bill *reported*, without Amendment; and to be read 3^a on *Monday* next.

SALE OF GAS.—PETITION.

Lord REDESDALE *presented* a petition from Gas Meter Manufacturers of Great Britain in meeting assembled, complaining of the delay in carrying out the provisions of the Act for regulating measures used in the Sale of Gas. He said that by the Act of last Session models of gas-meters were to have been deposited in the office of Exchequer for the purpose of having accurate meters distributed throughout the country. Six months had transpired, however, since the passing of the Act, and no models had been deposited. The time was approaching when it would be necessary by law to have duly certified meters, and the gas companies began to be in doubt as to what would be done. The Act required that an instrument, called a gas-holder, should be prepared with balances and other things for the proper measurement of gas. This instrument was well known as a standard by which gas-meters were tested. The Astronomer Royal, however, under whose management the scientific details were placed, was induced for some reason or the other to adopt another instrument, which he at first proposed to call a "transferrer," by which the gas-holder might be tested. But this instrument was quite unfit for the testing of the meters themselves. The consequence was that no models were as yet deposited in the Exchequer; and at present there was no means of supplying the deficiency. The question seemed to him (Lord Redesdale) to involve very considerable difficulties; but he thought on the whole that the Act would be found to work when some of its provisions were modified according to the experience of its practical working. But he hoped the Government would consider the course they meant to pursue, because within twelve months no legal sale of gas could take place except by means of a stamped meter, and it was necessary that some immediate steps should be taken.

The Duke of NEWCASTLE observed, that the Board of Trade and the Exchequer were jointly commissioned with the execution of this measure. They had consulted the Astronomer Royal, who made certain objections to a gas-measurer. The Treasury then consulted the Board of Trade as to whether the Act would require any Amendment, but the opinion of the Board of Trade was that no Amendments would be necessary. Communications were still going on, but he had reason to hope that arrangements would soon be made to meet the inconvenience of which the petitioners complained.

Lord MONTEAGLE feared that unless the Act was amended the expectation of its framers would be disappointed.

Lord REDESDALE said, he understood that the measurement of gas had been carried on for a long time at Berlin, and he believed at Paris, but certainly throughout Prussia, and there was no reason why it should not be accomplished in this country. The regulation of weights and measures had always been considered an Imperial question; and he had no doubt that the Act would work well when its defects came to be discovered by its practical application.

COMMERCIAL TREATY WITH FRANCE.

EXPLANATION.

The Duke of ARGYLL, on moving the adjournment of the House, said, that he wished to give an explanation of something which was supposed to have fallen from him on a previous evening. He had received a communication from an hon. Gentleman who represented a very large commercial constituency in the other House of Parliament, from which it appeared that certain words that fell from him last night were supposed to be to this effect—that those hon. Members who generally belong to the Conservative party, and who are opposed to the present Government, but who gave their support to the financial scheme of the Government on the late occasion, were influenced not so much by their opinions as by the extreme pressure put on them individually by their constituents. That was not the meaning he intended to convey. He should deeply regret if any words that fell from him should be supposed to convey that meaning. All he meant to say was, that the votes of these hon. Members were not given wholly irrespective of the opinions and the interests of the great industrial and commercial communities which they represented in Parliament, and that he might fairly claim on behalf of the Government their votes as indicative of the opinions of the great commercial centres in this country as to the financial scheme of the Government; but he did not mean to imply that against their own opinions they had been forced by the pressure of their constituents to vote for a measure which individually they disapproved of. So far from feeling that the value of these votes was depreciated by the explanation that had been given him by the hon. Gentleman, the Government attached much more value to them, regarding them as an independent support received from hon. Members who were generally opposed to them.

House adjourned at Seven o'clock,
to Monday next, Eleven
o'clock.

* * *

HOUSE OF COMMONS,

Friday, March 16, 1860.

Minutes.] Public Bill.—1° Professional Oaths Abolition.
2° Court of Chancery; Endowed Schools (No. 3).
3° Prisons (Scotland) Acts Continuance; Marriage (England and Ireland).

MR. NEWDEGATE AND MR. COBDEN—PERSONAL EXPLANATIONS.

Mr. BRIGHT: The House will, perhaps, permit me, before the regular business comes on, to occupy its attention for a few minutes, by referring to a matter of a personal nature—not personal, however, to myself, but to my hon. Friend the Member for Rochdale (Mr. Cobden), who is now absent, and on whose behalf I wish to say a few words. The matter arises out of a statement made by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) in a speech which he delivered to the House during the discussion on the Budget. In that speech—I quote from a slip which I have received from my hon. Friend, and to which he has called my attention—the hon. Gentleman is reported to have said that Mr. Cobden professed to be a Free-trader and Democrat, and yet when he went to Russia he wrote in favour of the despotic Government of that country, and that he was now—

"On such close terms of intimacy with the

Emperor of the French that he had declared that, notwithstanding the restrictions on the liberty of the press, notwithstanding the Chambers were what he (Mr. Newdegate) was afraid the House of Commons would become—a mere registry for the decrees of the Emperor of the French, that he could not understand that the people of France had anything to complain of."

Therefore, said the hon. Gentleman the Member for North Warwickshire, it would be little wondered at that Mr. Cobden should feel little interest in the people of this country, or in what he trusted would still continue to be an independent House of Commons. I understood from the hon. Gentleman that this statement was made by him on the authority of an anonymous letter printed in a paper published in Manchester, which notoriously has long been most unfriendly to my hon. Friend the Member for Rochdale. My hon. Friend has written me a letter in which he refers to this, and states that—

> "The entire purport of the statement is utterly devoid of foundation; I never expressed the sentiment attributed to me, or anything like it, or the opposite of it, for I never uttered an opinion upon the subject to which it refers. The whole allegation is as pure a fiction as if the speaker had accused me of picking M. Guizot's pocket of his watch. Pray speak to Mr. Newdegate on the subject, and ask him to retract the statement as publicly as it was uttered; and pray tell him that I am lost in astonishment at his having been capable of propagating, without due inquiry, such a calumny on an absent Member of the House."

I have given notice to the hon. Gentleman of my intention to make this statement, and I must say I am satisfied that the hon. Member for North Warwickshire would not utter a calumny of this sort, but that this statement is probably a misconception to which we are all of us liable when preparing a matter to fulminate against our opponents. I think, however, after what has been stated, that the hon. Gentleman will at once express his regret at having been misled into making a statement so unfounded. I ask him to retract what he has stated, in order that there may be no misunderstanding on a matter of this character; because, from the position in which my hon. Friend now stands, it is most important that nothing of this kind should be published that is not strictly accurate; and this misrepresentation, however unintentional, should be retracted as publicly as it was made.

Mr. NEWDEGATE: Sir, I fully acknowledge that the hon. Member for Birmingham has only done his duty by undertaking to call me to account for any statement I may have made with respect to Mr. Cobden in his absence, of which he and Mr. Cobden think that the latter has a right to complain, as unfounded or unfair. He has only obeyed the claims of friendship in so doing, and I honour him for it. The Reports of what I said and to which the hon. Member refers are to a considerable degree inaccurate. I find attributed to me in the leading organ of communication the following words which convey, though not exactly, still the general tenor of my meaning. Speaking of the hon. Member for Rochdale, I am supposed to have said—

> "Perhaps he might say that Mr. Cobden was so intimate nowadays with the Emperor of the French that it would be dangerous to put any cause of dissension between them. In former times Mr. Cobden had been struck with the same democratic devotion for the Emperor of Russia, witness the pamphlet which he had written on his return from Russia. So complete was the admiration felt by Mr. Cobden, the advocate of democratic doctrines—so entirely was he *épris* with the Emperor of France and his system, notwithstanding the restrictions on the liberty of the press, notwithstanding the Chambers were what he feared that House was on the point of becoming—mere registry offices for the decrees of the Emperor, that in Manchester, where, if anywhere, he was well spoken of, he had been represented in the newspapers as unable to understand what the French people had to complain of."

Now, that Report is in some degree inaccurate, because I did not make this statement on my own authority, but stated that reports were current to the effect, which I indicated. I was speaking with a letter in my hand which had been sent me as extracted from *The Manchester Guardian*, and which was published in that paper on the 21st of February. With the permission of the House, as it is most painful to any man to be accused of misrepresenting a Member of the House, in his absence, I will read a portion of that letter. The letter appeared in *The Manchester Guardian* of the 21st of February. It is stated to have been from "Our Private Correspondent in London," and it says—

> "I am sorry to hear reports in very general circulation by no means complimentary to the soundness of Mr. Cobden's judgment upon the internal affairs of France, or creditable to him as the citizen of a free country. In these reports, which are founded upon the statements of an M.P. who has just returned from Paris, where he has made good use of extensive opportunities of social observation, Mr. Cobden is represented as 'Napoleonized' to a higher degree than we can easily suppose a lover of free institutions could have been by ever so frank an acceptance of free-trading principles on the part of the Emperor.

The Member for Rochdale is described as freely avowing his inability to discover what France had to complain of in the present *régime*, and as ignoring, in the most unaccountable manner, the importance of such elements in national happiness as free thought, free speech, free inquiry, and free institutions. Nay, so painfully, as I hear, have some of the Constitutionalists, now chafing in enforced silence under the iron hand of Imperial despotism, felt Mr. Cobden's utter want of sympathy with their position, that they declare their expectation that from his visit to Nice he will bring back to England nothing but assurances of the eagerness of the Nizzards for annexation to France. I dare say that much of this may be the exaggerations of irritated and not very scrupulous partizans, but I am afraid Mr. Cobden has laid himself open to the imputations of having manifested a zeal for free trade in the inverse ratio to his zeal for every other form of freedom."

Now, Sir, I fully admit to the hon. Member for Birmingham, that if I had not ground for believing that there was some truth in these reports thus circulated in Manchester, it would have been exceedingly culpable on my part to have made any statement on the sole authority of this letter, which is anonymous; but the hon. Member for Birmingham must remember that few Members of this House have had more reason or more opportunities for close observation of the hon. Member for Rochdale, during the last eighteen years, than I have had, and I can assure the hon. Member that few have availed themselves of these opportunities more constantly. There is very little which that hon. Member has said, very little that he has written which has escaped my attention. ["Order!"]—

Mr. SPEAKER: The hon. Gentleman must confine himself to an explanation of the statement he made.

Mr. NEWDEGATE: Forgive me, Sir, I was explaining the reason for my having adverted to that letter, which I admit to the House, had the substance of it been contrary to the opinions I myself entertain, would have been unjustifiable. I am vindicating my conduct, being called on to do so, by a Member of this House. I am vindicating my honour as a Member of this House. I have, as I said before, observed the career of the hon. Member for Rochdale for a very considerable period; I have observed in him a tendency to favour institutions very different from what I understand by the term "free Institutions," and this induced me to believe that there might be some ground for the assertions in the letter I have read. Let me first clear the ground by explaining what I mean by free institutions. The House will, I am sure, excuse me if I trespass on its time for a few moments in a matter of this nature. I mean by free institutions, such institutions as this country has the happiness to possess—institutions, embodying, as I believe ours do, a far greater amount of social, and personal, and political freedom than any institutions in the world. I mean by free institutions, the constitution of England, which is the great type of free institutions, as contradistinguished from the despotic democracy of America, as contradistinguished from the democratic despotism of France, as contradistinguished from the despotism of Austria, as contradistinguished from the autocracy of Russia. Now that is what I mean by free institutions; and it is to these institutions that I am of opinion that the career of the hon. Member for Rochdale does not show that he is firmly attached. I find that early in 1854 the hon. Gentleman and the hon. Member for Birmingham were present at a meeting at the Albion Hotel. It was a meeting of the League, and Mr. Cobden there declared that the origin of his first appearance in public life was his having written a pamphlet, I believe in 1835, but which was published in 1836, on the subject of Russia, entitled *Russia Cure for Russophobia*, to which pamphlet I referred on the occasion to which this explanation relates. That was the substance of those observations, with which I will not again trouble the House in detail. Mr. Cobden applauded the institutions of Russia, and declared that he thought the encouragement given to the trading classes ought to be most satisfactory, because persons of a certain capital were exempted from corporal punishment. He went on to declare that he thought it for the interest of Europe that Russia should become possessed of Constantinople. Further, he declared that he had moved a Resolution in a debating society—a Literary Society in Manchester—to that effect, and that there this proposition was decidedly affirmed by that society. Well, Sir, there was a declaration in the pamphlet to which I referred. ["Oh, oh!"] Hon. Gentlemen will excuse me, for I am called to account for a statement which might appear to be a calumny.

Sir CHARLES DOUGLAS: I rise to Order. I put it to the House whether the hon. Member is to go on in this strain. I understood that the hon. Gentleman had risen to explain a statement which he had made on a former occasion, and which is denied to be a fact. It is competent to the hon. Gentleman to persevere in what he has stated, or to retract it; but not to go on with a new statement which has nothing whatever to do with the original statement.

Mr. NEWDEGATE: If I make a statement of this kind in this House I have ever observed one rule, that I will either retract that statement in the House, or will confirm it in the House when called upon. And now, Sir, with your permission, detaining the House the fewest possible moments, I will show that in 1854 not only did the hon. Gentleman the Member for Rochdale avow his authorship of that pamphlet, but he proceeded to say at that meeting, at which the hon. Member for Birmingham was present, that in accordance with his long entertained opinions he would take means to prevent the prosecution of the Russian war, and I will give the House a description of the means he suggested. ["Oh!"] These are Mr. Cobden's words. He said, "If we are to have a war, let there be no accumulating of debt, and no taxes in the shape of Customs or Excise duties. Increase the income tax 20 per cent or more if necessary, and lower the amount down to £50 rather than revert to the old system of indirect taxes." And the hon. Member for Birmingham, who followed him, said he "sincerely hoped with Mr. Cobden, that if this war, which he called insane, should break out, the income tax would be doubled, and that it would be brought down to almost so low a rate as to catch every man who could make a speech from a platform, or who was in favour of it." Therefore the hon. Member for Birmingham [Order, order!]—

Mr. SPEAKER said, what had been said by the hon. Member for Birmingham on that occasion was not relevant to the explanation now proposed to be made by the hon. Gentleman.

Mr. NEWDEGATE: I will not further advert to it. I would beg the House to remember that at the close of the year 1852 ["Oh, oh!"], soon after the death of the late Duke of Wellington, the hon. Member for Rochdale wrote and in 1853 published a series of letters in which he manifested anger at the universal regret felt by the people of this country at that which they considered a national loss, and reprobated the conduct of certain clergymen, who had preached sermons on the occasion with reference to the career of that great man, who had been an honour to this country, and one of her greatest defenders. Mr. Cobden was offended, that the memory of the late Duke of Wellington had been, to use his own words, "so generally selected for pulpit manifestations," and expressed a doubt as to whether such manifestations were calculated to enhance the influence of the ministers of the Gospel, or to promote the interests of Christianity. He went on to say that the wars concluded in 1815 were unjustifiable, and he condemned that great commander because the war was undertaken in opposition to the principles of the first French Revolution. And, Sir, here is the point with regard to the institutions of this country. He went further in his letter. ["Question."] I am coming to the point. He praised the institutions of France, and compared them with the institutions of this country, and to the disparagement of our institutions; and this is my justification. Perhaps the House will permit me to read the words. This is no hasty statement. This is a public document, widely circulated by the hon. Member for Rochdale himself. He says—

> "When told that the present Emperor possesses absolute and irresponsible power, I answer by citing three things which he could not, if he would, accomplish: he could not endow with lands and tithes one religion, as the exclusively paid religion of the State, although he selected for the privilege the Roman Catholic Church, which comprises more than nine-tenths of the French people; he could not create an hereditary peerage with estates entailed by a law of primogeniture; and he could not impose a tax on successions, which would apply to personal property only, and leave the real estate free. Public opinion in France is an insuperable obstacle to any of these measures becoming law; because they outrage that spirit of *equality* which is the sacred and inviolable principle of 1789. Now, if Louis Napoleon were to declare his determination to carry these three measures, *which are all in full force in England*, as part of his Imperial *régime*, his throne would not be worth twenty-four hours' purchase; and nobody knows this better than he and they who surround him."

Now I have quoted this extract as a sample of the contents of these letters to show the general tenor of these letters, which is to impugn our own institutions and exalt those of France, expressing admiration for the tendency and effects of the first French Revolution, because it was a social revolution and overturned the rights of property, and condemning the Revolution of 1688, upon which our institutions are founded, because it left the rights of property untouched—because it was a religious and a political, but not a social revolution. The tenor of these letters is throughout in disparagement of the institutions of England, and in exaltation of the principles of the first French Revolution.

I thank the House for having allowed me to vindicate myself from the imputation of having uttered an unfounded calumny, and I think I have said enough to justify the opinion to which I gave expression in the statement which has been called in question. Sir, a man who is for ever endeavouring to prevent this House from taking means to defend the free institutions under which we live cannot, I think, be considered as justly valuing free institutions. A man who for a long course of years has systematically vilified our institutions, cannot be classed among the best friends of those institutions. A man who during a long series of years holds up the institutions of despotic States in comparison with, and to the disparagement of the institutions under which we live, cannot be considered as a true friend to our institutions, but must be held, at best, indifferent to the continuance of free institutions, the benefits of which he may, nevertheless, have no objection to enjoy.

MR. BRIGHT: I asked the hon. Member for North Warwickshire whether he was prepared to maintain the accuracy of what he had stated, or was disposed to retract it. I cannot exactly ascertain from what he has stated that any retractation was made. But perhaps the House will allow me to say on behalf of my hon. Friend the Member for Rochdale, that he utterly denies it from beginning to end. There is not a word of truth in the statement; and, as he must be the best judge of it, I think it has been the general custom of Members of this House to accept an express statement of another Member; and, as the hon. Member for North Warwickshire admits that the only foundation for his statement is an anonymous letter in a newspaper known to be hostile to my hon. Friend, I leave the House to judge between the hon. Member for Rochdale and the hon. Member for North Warwickshire.

MR. NEWDEGATE: Excuse me for one moment; I did not retract my statement; I did not found my statement entirely on an anonymous letter, but I broadly stated to the House the grounds of the opinion I entertain and had expressed.

Subject dropped.

LIGHTNING CONDUCTORS.

QUESTION.

MR. FREELAND said, he would beg to ask the First Commissioner of Works, Whether his attention has been called to a Despatch from our Minister at Brussels, dated the 24th of February last, stating that on the preceding Sunday a violent thunderstorm, accompanied by an unprecedentedly heavy fall of snow, had overspread Belgium; that twelve churches had been simultaneously struck by lightning, and that three of them had been totally destroyed and the others much injured; whether he has seen a paragraph in *The Times* of August 17, 1857, stating that the Flag Tower of Windsor Castle had been struck by lightning, and that about four tons of the parapet had been displaced; and whether any provision has been or is to be made for securing the Public Buildings of this Country which are under the control of the Board of Public Works against such injuries or destruction by lightning as have occurred at Windsor Castle and in Belgium?

MR. COWPER said, his attention had been called by the hon. Gentleman's question to a very remarkable meteorological fact of a violent thunderstorm, accompanied by a heavy fall of snow, so that twelve churches had been simultaneously struck by lightning; but he had not thought that this very portentous event would justify this country from departing from the ordinary custom by which those buildings only which were much above the ordinary level were protected by lightning conductors. Buildings at a great elevation, such as the Palace in which they were now assembled, should be protected; but the expense would be very considerable of fitting copper conductors to all our public buildings. With regard to the statement in *The Times*, to which the hon. Gentleman referred, it was true that the Flag Tower of Windsor Castle had been struck by lightning, but he was happy to state that the accident had been repaired for the sum of thirty shillings.

MEDICAL OFFICERS IN INDIA.

QUESTION.

MR. BAZLEY said, he rose to ask the Secretary of State for India, Whether the Medical Officers of Her Majesty's Indian Army have had all the privileges conceded to them which the Royal Warrant of the

1st day of October, 1858, entitles them to receive?

Sir CHARLES WOOD: Sir, the Warrant of 1858 cannot apply in all respects to the Medical Officers of the Indian army, inasmuch as the pay and pensions of the Queen's Service differ from those of the Indian Service; but the rank and position of the Indian Medical Officers and those of the Medical Officers in the Queen's Service in India are on a footing of perfect equality.

THE OYSTER FISHERY.

QUESTION.

Mr. CAVE said, he wished to ask the President of the Board of Trade a question respecting certain Papers which have been moved for relative to the Oyster Fishery. Some doubt having arisen as to the answer of the right hon. Gentleman, what was wished was, that he should remove that doubt by repeating the purport of his reply.

Mr. MILNER GIBSON said, he had been asked whether there were any Papers that could be laid on the Table relating to the French Convention and the Oyster Fishery; and his reply was, that there were no Papers of a character to be usefully laid on the Table. He had also stated that there had been no recent remonstrance from France with reference to the Oyster Convention, and no increased stringency on the part of England in carrying out the provisions of the Treaty.

FORESHORES (SCOTLAND).—QUESTION.

Mr. FINLAY said, he wished to ask the Lord Advocate, Whether he has received a Memorial from certain Proprietors and Road Trustees of the county of Argyll, complaining of the claims made by the Crown to the Foreshores of Scotland and to the property of the solum or ground of the Seashores up to high-water mark; whether he has in consequence communicated with the Commissioners of Woods and Forests, and with what result; and whether the claim by the Crown to the property of the whole Foreshores of Scotland is made in accordance with the advice and opinion of the Law Officers of the Crown in Scotland?

The LORD ADVOCATE: In answer to his hon. Friend he had to state that he had received a memorial from certain proprietors and road trustees of the county of Argyll, complaining of the claims made by the Crown to the foreshores of Scotland, and to the property of the solum, or ground of the seashores up to high water mark, and he had seen a deputation that waited upon him for the purpose of discussing the matter, although it was not directly in his Department, but in that of the Woods and Forests. He had made inquiry into the particular matters involved in the question, and he found the practice for some years had been to grant licences to take gravel and stone from below high-water mark; those licences were entirely at the pleasure of the Crown, and at a merely nominal rent. With regard to the general question as the claims of the Crown to the foreshores, he was not aware that there was any particular opinion or opinions given by the Law Officers of the Crown in Scotland as to the taking of sand or gravel from the seashore; but the general rights of the Crown as to the foreshores had been the subject of an opinion of the Law Officers of the Crown in Scotland, and the Woods and Forests had substantially acted on that opinion.

REPRESENTATION OF THE PEOPLE (SCOTLAND) BILL.

QUESTION.

Sir JAMES FERGUSSON said, he would beg to ask the Lord Advocate, Whether, as under the provisions of the Representation of the People (Scotland) Bill the only persons to be qualified to vote in the Election of Members of Parliament are—1, Proprietors of lands or houses worth £5 a year; 2, Tenants of lands and houses held under the same landlord, and rented at £10 a year, provided they reside in the county for six months in each year; it is intended to disfranchise the following descriptions of existing voters:—1, The old freeholders; 2, Joint life-renters; 3, Life-rent tenants who have sublet their farms; 4, Tenants not resident in the county; 5, Tenants of lands who live in houses belonging to separate proprietors; 6, Tenants of minerals, quarries, fisheries, &c. which have no houses attached to them; 7, Joint proprietors or tenants, where there are more than two on the same property; and, whether new voters may under this Bill be registered upon such qualifications as entitle persons to vote under the existing Acts?

The LORD ADVOCATE said, he thought the questions of his hon. Friend would have been put on Monday next, when the Bill would come on for a second reading. Most of the questions in his (the Lord Advocate's) opinion might have been answered by a study of the Bill itself, and he would recommend his hon. Friend to adopt that course. The only explanation he thought it necessary to make was in regard to the tenancy franchise. It was not intended that the residency clause should apply to any of the old tenancy franchises under the Reform Act. They were all arranged by reference to the valuation roll, and if there was any ambiguity in regard to residence it would be put right. It was not intended that the residence clause should apply to the old franchises, but only to the new franchises.

MALT DUTY.—QUESTION.

In reply to Mr. Packe,

The CHANCELLOR of the EXCHEQUER stated that the question of the Malt Duty was no doubt very interesting to those concerned; but it was not one of special importance with regard to any contemplated change of the Law, and therefore the position in which he stood was this, that it would be most inconvenient to the public service to keep the Customs Bill waiting for the Malt Resolutions to be decided, and it would be almost impossible for him to give adequate time for debating the question if it came on at a late period of the Session. Therefore, unless he could get rid of the question to-night by an early vote, he proposed to drop it altogether from the present Bill, and to bring on the question at some convenient period after Easter, when there would be an opportunity for full consideration.

On Motion that the House at rising adjourn till Monday,

CORONERS' INQUESTS IN KENT.

QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Under-Secretary of State for the Home Department, if his attention has been called to the fact, that the body of a man, of the name of Thomas Edward Kean, recently found dead in the woods near Seal, in Kent, was interred without any inquest being held upon it; and what steps have been taken in consequence? He was satisfied that not only the local authorities, but the Home Office had not done their duty on this occasion. It appeared that, in 1858, this unfortunate man became insane, and was placed in Colney Hatch Asylum, whence he was afterwards sent out sane. He returned home, and resumed his ordinary occupation, but towards the close of the year he suddenly disappeared, and no more was heard of him till his wife received a letter from the superintendent of the police in Kent, stating that the body of a man which, from its appearance, must be her husband, had been found in the woods, and had been buried, as it was supposed he had died from cold. He asked the question on this ground, that this man was a Member of a benefit society, to which he hoped many of the Members of the House belonged—the Ancient Order of Foresters—and the rules of that Society required that before relief in case of death was given, the death, and the cause of death, should be set forth. Now, the burying of the body without a coroner's inquest rendered this information impossible. Inquiries had since been instituted, and it appeared that this poor man had gone into a public-house in the neighbourhood of the place where the body was found, and had some bread and cheese, and having no money to pay for them, though he had a ring on his finger, the humane landlord ordered him to pull off his boots to pay for his refreshment, and in that state he appeared to have wandered into the woods. It was quite clear that in this case an inquest ought to have been held, and that, in neglecting it, the law had been violated.

Mr. MILDMAY said, this was one of a class of cases which unfortunately often occurred in Kent in consequence of the disputes between the coroner and the magistrates, who refused to allow the expenses for holding inquests, unless necessity was clearly shown to exist. In some counties a compromise took place by which the coroner received his fees when notice to hold an inquest was given to him by the police constable; because as the police constable had no pecuniary interest in inquests it was presumed that he would not give unnecessary notices. Of course the coroner could hold an inquest without such notice, but it was at the risk of not receiving his fees if it should turn out that the inquest was unnecessary. But this system was not introduced into Kent. The system worked extremely ill, and some change of the law was imperiously required.

Mr. CLIVE thought he could show the

House that the Home Office had not neglected its duty in this case. As it had no power of compulsion in those unfortunate disputes which so often existed between coroners and magistrates, all the Home Office could do was to bring a Bill into Parliament, which should have the effect of settling these disputes. That they had done, the Bill being now before a Select Committee. With respect to the present case the Home Office had written to the coroner to know why an inquest had not been held. In reply, he received a statement that the man had appeared as a stranger at Seal, and was last seen in a place where, having no money, he had left his boots in pledge; that he appeared subsequently to have divested himself of his coat and trousers; that there were no marks of violence on him; and that it was supposed he had died in a fit. This, of course, was a gratuitous supposition; but the real reason appeared to come out in the latter portion of the letter, in which the coroner stated that he was placed in a very delicate position, because the magistrates of Kent required him to send in along with his bill of charges a statement of what criminal act or criminal neglect had appeared to render the inquest necessary, and the magistrates thereon decided whether this was sufficient to justify an inquest, without which his fees were not paid. If that rule were adopted he could not say that it was a fair one.

MR. DEEDES said, as some blame had been cast on the magistrates of Kent in these statements, he trusted the House would allow him to say one word in their defence. There was not the slightest ground for supposing that in a case of this kind any difficulties would be thrown by the magistrates in the way of holding an inquest. It was true the magistrates had laid down a rule that the Coroner's bill of fees should be accompanied with a short statement of the reasons which induced him to think that an inquest was necessary; but it was also true that the magistrates invariably allowed the expenses of the coroner in going to the place where a death had occurred, and making those pleminary inquiries that were necessary to satisfy him that an inquest ought to be held. He had no doubt in the world that if the Coroner had done this in the present instance, no objection would have been made to it; but he was inclined to believe that the coroner had not made these preliminary inquiries.

Mr. Clive

THE NAWAUB OF THE CARNATIC.

QUESTION.

MR. SMOLLETT said, he desired to ask the Secretary of State for India, if he will consent to lay upon the Table of the House a Copy of a Despatch from the Governor General of India, dated the 14th day of November, 1855, and Copies of Letters from the Government of Madras, respectively dated the 12th day of October, the 20th day of November, and the 4th day of December, 1855, reporting the death of His Highness the Nawaub of the Carnatic, on the 7th day of October, 1855; and Copy of a Despatch from the Court of Directors of the East India Company replying to these communications, announcing that the dignity of the Nabobs of the Carnatic had expired, and that the treaties which secured the rights and title of the family of the Nabob were at an end? The hon. Gentleman proceeded to say he had an allegation to bring forward, and it was this, that the provisions of the treaty entered into sixty years ago, and scrupulously carried out for fifty-six years, had at length been wantonly violated. The late Nawaub of the Carnatic, having died in 1855, his uncle made application to be permitted to attend the funeral as his recognized successor. To that request a distinct refusal was given, and at the same time a significant intimation was made to him that the Government would take the means to prevent any one from assuming the title and rank of Nawaub. A day or two afterwards a written application was made to know if the Government of Madras intended to allow the provisions of the treaties of 1792 and 1801 to be carried out, and to acknowledge the uncle of the Nawaub. To that application an answer was returned, that the Government were resolved not to acknowledge the uncle; but they said they would send all the facts to England by the next mail, although they never informed the Nawaub what recommendations they intended to make. After a year's delay an answer arrived, the purport of which was that the treaty was personal to the late Nawaub, and that he being dead, the treaties were at an end, but that they might have an allowance of £10,000 a year from the Government. Now he did not hesitate to pronounce that decision arbitrary and tyrannical in the extreme. Who was the dethroned Prince? Why, he was the son of the very sovereign with whom the treaties were made, and who died in 1819. The Governor General had decided on holding the title in abeyance, which he supposed was the diplomatic term for robbery, because the treaties were purely personal, and because the late Nawaub was allowed to hold the throne purely as a matter of grace. Now, a reference to the treaties themselves showed that they were not merely personal, and therefore he had no hesitation in pronouncing the whole transaction as most discreditable to those engaged in it.

Sir JAMES FERGUSSON protested against an attack being thus made upon servants of the State without notice, and on a mere Motion for papers. There was no public man whose acts would bear inspection better than Lord Dalhousie; but for the present he should content himself with denying that there were any treaties in existence which entitled the uncle and heir of the late Nawaub of the Carnatic to succeed to his predecessor as an hereditary dignity.

THE INDIA HOUSE MUSEUM.

QUESTION.

Colonel SYKES said, he wished to ask the Secretary of State for India, Whether the Natural History portion of the India House Museum had been offered to the British Museum? He stated that the portion of the India House Museum to which his question related was—at all events the great bulk of it—presented by himself to the East India Company, and was the produce of his own gun. The hon. and gallant Member also asked whether telegraphic communication had been established between Alexandria and Calcutta, and whether a communication had been received from the latter place in six days?

THE TRADE OF CENTRAL ASIA.

QUESTION.

Mr. W. EWART said, he wished to inquire of the Secretary of State for India, respecting the means of extending our trade with Central Asia? He believed it was very desirable that a trade should be opened with that portion of the world across the Himalayas. Russia was greatly extending her commerce in that quarter, and he had no doubt that on fair terms we should be able to compete successfully with her in that market.

THE INDIAN ARMY.—QUESTION.

Mr. A. MILLS said, he wished to ask the Secretary of State for India, Whether there is any objection on the part of the Government to lay upon the Table of the House the Minutes in Council in Calcutta of the 2nd and 7th of January last, by Lieut. General Sir James Outram and Sir Bartle Frere, on the question of the Amalgamation of Her Majesty's Indian Forces with the British Army. In the year 1859 the Indian Army Commission had presented a Report, but no step appeared to have as yet been taken. But he did not blame the Government for the delay which had taken place in the matter, because the principal question with which they had to deal was one of considerable difficulty, and one which had given rise to a remarkable conflict of opinion among the witnesses who had been examined by the Commissioners. He should add, however, that it was extremely desirable the Government should decide as speedily as possible one way or the other, in favour either of a local army, or of an enlargement of the line in India.

Mr. W. EGERTON said, he had to put a question to the Secretary of State for India relative to the trade with Central Asia. He wished to ask the right hon. Gentleman whether the road which was begun by Lord Dalhousie, from India to Central Asia, through Simla, is yet completed.

Sir CHARLES WOOD said, that in answer to the Question of the hon. Gentleman opposite (Mr. Smollett), whether he had any objection to produce certain despatches relative to the claim to the dignity of Nawaub of the Carnatic, he had to state that he was prepared to lay before the House not only the despatches mentioned, but all the papers connected with the subject. He thought he had a right to complain of the extraordinary and, he hoped the hon. Gentleman would forgive him for adding, the unfair course which he had pursued upon that occasion. The hon. Gentleman had merely given notice that he would ask whether there would be any objection on the part of the Government to produce certain documents; and upon that notice he had founded an attack on the Government of Madras and on the Government of India, but more especially on the administration of Lord Dalhousie. The natural result was that he (Sir Charles Wood) was not prepared at that moment to answer the charges put forward by the hon. Gentleman. He could then only express his belief that Lord Dalhousie could not have been guilty of such conduct as the hon. Gentleman had imputed to him; and upon due notice he would be ready to enter into a detailed consideration of that subject.

In reply to the Question of his hon. and gallant Friend (Colonel Sykes), he had to inform his hon. and gallant Friend and the House that he understood the Natural History portion of the British Museum was about to be removed; and as it was in contemplation to make it the best natural collection that could be formed, and thinking that the excellence of a museum of that kind depended on its being made as complete as possible, he conceived he was contributing to the accomplishment of a most desirable object when he offered to its managers such portions of the Indian Museum—which, after all, was but an imperfect one—as they might require.

In reply to the second Question of his hon. and gallant Friend, he had to state that he believed the telegraphic communication was complete between Calcutta and Alexandria; but that there seemed to be a break in the line in some point in Europe, and probably either at this side of Alexandria or at Malta. He had not himself received a telegraphic communication from Calcutta within the space of six days; but a communication from Calcutta had that day been received in the City dated the 10th of March, and which had not therefore occupied more than that time in the transmission.

The next Question he had to answer was that which had been put by his hon. Friend the Member for Dumfries (Mr. Ewart), with respect to our trade with Central Asia. That was a matter, no doubt, of great importance, and it had not escaped the attention of the authorities either in India or in this country. He had that morning had a conversation with Sir John Lawrence, who had lately filled the position of one of our Indian administrators with such distinguished ability, not only in war but also in peace, and he had been informed by him that every possible effort had been made of late to open a communication between India and Central Asia, from which such large quantities of wool were to be obtained. He found that the value of the wool exported from the port of Kurrachee, which amounted in the year 1853-54 to £180,000, had risen to £393,000 in the year 1857-58. Some years ago a Chinese Commissioner was sent into Thibet, and an English Commissioner was sent from India, in order that they might meet and take joint measures for facilitating the trade of that region; but the proposed meeting of the two Commissioners had never taken place; one of them had been murdered; and no further steps had been taken in the matter. He was happy, however, to be able to state that instructions had been given to Lord Elgin to enter into negotiations with the Chinese Government for the friendly settlement of that subject.

In answer to a Question which had been put to him in reference to the progress made in the construction of the road to Central Asia through Simla, he had to state that he was not then prepared to afford any precise information upon that point, and in reply to the hon. Gentleman opposite (Mr. A. Mills) he wished to observe that before any question connected with the organization of the Indian army was brought before the House it would be his duty to produce not only the papers to which the hon. Gentleman referred, but also a variety of other documents bearing upon the subject.

SANDHURST MILITARY COLLEGE.

QUESTION.

THE TURKISH MEDALS.

QUESTION.

Sir FREDERICK SMITH said, he would beg to ask the Secretary of State for War, Whether the Government have any objection to lay upon the Table of the House Copies of any Correspondence on the project referred to in the Report of the Council of Military Education for the extension of the Royal Military College, Sandhurst, so as to admit of all candidates for the Cavalry, Guards, and Line, who have passed the usual examinations for Commissions, receiving at that institution a course of professional instruction and training previous to joining the Army?

Colonel KNOX said, that he wished to ask if the Government have taken into consideration the question of the competitive examination with respect to the Staff appointments? It seemed to him that the double examination which those Officers had to undergo was altogether unnecessary.

Mr. SIDNEY HERBERT said, that in the regulations issued a short time back by the Commander-in-Chief an exception was made respecting staff examinations, and it was provided that officers should be appointed to the staff without examination when they had proved themselves qualified for that post by previous service. As to the papers which were asked for by the hon.

Member for Chatham (Sir F. Smith), it was true that the subject of first admissions into the army was one the importance of which could not well be over-estimated, and that plans had been proposed by which all officers entering the army would be compelled to pass through the school at Sandhurst. In their published Report all these plans had been given, for the Military Council did not stint the House in information. Whether, however, the correspondence which had passed between the heads of Departments in the discussion of this question should be published was another matter. He believed that the compulsory entrance at Sandhurst was brought forward at a Cabinet meeting held in November, 1858; and it was clear that if the House wanted to know the grounds of the decision then arrived at by the Government, they ought equally to know the arguments which influenced that decision, which would be nothing more nor less than making the discussions of a Cabinet Council public. In the same way he did not think that the correspondence between the Secretary of State, the Council of Military Education, and the Commander-in-Chief ought to become Parliamentary documents. If the first impressions which were formed and expressed by the heads of Departments on any subject, and which were often afterwards modified or changed altogether, were to be given to the world, the consequence would be that no man would offer an opinion, or that, if he did offer one, it would be in the form of a private letter which could not be published. A full power of consultation must be given in all such cases without the restriction which would be imposed by the chance of future publicity. A new proposal had recently been made by the Council of Education, which obviated many of the objections taken to their former proposals; but the adoption of the plan would be very expensive, as new buildings must then be provided at Sandhurst for the accommodation of officers. He was willing to admit that the present system, by which some officers were admitted direct, and others through Sandhurst, was open to many objections, for at present a positive advantage was enjoyed by the former, whose examination was much less severe than that undergone by officers at Sandhurst. For the reasons he had stated, he thought it would be seen that there would be a great objection to grant the correspondence which had been asked for.

Before sitting down, the House would perhaps allow him to reply to a question which had been recently put to him respecting the Turkish medals. On a former occasion he had stated that these medals had arrived and would be distributed immediately. That, however, was a mistake. The medals had not arrived; and news had been received that the *Pomona*, the vessel in which they were deposited, had foundered and all the medals had gone to the bottom. The Government had telegraphed for information, and had inquired whether it would be possible to recover the cargo; but the answer was that it was quite impossible. Great disappointment would no doubt be felt on this point, but he felt bound to let the House know how the matter stood.

ENGLISH POOR LAW.—REMOVAL OF IRISH PAUPERS.—QUESTION.

MR. LANIGAN said, he wished to call the attention of Her Majesty's Ministers to the treatment of the destitute Irish by Poor Law Officials in England, with a view of checking the abuses which exist, and of assimilating the English Poor Law to that of Ireland, by which Boards of Guardians are compelled to grant relief to all who seek it (irrespective of the country to which they belong), there being no evidence required to establish their claims except the fact of their destitute condition. The hon. Member said it was extremely cruel that honest, hard-working Irish labourers should toil in this country all their lives, without asking relief of any sort, until the blood was dried up in their veins, and the marrow taken out of their bones—and then, when poverty and sickness overtook them, they should be looked upon by their English employers only as so much worn-out machinery, fit only to be cast away. It was shocking to see the steam-vessels which left Ireland laden with cattle and sheep return laden with living skeletons—Irish labourers, who having become chargeable to the parish were torn away from their homes sick and helpless, and hurried on board; whence, after enduring exposure on the decks for days and nights, they were landed on the quays in utter destitution. When they arrived they generally found all their friends gone, owing to their long absence in England, and their paternal homes demolished. The hon. Gentleman quoted some remarks of Lord Palmerston on this subject, where the noble Lord said that wherever they saw a man going up a steeple, carrying a hod of bricks upon his shoulder as heavy as himself, and which he could not carry upon level ground, they might be sure he was an Irishman; and that wherever there was shown a contempt for danger in the discharge of an occupation, he was sure also to be an Irishman. He had been chairman, and was now a member, of three boards of guardians in Ireland, but he never saw such practices. Whenever any poor person applied for admission to a workhouse in Ireland, he was never asked whether he was a Scotchman or an Englishman, and the only question asked was as to his destitute condition. The hon. Gentleman then related the case of an Irish woman, who thirty-eight years ago came to London, being then 20 years of age. For seven years she was a general servant, and then she married, and had nine children—two of whom, daughters, aged respectively 15 and 19, were now alive. She had supported her family by her own industry, and without parochial relief; and a short time ago, being afflicted with a bad leg, she was compelled to become an inmate of St. Pancras workhouse. The surgeon told her that she ought to have her leg cut off. The woman objected to that operation being performed, and her case being reported an incurable one, and as she was likely to become permanently chargeable to the union, she was sent back to Ireland, much, however, against her will, and in spite of the protestations of the two daughters, who offered to support their mother, and to pay the expenses incurred on her account while in the infirmary. These were the statements of the woman herself, and if they were true they cast a slur upon the name of England, and rendered it no longer worthy to be called the land of freedom. [*Laughter.*] The man who laughed at or defended such a cruel system had a heart as cold, callous, and cruel as he who dealt in human flesh in Africa. The first law of removal was a penal one, passed in the reign of Charles II. It was directed against a certain class of people, who roved the country like gipsies, and settled and built cottages on the land. The present Removal Acts were the 4th and 5th *William* IV. and the 9th and 10th *Vict.* The magistrates had the power of removing Irish paupers from this country; they carried out the penal clauses of the Act of Victoria, but ignored the more humane provisions of the Act of William IV., which compelled the parish removing a pauper to give twenty-one days' notice to the authorities of the parish to which he was to be removed. He did not blame the present Government for the existing state of things more than its predecessors; every Government since the days of Charles II. had connived at this oppressive law of removal. He called upon the Government in the spirit of the noble Lord who pronounced the favourable opinion he had quoted regarding Irish labour, to introduce some Bill upon the subject of Irish poor removal, and he called upon the Free Traders of the House, with whom he entered the lobby, for the benefit of the people of England, to urge the Government to pass such a law. If the Government would not do so, let the Free-traders of the House show that the sympathy they always expressed for the poor working classes of the country was a genuine emotion, and not a morbid sentimentality, and insist upon the Government either passing such a Bill, or resigning their places—not, certainly, to the Conservative Gentlemen on the other side—but to an hon. Member, whom he did not then see in his place, and his party, by whom alone the poor working classes of the country could ever expect to have justice done them.

COLONEL DUNNE said, that the whole treatment of the Irish paupers in this country was connected with the law of settlement. There were many instances which had come to his knowledge of the cruel manner in which that law operated upon the unfortunate Irish pauper, and he hoped that if the Government did not come forward with the assurance that the whole subject would be taken into consideration, some Irish Member would bring in a measure calculated to remedy the evil. He feared, however, that if the hon. Member for Cashel brought forward such a Bill, those among whom he sat, and to whom he had so pathetically appealed, would do as they had done before—vote against it.

MR. C. P. VILLIERS said, the question raised by the hon. Member was a very large one, involving as it did the whole law of settlement in England and the want of it in Ireland. No doubt there was a great want of a proper law of settlement in both countries; but the question had puzzled every man who had dealt with it, and it could not be conveniently discussed upon the Motion for Adjournment. With regard to the particular case to which the hon. Member referred, some one had been kind enough to send him a Tipperary paper, in which the woman's statement was published. That statement, however, was quite unauthentic, and was made by a woman who could neither read nor write, and who affixed her mark, and it was not taken on oath. As soon as he received the Tipperary paper, he instructed a poor-law inspector to make inquiries of the parochial authorities with regard to the case. He (Mr. Villiers) did not in the least deny that great hardships were connected with the law as it existed, and he should be glad to see them removed. Yet he was in a situation to tell the hon. Member that not one single act of illegality had been committed in the present case. The medical officer reported the woman permanently disabled, and, being chargeable to the parish, she was removed. Some of the facts stated by the woman were totally incorrect. Her daughters, so far from offering to support her, threatened that if she were removed they would throw themselves upon the parish. After it was determined to remove her, three weeks were allowed to elapse to see whether she would leave herself, or whether any person would take charge of her. His predecessor in the office he had the honour to hold (Mr. Baines), instituted an inquiry upon the subject of removal, and proposed several judicious alterations for the purpose of mitigating the hardships of the law; but when he introduced a Bill to give them effect he was met by such a storm of remonstrance from the Irish Members, that it was impossible to make any advance in legislation upon the question. His right hon. Friend the Member for Kilmarnock (Mr. Bouverie), also introduced a Bill on the subject, but was obliged to withdraw it in consequence of the opposition it received, particularly from Irish Members. The right hon. Gentleman the Member for Wilts (Mr. Sotheron Estcourt) also attempted to deal with the matter, but he, like his predecessors, was obliged to withdraw, not having received the support of the Irish Members. The main reason therefore why legislation had not taken place on the subject was the want of union among Irish Members. If a measure founded upon the propositions which had been approved by his right hon. predecessor were brought forward, it should receive the support of his Department.

Mr. H. A. HERBERT, as himself a member of an Irish Board of Guardians, knew many well-authenticated cases of the grossest hardship, and cases in which the poor-law authorities on this side of the water, in their anxiety to get rid of Irish paupers, had certainly gone beyond the law. He had known persons, who, having been twenty or thirty years in this country, had lost all their relatives in Ireland, and had forgotten even the names of the streets in the town where they were born, sent over and thrown upon the quays of Cork, or perhaps those of Dublin or Belfast, in a state of positive destitution. As there was no law of settlement in Ireland, these poor people could not be forwarded to their own parishes. It was not, as his right hon. Friend thought, in consequence of any Irish opposition that the former efforts to remedy the evil had failed in that House; but it was because the matter had been mixed up in the enormously difficult question of the English law of settlement. If the right hon. Gentleman would turn his mind to the whole subject, it would not be very difficult to frame a Bill to provide for it. At present, in England, an industrial residence of five years in any parish entitled a poor person to relief there, and rendered him irremovable. If this rule were extended from the parish to the union, many of the hard cases which he had alluded to would be obviated, because, as the law now stood, these poor persons were often driven from one parish to the other, without perhaps going out of the union during that period of time, so that, after many years' residence in the neighbourhood, they lost the advantage of a settlement. The suggestion he made was, that five years' residence in the union should bestow the settlement.

Mr. MAGUIRE begged leave to support his right hon. Friend in relieving Irish Members from the charge of unwillingness to do justice to the poor of their own country. He had a perfect knowledge of the history of the several Bills which from time to time had been brought before the House by successive Presidents of the Poor Law Board. The object of one of the first Bills was to do a wise and humane act—to abolish the law of settlement and removal in England. A more wise and more humane proposition could not, in his opinion, emanate from any Government. But while that proposition was made for England, the law as regarded Ireland was to be held in force as before, and the Irish poor were to be prevented from enjoying the great boon offered to this country. The Irish Members naturally took exception to this defect, and did their best to have the claims of Ireland recognized. When, however, they found that they could not succeed, they very reasonably refused to allow a Bill to pass which, being so partial, was, therefore, unjust to their poor country-people. A Committee was appointed to consider the subject, and it sat for two years. It made several wise and humane recommendations; among which was one for the diminution from five to three years of the period during which, by industrial residence, a poor person became exempted from removal. A Bill was brought in subsequently, founded ostensibly upon the recommendations and the report of the Committee; but the Bill fell so miserably short of the unanimous recommendations of the Committee — a Committee representing English, Irish, and Scotch Members—that there was certainly a strong sense of indignation on the part of many Irish Members. Nevertheless, with all its shortcomings, they were not prepared to reject the Bill. There came, however, a storm of indignation, not indeed from Irish Members, but from alarmed English parishes. Petitions from almost every parish in England were presented to the House—every board of guardians in London, Liverpool, and Manchester, was in a state of alarm. Deputations were incessantly filling the lobbies, representing the exaggerated apprehensions of the ratepayers of England. It was owing to this opposition that the Bill had to be abandoned. Now, he would mention one instance of the manner in which the jealousy and apprehension of the Irish pauper worked upon English property. It appeared in evidence before a Committee, which sat for a short time last year, that there was a certain parish in London, having in it a large number of Irish labourers, and in which there were only two descriptions of employment for such labour—one market-gardening, and the other brick-making. As a matter of course, these occupations depended entirely upon the state of the weather. When the weather was bad, there was no employment, and as the Irish labourer was absolutely necessary to the parish for carrying on those particular branches of industry, he had in the intervals of employment to live upon the rates. Would this be the case if the law of removal were done away with? Unquestionably not. If the law of removal and settlement were abolished, and a poor man were permitted to go wherever there was a demand for his labour, they would not have the thousands and tens of thousands at present depending upon the rates of individual parishes. The apprehension of the parish to which he had referred, was that in a short time the unemployed labour would positively eat up the property and industry of the parish. He therefore urged that the question was one which English, Scotch, and Irish Members alike should look at, not in any narrow spirit, not as a subject to be judged of from a mere geographical point of view, but as one which affected the interest of the empire at large. He held that inasmuch as Irish labour was absolutely necessary to the prosperity and the advancement of England, it was for the benefit of English ratepayers that there should be perfect freedom for those whose only capital was their labour, to go wherever they could find a demand for it. He once brought twenty cases of what he conceived to be gross hardship before the House; but, as in the instance of his hon. Friend that night, every single one of them, however plausible, however fair it seemed to be, however minute were the particulars, was disproved by the evidence of those who had the best interest in disproving it. The relieving officers proved themselves to be most humane, the magistrates demonstrated their own judicial perfection, the boards of guardians made it evident that they themselves had acted with the greatest deliberation and the utmost sympathy—and all concurred in representing that the pauper alone was a liar and a schemer. He should give one piece of advice to his hon. Friend—never, under any possible circumstances to bring before the House any individual case, supported alone by the testimony of a poor person; for it would immediately bring down twenty, fifty, or one hundred statements, to prove that the pauper was a person unworthy of credence. There was evidence of a different kind brought before the Committee of the House. The passage from London to Cork occupied sometimes three, sometimes four, and even five days; and it was proved that poor decrepit paupers, male and female, were put on the deck of the vessel, and left there unsheltered, to bear the inclemency of the weather and the fury of the waves. Cases had come before the board of guardians, of which he was a member, of very great hardship. Week after week poor women, who had forgotten the places of their birth, were, with their children, and who spoke only the English tongue, brought before them; and such was the feeling of commiseration inspired by their sad story, that almost every member, out of his own pocket, contributed something to send them back to the place where they could find employment, because there were no means of giving them employment in Ireland. He recommended his hon. Friend not to take the insidious advice tendered to him by the right hon. Gentleman. Let the Bill be a Government measure; let them bring in a Bill founded upon Mr. Baines's recommendations, and the Irish Members would give it every chance of success.

PROPOSED REDUCTIONS IN THE CUSTOM HOUSE, &c.

QUESTION.

WINE LICENCES TO EATING-HOUSES.

QUESTION.

Mr. MONCKTON MILNES said, he would transfer the attention of the House from one form of official cruelty to another. He rose to call the attention of the House to the reduction proposed to be effected during the present financial year in the establishments of the Custom-house and Inland Revenue, and said that he was not going to pretend that such great financial measures as those with which the Chancellor of the Exchequer had to deal could be carried out without being accompanied as a matter of necessity by considerable reductions in the establishments. If, for instance, there was to be no more silk to weigh and no more freights to lock up, the number of lockers and weighers must necessarily be considerably reduced. But still he could not view, without some degree of apprehension, reductions to such an extent as £50,000 per annum in one establishment and £36,000 in another. Such reductions, he thought, could scarcely be effected without operating with extreme hardship on the officials affected by them; and if this were not the case, if they were to receive compensation, the compensation paid would necessarily form an item so large that if it fell on the Consolidated Fund it would considerably diminish the advantages which the right hon. Gentleman the Chancellor of the Exchequer proposed to derive from that source. However great the public benefit conferred by any measure, it ought never to be accompanied by a large amount of private calamity—of injury for life to a large number of very worthy and excellent men, and destroying generally that confidence in the public service which always attracted to it the best class of public officials. The Chancellor of the Exchequer might perhaps reply that the officials thus deprived of employment would soon be absorbed in the population. That term "absorbed in the population" was extremely vague in its character. He recollected an instance of "absorption" of this kind, the narration of which might perhaps give the House some notion of what really was meant by persons being "absorbed in the population." Once upon a time a large hotel proprietor enjoyed a flourishing business, and was on the high road to fortune. But a railway came in close proximity to the line of road on which the hotel stood, and took away all the traffic. Of course the hotel became worthless, its business was gone. Upon asking what had become of the proprietor, it was replied, "Oh, he was absorbed in the population." The man had become an ostler. He hoped his right hon. Friend would be able to assure him that, as far as possible, he would promote the necessary reductions with due regard, not only to the large body of persons mechanically employed, and who were perhaps young enough to turn their attention to other employments, but also to those old and deserving public servants who had spent their whole lives in becoming familiar with the duties of their office, who if now turned out would be unable to attach themselves to other pursuits, and having no resources would be exposed to extreme penury. Perhaps his right hon. Friend would inform the House how he proposed to carry out these large reductions, and that he would be guided by the principles of humanity and generosity, as well as by economical considerations.

The CHANCELLOR of the EXCHEQUER owned that he was very much embarrassed as to the manner in which he should answer the really very singular inquiry of his hon. Friend (Mr. M. Milnes). He was asked to give an assurance that in regulating certain reductions in the public establishments he would be guided by the principles of humanity and generosity. Well, in regard to the principles of humanity, he was not aware it could be justly alleged that where reductions were carried out in the public establishments of this country there had been displayed any want of humanity in the arrangements. He was bound to say, comparing the proceedings of the State and Government of England with those of any other country, they were influenced by principles of humanity, equity, and consideration for private interests to an extent of which there was no other example on the face of the earth. As to generosity—he knew not what had excited the apprehension of his hon. Friend, and induced him to make this appeal for an assurance that these parties should be treated with generosity. Generosity was a great and noble virtue in individuals, but he confessed he had great distrust of generosity on the part of States, on the part of the House of Commons, on the part of Members of Parliament in behalf of public officers when spending public money. As to the practical part of the question it stood thus. When the Government first formed the intention of submitting to Parliament proposals which would render practicable a very considerable reduction of the public establishments, he had immediately communicated with the chiefs of both Departments, directing them to suspend their applications to the Treasury for new appointments, particularly in the more expensive class of officers. He had applied to his right hon. Friend the Chairman of the Board of Customs to know how he acted with respect to these coming or possible reductions. He said it would be impossible to give any estimate in detail which should affect the general estimates of the Department, because they could not take place before the passing of the law; the Department would require to be in perfect possession of all the measures before they could possibly consider in detail the arrangements of the establishment that would be consequent on these measures. Fully occupied with the measures themselves, he was not aware that any progress had been made up to this time in the Customs department with these arrangements, although no doubt some preliminary steps might have been taken. But he must say he had the most perfect confidence in the justice, equity, and consideration which his right hon. Friend at the head of the Customs would show in adjusting and determining these reductions with a view to the interests of the public service and the claims of individuals. The head of the Board of Customs was primarily responsible in this matter. The Chairman of that Board had to submit his plans to the Treasury, whose conduct the House of Commons had in turn to take under its review.

The Chancellor of the Exchequer

The hon. Member for Marylebone (Mr. Edwin James) had given notice of his intention to ask whether in the Bill introduced by him for the granting of wine licences, it is intended to exclude houses licensed for the sale of beer, under the provisions of the Acts regulating the sale of beer, from the right of obtaining licences for the sale of refreshments; and, if so licensed, then from the right of obtaining a licence for the sale of wines under the provisions of his Bill? His hon. Friend had lost his opportunity, but he would nevertheless answer his Question. He had no authority more than any other person to construe the language of a Bill, even though he might have framed it; but he would describe the intention of the Bill in simple terms; and this was the more requisite, inasmuch as the popular analysis of the Bill of the Government which had appeared in some of the newspapers did not rightly convey the effect of some of the enactments. The measure had two principal objects. The first related to refreshment houses universally and as a class, and was intended to remedy an evil much and justly complained of—namely, that those houses were entirely exempt from the supervision of the police. The provisions of the Bill would therefore compel all keepers of such houses—with the exception of certain small houses in country places—to take out a licence at a low rate. The holding of that licence would subject them to the supervision of the police, under certain penalties and restraints which he thought adequate for the purpose in view. The second principal object of the measure had reference, not to refreshment houses universally, but to such of them as might be properly called eating-houses. The Bill attempted both to define what was the true character of an eating-house and to provide the means of justly carrying out that definition in practice. Eating-houses, as thus defined, would entitle the keepers of them to apply for licences to sell foreign wines. The hon. and learned Member would have asked whether the Bill dealt with beer-houses. His answer was, that the measure was not intended in any manner to touch what were known as beer-houses—that was to say, drinking-houses kept open for the sale of beer, and licensed under the Beer Acts. With regard to whether a licence for the sale of beer would *ipso facto* constitute a disqualification for holding a licence to sell wine, that was a point on which the House would have to exercise its own judgment; but undoubtedly it was not meant by the framers of the Bill that in the case of an eating-house a licence to sell beer should of itself disqualify the keeper for a licence to sell wine.

FRENCH FORTIFICATIONS ON THE ISLAND OF ST. PIERRE.

QUESTION.

MR. HALIBURTON said, he would beg to ask the Secretary of State for Foreign Affairs if his attention has been called to the fact of the French Government having erected Fortifications on the Island of St. Pierre. The matter was one of very great importance, and one which had much excited the public mind in the Lower Province of Canada. It was well known that in former years the people of almost every European country resorted to the coast of Labrador and Newfoundland for the purpose of fishing; but by degrees the use of those fisheries had become confined to the English, American, and French fishermen. The English fishermen from Newfoundland and the coast of Labrador having greater facilities, were, of course, the largest participators in that valuable fishery. The Americans having within three leagues of the coast the right of fishing, and having the easement of curing their fish on both uninhabited shores of the island, had their peculiar catch, but they did not interfere with us. The French had two small islands, the principal of which was St. Pierre, and they became the centre of a very large fishery, which had grown up in an extraordinary manner in the last few years. In addition to the absolute ownership of these two Islands, the French claimed the use of the shores of Newfoundland, which were uninhabited, for the purpose of curing their fish. In time this occupancy began to be stretched into a right of territory, and, according to that new phrase of the Emperor, "the logic of facts," their power was about being made much greater. On the breaking out of every war for the last century and a half we have had to take proceedings to drive away the Frenchmen from this coast, and on every peace their rights had been restored to them. The last occasion on which this cession took place was in 1814, and in this way they held the islands of St. Pierre and Miquelon. The rulers of France, with that foresight that had eminently distinguished them, had granted a very large bounty on the catch of fish—a bounty, he believed, equivalent to the value of the fish; and, under these circumstances, they had fostered and brought up that fishery to that degree that they had between 30,000 and 40,000 sailors engaged in that business. It was the great nursery of their seamen. Such were the facilities and advantages which they derived from these bounties, that they undersold the Nova Scotian in the Halifax market, and sent up to Quebec and there undersold their own resident countrymen. The constant resort of these 30,000 or 40,000 French fishermen to these regions had inspired them with an idea of their own strength and power; and using these advantages sometimes without discretion, great conflicts had occurred between them and the people of Newfoundland. Indeed, they had carried their pretensions to the length of giving notice to the inhabitants of St. George's Bay, about 2,000 in number, that if they did not move out of their habitations, they should have them pulled down about their ears. In short, the people on that part of the coast of Newfoundland were now under warning. The French law required the boats engaged in the fishing trade to be of a certain build and to carry a certain number of men—because the object of the Government was not so much to stimulate employment in fishing as to create sailors. That was a matter of much greater importance to the Emperor than a treaty stipulation with England about coal. These proceedings had naturally been viewed as serious grievances by the British subjects settled near the Straits of Belle Isle and that portion of Newfoundland. A good deal of bad blood had also been excited, and it was astonishing that there had not been many conflicts ending in a very fatal manner. The French claimed the soil of a portion of the country, and an easement in other parts, and they demanded exclusive privileges; but that part of this subject which he would now put out of view, as it was still under the consideration of Commissioners appointed by both countries: he meant the aggressions on Newfoundland and the claim to exclusive privileges even over the rivers running into Labrador. The fortifications of the French on the island of St. Pierre had been raised contrary to express stipulations by treaty. The two barren islands of St. Pierre and Miquelon were of great importance, for they were situate in the larger outlet of the Straits of Belleisle and commanded the Gulf of St. Lawrence, and were within forty hours of the coast of New Brunswick and Nova Scotia. It was a nest which in the event of a war we should have, as the very first thing, to destroy, and as the French had no right to fortify the place it was very important that it should not, in the event of a war, be the cause of greater expense in money and life than if it had remained according to the terms of the treaty. He had not himself been on the island of St. Pierre, but he was informed that, independent of the fortifications which the French had put on it, they had made it a naval station, and they had large steamers which lay there under pretence of receiving mails from the Cunard steamers for Halifax; whilst nine miles below were the mouths of the mines from which they got their coal, and they were forming large depôts at this place, and in the event of a war, rapidly as intelligence could now be conveyed by telegraph, the whole commerce of that portion of the world could be swept away by privateers. The 6th article of the Treaty of Paris, under which these islands were given up to France, declared, in terms which could not be mistaken, that they were "to serve as a shelter for the French fishery," and His most Christian Majesty undertook "not to fortify the said islands, nor to erect buildings upon them, but merely to hold them for the convenience of the fishery, and to keep in them a guard of fifty men only for purposes of police." He was personally aware that a coal station existed at the place; and he was informed that a large body of armed men, who were called "marines," and who might therefore excuse their presence on the ground that they were neither soldiers nor sailors, were kept on the island. In the event of hostilities these men, as had once before been the case, might take possession of Newfoundland, and, though they would probably not be able to keep it in their hands, they would undoubtedly occasion a great deal of mischief. The hon. Member concluded by asking the Secretary of State for Foreign Affairs, whether his attention had been called to the erection of these fortifications on the island of St. Pierre; and whether, if any correspondence had taken place on the subject, it would be consistent with the interests of the public service to produce it for the information of the House?

ANNEXATION OF SAVOY TO FRANCE.

QUESTION.

MR. KINGLAKE: Before the noble Lord the Secretary of State for Foreign Affairs answers the Question which has just been put, I shall take the liberty of asking the question of which I have given notice—namely, Whether there is any objection to lay upon the Table of the House his Answer to Lord Bloomfield's Despatch of the 3rd day of March, respecting the proposed annexation of Savoy and Nice to France. I do not desire to read Lord Bloomfield's despatch, but to point the attention of the House to the attitude which Prussia has taken in the present European crisis, as indicated in that communication. Baron Schleinitz, the Prime Minister of Prussia, stated to Lord Bloomfield that in all Germany there was but one opinion as to the character of this intended annexation; that for a time his Prussian Majesty had trusted the statement made by the Emperor in his Milan proclamation, but that he now saw the time for maintaining silence had passed. The despatch concludes by saying that the Baron had declared the policy of Prussia to be decidedly opposed to this annexation, and had given his opinion that France must now be called on to refrain from taking any further step until a conference of the Powers shall be held. I confess I read that despatch with great pleasure, and I may be permitted to say that it indicates an intention on the part of Prussia to take a step as nearly as possible identical with that which I ventured to indicate by the Notice which I gave last week. I cannot but regard this as an overture of great importance, and one which I trust may be looked back upon in later times as the commencement of the pacification of Europe. Not only is the despatch itself significant, but the noble Lord the Secretary of State for Foreign Affairs must be aware that its production and publication is also a matter of deep importance. That despatch is dated the 3rd of March; some of the papers contained in the volume of correspondence delivered to this House date down to as late a period as the 9th inst., but they do not include the answer which the noble Lord must have given to the despatch in question. I have, therefore, to ask whether it will be convenient for the noble Lord to lay that answer on the table of the House; and I trust when we see it we shall be able to say that it was a reply worthy in every way of the spirit in which this overture on the part of Prussia has been made. I have not given notice of an intention to ask the noble Lord for any general information with respect to this pending question of the annexation of Savoy and Nice, because I felt sure that without notice from any Member of Parliament he would know that any information which he might be able to give this House would be received with grateful satisfaction. On Tuesday last the noble Lord at the head of Her Majesty's Government gave us a right very strongly to hope—and I think, considering the relation between the two countries, a right also to expect—that the proposed annexation would not take place without France consulting—and seriously consulting the other Powers of Europe. I trust the noble Lord may now be able to say the expectation he then held out has not been falsified; that the rumours of the last two days are inconsistent with the truth; and that it is not the fact, in spite of all which he has said, that the Emperor of the French is proceeding to this annexation without consulting the great Powers of Europe, and that he is on the point of including in his annexation to France the districts of Chablais, Faucigny, and Genevois, contrary to the express promise which he has made, and the proof of which is to be found in the Correspondence that has been delivered to the House. I trust the information which the noble Lord may give us will be of such a character as in some degree to remove the anxiety which is at present felt.

SIR ROBERT PEEL: Perhaps before the noble Lord answers the Question of my hon. Friend the Member for Bridgwater he will allow me to say that the information of what is taking place in Europe is seriously true; and to ask him whether, in addition to this despatch of Lord Bloomfield, which certainly contains intelligence of a very remarkable character, he is also aware of the danger which threatens the independence and neutrality of Switzerland. I am very loth again to trespass on the attention of the House with regard to this subject, but I feel that we have arrived at a period when it is absolutely necessary we should give utterance to some expression of opinion on this question. More than that, I believe I state the opinion not only of every Gentleman in this House, but of every man of feeling in the country, when I say that we ought to declare the sentiment by which we are all animated—that not only has an outrage been inflicted on the public mind of Europe, but that it is particularly directed against the Government of this country. We have been over and over again told there was no danger that the Emperor of the French would proceed to the extremities which he now threatens; over and over again in these despatches we find assurances that without consulting the Powers of Europe nothing whatever would be done. Now, I myself am in receipt of a telegram from Annecy, which states that these provinces Chablais and Faucigny have been so worked upon and harassed, and that the people from one end of the country to the other are so divided, that the municipalities of each district are perfectly ready to vote in favour of annexation to France—and why? Because all kinds of terrorism have been used, such as were employed in the time of the first French Revolution to excite the population—poor, innocent, primitive people, as every person knows they are, who really do not understand duplicity and art,—and to lead them to believe that if they annex themselves to France no danger will result, but that otherwise the most serious consequences will ensue. The despatch to which my hon. Friend has called attention is one of the greatest importance. He did not read any passage from it, but, if the House will allow me, I will just touch upon one expression, because it shows that the Cabinet of Prussia has taken up a dignified attitude, which I hope, and, indeed, have every reason to believe her Majesty's Government are desirous of emulating. Lord Bloomfield says in his despatch that "Baron Schleinitz appears to have stated to the French Minister that in Germany there was but one opinion of determined opposition to the project. Baron Schleinitz seems also to have observed to the French Minister that during the war the present Prussian Government had been the means of restraining the violent feeling which had been excited in Germany by the war in Italy, and had made themselves very unpopular by so doing; but that it must not be considered now, with regard to the question of Savoy, that if they remained silent at the present moment their silence meant indifference, for they should view that absorption with the greatest distrust. The noble Viscount at the head of the Government told us the other night that the war in Italy was part of the Emperor's policy for freeing that country, but it appears from this extract that the opinion in Germany about it was not so favourable. But if Prussia views this absorption with great distrust, surely this country is entitled to view it in the same light; and not only this country, but every country, is bound to give a firm and determined opposition to this policy of annexation, which, as Lord Derby well observed last night, is now commenced on the feeble pretext of danger to France from the proximity of a kingdom of 9,000,000 inhabitants,—a pretext which may be used very soon as an argument for annexing the Rhine provinces of Prussia and Belgium. Is the House aware of what is now going on on the frontiers of Belgium? There are newspapers published in the towns on the frontier—one in particular, the *Journal de Mons*—which advocate openly the annexation of Belgium to France, telling the people that if they could do away with the *douaniers* great facilities for trade and great commercial advantages would follow. This is an underhand, ungenerous policy, in which every power in Europe is directly interested, and which they ought to endeavour to curb with a vigorous and powerful hand. I cannot refrain from making some allusion to the conduct of Sardinia in this matter. The noble Viscount the other night paid a very flowing compliment to M. de Cavour, and he is a man whom I believe almost everybody believes to be a disinterested statesman and generous patriot; but on reading his despatch, no one who has watched his conduct can deny that his wish has been, not only to deceive Her Majesty's Government, but also to play a mock dignified part, which is quite unworthy of the influence he might have exercised at this moment. His expressions are really very curious. As everybody knows, he has disclaimed any engagement or any disposition to part with Savoy. In his despatch to Chevalier Nigra, his Minister at Paris, he says,

> "The Government of His Majesty would never consent, even with a view to the greatest advantages, to cede or exchange any portion of the territory which has formed for so many ages the glorious appanage of the House of Savoy."

Fine words, indeed, and if he had acted up to them, he would have had all Europe with him; but then he goes on to say,

> "The King's Government cannot refrain from taking into consideration the changes which the events that have taken place in Italy have caused with respect to the people of Savoy and Nice."

The same thing he said to Sir James Hudson.

> "Count Cavour came to me," writes Sir James Hudson, "and repeated to me what he had stated before, that Sardinia was under no engagement to cede, sell, or exchange Savoy, or any other part of the King's dominions."

But Count Cavour ends with this remarkable expression, "The question is one for Savoy, not for the rest of the kingdom," though he had not long before written that Savoy was "the most glorious appanage of the House of Savoy." I say this is not a Sardinian question, it is not a French question, it is a European question. The question is not now whether Savoy shall be incorporated with the French dominions, with whose people and whose institutions she is unacquainted; it is not whether the King of Piedmont can yield up the appanage of the House of Savoy, the inheritance of his ancestors, which has been consecrated by so many generations of honourable exploits—but it is whether, after the King of Sardinia has enjoyed ever since 1815 all the advantages which the re-annexation of Savoy conferred on him—and it must be recollected that at that period the Sardinian Monarch received from the European Powers 10,000,000 francs to fortify the country against France—Europe will allow him to cede that territory to France by a private arrangement depending on the disposition of Italy. I say such a policy is unworthy of the Government of *il Re galantuomo*. "Perish Savoy," said the hon. Member for Birmingham the other evening. It has perished. I hope the hon. Gentleman is satisfied. We shall have "Perish Switzerland" next, and "Perish all the liberties of Europe." The hon. Member laid it down that, after all, the map of Europe, as regarded the limitation of the States of Europe, was not worth a moment's consideration; and he turned round to me and my hon. Friend here, and asked us, "Is what you want to settle the map of Europe?" My answer is, that we do not want to settle the map of Europe, but we do not want to unsettle it. We do not want to recommend the Government to pursue a course opposed to the interests of this country; but we want to check and curb a policy on the part of France, which is daily tending to outrage public opinion, and to violate the received and acknowledged interests of Europe. When my hon. Friend and I took up this question some time ago, we were told that we exaggerated its importance to England and Europe, and that beyond a formal protest, England had nothing to do with it. Time has shown the gravity of the question. When we are told that we are advocating the interests of Savoy and Switzerland to the detriment of other more important interests, our answer is that we would scorn to advocate interests which are opposed to the general interests of mankind; and that, in advocating the cause of Savoy and Switzerland, we are, in fact, advocating the cause of Europe; and that if you allow this state of things to continue, most grave consequences will ensue to Europe. I want Her Majesty's Government to protest, in a manly, straightforward way against the conduct of France. That protest will ring far beyond the walls of this House. You will rally Prussia, Germany, nay, the whole of Europe round you; and you may, perhaps, save millions of treasure and thousands of lives by such a course. I ask this House to protest against the conduct of France. I protest against it here, and I appeal to Europe in vindication of a system which the hon. Member for Birmingham has condemned, but which has worked well for very nearly half a century. I denounce that policy in the face of this House, and I warn you that this union of Savoy with France not only affects the future interests of Savoy and Switzerland, but it is the first step, the first act of conspiracy, against the liberties of every European State.

MR. WHITESIDE said, that before the noble Lord, the Foreign Secretary, replied, he wished to call his attention to the memorial of certain British subjects, Protestants, resident in Spain, complaining of the law of Spain, which did not allow them to have a place of worship of their own, or to send their children to any but a Spanish school. The law of Spain declared that no foreigner should "profess" any other but the Roman Catholic religion in Spain; and there were some doubts as to what was the exact meaning of the word "profess." What the memorialists desired was, that the noble Lord should intercede—not "intervene"—to procure an arrangement by which they would be able to send their children to a school of their own, and also to have Divine service celebrated in a private house in any place where there was no Consul or representative of Her Majesty.

LORD JOHN RUSSELL: I will first answer the Question which has been put to me by the hon. and learned Gentleman, the Member for Launceston (Mr. Haliburton), with respect to the fortification of the Island of St. Pierre. There is no doubt that fortifications are forbidden by the Treaty of 1763, and also by that of 1783. To the latter treaty, which was concluded at a period when this country could not hold her head so high as she did in 1763, there were appended certain declarations, but I am not aware whether they apply to this subject. In the year 1856 the attention of the Foreign Office was called to this question; the facts were submitted to the law officers of the Crown, and they were asked whether the buildings existing or constructed at St. Pierre, were any infringement of our treaties with France. Their reply was, that they did not think that anything had been done which amounted to such an infringement. I have not had time to look particularly into the case; but I understand, from the Gentleman who was then Under-Secretary of State for Foreign Affairs, that the question was last year again referred to the law officers of the Crown, who were of the same opinion as their predecessors. We have not lately heard anything tending to show that any new buildings have been erected, or that anything has been done different from what had been done in the year 1856.

In reply to the Question of the hon. and learned Member for the University of Dublin (Mr. Whiteside), I have to say that we are continually appealing to the Government of Spain with a view of obtaining permission for British residents to celebrate Divine worship in their own houses, and their freedom from some very intolerant provisions of the Spanish law. The penal law of Spain declares that a person who shall celebrate Divine worship in any other than the Roman Catholic form shall be liable to banishment; there are various other provisions with respect to any number of persons more than thirty meeting for any purpose of political or religious discussion, which are of a very penal nature, and it seems to be an established practice, or perhaps the established law of Spain, that these laws shall be enforced by the clergy, who are empowered to call upon the civil officers to execute them whenever they are infringed. There was a case some time ago in which a newly-born child, of Protestant parents, which had been baptized by the medical man, who was a Roman Catholic, died and was buried in the Protestant cemetery. According to the Spanish law that child was a Roman Catholic; and the Spanish clergyman called upon the alcalde of the place to have the child disinterred and reburied in the yard of the Roman Catholic church. Mr. Buchanan exerted himself very strenuously, and at last the Spanish Government gave way, and prevented the priest from carrying his intentions into effect. Another case occurred recently, in which an attempt was made to prevent some persons holding a meeting for public worship. It is not that Mr. Buchanan is at all indifferent to, or neglectful of, the question; but that any attempt to change the law of Spain would be quite hopeless. The law is very bigoted, the Government is very bigoted, and the people are more bigoted than either the law or the Government; and therefore there is but little chance of effecting any change in the law. The Government and the civil authorities have, however, no objection, upon the representations of foreign Ministers, to permit in certain cases the celebration of religious worship in private houses; and probably, if the number of children required it, a similar indulgence would be granted with regard to their education.

My hon. Friend, the Member for Bridgwater, has asked for the production of the answer to the despatch from Lord Bloomfield of the 3rd of March, with respect to Savoy. That despatch contained an account by Lord Bloomfield of a conversation between Baron Schleinitz, the Minister for Foreign Affairs of Prussia, and the French Minister; and, therefore, as containing no representation to the British Government, did not call for an answer from me. We have, however, been in continual intercourse with the Government of Prussia, and I have more than once had conversations with Count Bernstorff, the Prussian Minister in this country; and I am able to state that the Government of Prussia and ourselves are entirely agreed on the view which we take of the proposed annexation of Savoy. I do not know that I could in March say, or that it was needful to say, more than I said both in July of last year and in January of the present. We have, as is shown by the papers, expressed at Berlin and Vienna, and at St. Petersburg, our objections to the annexation of Savoy, leaving them to take what part they should think right upon this question of European interest. I cannot say that I have heard from Vienna any satisfactory account as to any steps that the Government of Austria will take upon this subject. There are reasons which Members of this House will easily imagine why Austria should not be particularly zealous in preventing a partition of Sardinia, seeing that she herself has lost, both in Lombardy and Tuscany, dominions belonging either to herself, or to members of the Royal family, through the action of the King of Sardinia. It is a month since I communicated with Vienna; and a week afterwards I made similar communications to St. Petersburg, and it certainly is a disappointment to Her Majesty's Government that, considering that so long a time has elapsed, and that annexation has, as it were, been impending during all this time, we have not received any notice or intelligence that any strong remonstrance against the annexation is intended to be made by those Governments. The language of Count Cavour has been, I think, a good deal of the character described by my hon. Friend the Member for Tamworth, because, while he continues to say, as he said some time ago, that the King of Sardinia would not cede, or sell, or exchange Savoy, he goes on in the latter part of his despatch to say that if the people of Savoy are disposed to belong to another empire, and be under another sovereign, however the King of Sardinia might regret it, he would make no objection to their obtaining their wish. Now, I certainly conceive that that is a very extraordinary and a very unnecessary declaration. We know very well that there have lately been and are countries which have felt themselves so oppressed by their Governments, or have had such different views of policy from those entertained by other Governments, that they have wished to sever their connection with their sovereigns; but we have never heard that of Savoy, nor, that I am aware of, has there till lately been any indication that the people of Savoy wished to sever their connection with, or abjure their allegiance to, the House of Savoy. It is, therefore, a singular, I should say an unprecedented thing, for a Sovereign to say, "These subjects of mine are much attached to me; I value them very much. At the same time, if they wish to dissolve their allegiance and belong to some other country, I can have no objection to their doing so." It certainly looks as if the King of Sardinia and his Minister were not very unwilling to sever the connection. Now, Sir, I must say that our position must be a good deal influenced by these different things. If the great Powers of Europe which were to be consulted; if Austria and Russia feel no great interest in this question; if Prussia and Great Britain are the only European Powers that do feel any interest in it, and if the King of Sardinia, on his part, is apparently willing to yield this territory, it certainly does become very difficult to make any opposition to that act. But, Sir, there is another matter which I am going to state to the House, because, after the questions which were asked of me by a noble Lord not now present, I think I ought to state to the House what is my impression as soon as I have received a decided impression upon the subject. There was delivered to me yesterday a despatch from M. Thouvenel to Count Persigny, laying the case of the annexation of Savoy before Her Majesty's Government for their consideration. The despatch is a very temperate one. It abjures altogether the notion of natural boundaries, and states the case as one of a special interest arising from special circumstances—namely, that the position of Italy is changed; that the position of France is thereby made worse; and that therefore this is a special case which deserves the special consideration of Europe. But, although it is stated in the despatch that this question is submitted to the wisdom and equity of Europe, I must say that, taking the whole despatch together, including the statement that it is a necessity for France and for her security that she should have this extension, she can hardly be justified in saying that the Powers of Europe are to be consulted, and that by their verdict the French Government mean to abide. I have not yet laid this despatch before my colleagues. I am telling the House at once all I know upon this subject. The Cabinet will, no doubt, consider gravely and maturely what answer shall be given. The whole of this despatch, and especially that part of it which relates to the question of Faucigny and Chablais, is one of such gravity and importance that I will not say more about it at present than that it requires the most serious consideration. As soon as I am in a position to answer it, and Her Majesty has approved the answer, I shall lose no time in laying the despatch before the House.

THE SALE OF GAS ACT.—QUESTION.

Mr. H. B. SHERIDAN said, he would beg to ask the President of the Board of Trade, Whether the Lords of the Treasury are now prepared to carry out the provisions of the Sale of Gas Act, and to have the "Gas-holder" at once deposited at the Exchequer Office. Great inconvenience had been caused by the neglect of the Government to have the gas-holder deposited at the Exchequer Office. The reason for that neglect appeared to be a doubt in the mind of the Astromer Royal whether the instrument might not be put out of order if it were moved; but the deputation of meter-makers were unanimously of a different opinion. It had been stated that the instrument mentioned in the Act was not known; but such was not the fact. Even gentlemen of the medical profession were well acquainted with it, for they sometimes made use of it in order to test the lungs of their patients. There was great excitement in the country on the subject. Every town council and almost every quarter sessions had held a meeting to decide whether they would or would not adopt the Act; and they had appointed Inspectors, who were unable to discharge their duties because the model of the instrument had not been deposited as required by the Act. Certain officials appeared to think that, though the Act of Parliament had distinctly placed the carrying out of the measure in their charge, it did not properly come within their duties; and they referred the deputation to the Board of Trade. The right hon. Gentleman (Mr. M. Gibson) received them courteously; but he said that there was nothing in the Act that gave the Board power to interfere. That was quite true, and the only reason he could assign for the manner in which the Act was drawn was, that he supposed its noble author (Lord Redesdale) was anxious to follow as closely as possible another Act of Parliament of a kindred character — the Weights and Measures Act.

Mr. MILNER GIBSON said, the Board of Trade were not charged with any powers to carry the Gas Act into execution. About a week ago they were consulted by the Treasury as to the sufficiency of the Act for the object for which it was passed. After consideration they had come to the conclusion that the Act did not require any immediate amendment, and might be carried into execution. They had communicated their opinion to the Treasury; but otherwise they could not interfere, the Act giving to the Board of Trade no authority whatever.

FRIDAY ADJOURNMENTS.

OBSERVATIONS.

Mr. E. P. BOUVERIE said, his excuse for troubling the House with a few observations must be that of all the speakers that addressed them, he should be the only one that made any remarks upon the Question really before the House—namely, the adjournment till Monday. There was a celebrated speech that they had all heard in their youth, of which these proceedings on a Friday evening always strongly reminded him. It began—*Quousque tandem abutere patientia nostra ?* These conversations of two or three hours on every conceivable subject, forced the phrase irresistibly upon him. In allowing them they were guilty of the grossest abuse of the forms of the House; they were really neglecting the business of the country, and in ninety-nine out of every hundred of the questions that were thus raised, they were needlessly wasting the public time. The Standing Orders were distinct and explicit. They provided that—

> "Unless the House should otherwise direct, all Orders of the Day set down for Mondays, Wednesdays, and Fridays, shall be disposed of before the House proceeded with any Motion of which notice shall have been given."

But by the practice which had grown up they had virtually repealed that Standing Order so far as Fridays were concerned, because Notices were taken before they could proceed to the Orders of the Day. He had taken the trouble, as he sat wistfully looking at the clock, to note down the length of time which each of the discussions they had just heard had occupied. They began with the hon. Member for Finsbury, who took them into Kent, and for ten minutes occupied the House with observations on the subject of coroners—a matter which could hardly be of so much urgency as to require the immediate interference of Parliament. Then he was sorry to say that a Scotch Member spoke next. Scotch Members did not generally offend in this way as much as the representatives of any other parts of the United Kingdom; but to-night a Scotch Member had erred grievously against the forms of the House, and for 25 minutes he was discussing the claims of the Nabobs of the Carnatic, under the pretence of asking the Secretary for India whether he should have any objection to lay papers on the table. There was, in fact, another very objectionable practice growing up—of which they had had two examples that night—the practice of putting on the paper notice that on the Motion of the Adjournment of the House, they would ask the Minister of a Department whether he was prepared to lay certain papers on the table, and then making long speeches instead of reserving them for actual Motions for the production of the papers. In that manner speeches had been made that night on the Carnatic and on Savoy. Hon. Gentlemen had brought on discussions without giving any notice of them beyond a notice that they would each ask a simple question; and he trusted that to this practice the House would not give its sanction. Then for ten minutes the hon. and gallant Member for Chatham detained them with the Royal College at Sandhurst. Next came three or four minor Indian subjects. The question of the Indian Museum occupied the House for four or five minutes; and then extension of trade and intercourse with Central India took up another five minutes. The question about the army of India occupied another five minutes. Next came, as usual, an Irish debate, which occupied forty-five minutes, the subject being the removal of the Irish poor. No more important question affecting the comfort and welfare of masses of the community could be brought forward than the laws relating to the settlement and removal of the poor; but he (Mr. Bouverie) must protest against the idea of raising it in this incidental manner, which precluded those Members, who respected the forms of the House (which he always endeavoured to do), from expressing opinions which they might have come to after long and serious reflection upon the subject. Then came the hon. Member for Pontefract, who must forgive him for thinking that he was a great sinner in this respect. The hon. Gentleman consumed fifteen minutes on a point with which he (Mr. Bouverie) must say the House had properly nothing to do—he attempted to force the Chancellor of the Exchequer to give a sum of money, which the right hon. Gentleman, having a due regard to the public purse, thought it his duty to refuse. Next the hon. Member for Launceston carried them across the Atlantic, and for ten minutes discoursed on the French fortifications on the Islands of St. Pierre and Miquelon, and on our rights under existing treaties. That was another very important subject; but he submitted that it ought to have been brought on by a formal notice, and then there might have been a proper debate upon it. Lastly, they had had a discussion of half an hour upon the all-important subject of Savoy, respecting which they had just heard a most interesting statement from the noble Lord the Secretary for Foreign Affairs. That statement was one that it was very desirable the House should be in possession of; the facts bore upon a subject which was agitating the mind of all Europe; but he must still contend that the time which had been chosen for communicating these facts was not a fitting occasion. The House had been exhausted by the conversations which had already taken place, and instead of a full House, and the Minister making his statement at five o'clock, there were hardly fifty members in the House. Hon. Gentlemen had gone home to dine (and he did not wonder at it); and they would be surprised when they came back at the end of two hours to learn what an important announcement had been made in this incidental manner by the Secretary of State. The more he saw of this practice the more he deprecated its continuance, and the more he was satisfied that it was damaging to the reputation of the House as a place of business. The only thing he could compare it to was a part of Mr. Albert Smith's performance at the Egyptian Hall. There was a song which Mr. Smith sung, and in which he introduced every topic of the day in rapid succession. This appeared to be the style of thing to which the House was gradually tending. The forms of the House would not permit him to repeat the Motion which he had made a short time ago, and which would have saved the House from these irregularities; but he would endeavour to do the next best thing in his power—he would give notice of his intention to move that this Motion for adjournment should be made on Thursday instead of on Friday. If hon. Members then chose to infringe upon their own privileges, and to make speeches on a Motion of adjournment, instead of taking their chance for precedence in the ballot for notices of Motion, it would be their own fault; and the business of the country would not at any rate be delayed four or five hours, Friday after Friday, in the way it was now.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

TREATY OF COMMERCE WITH FRANCE.
THE ADDRESS TO HER MAJESTY.

Message from *The Lords*,—That HER MAJESTY had appointed Saturday next (*To-morrow*), at Osborne, at One of the Clock, to be attended with the Address of both Houses of Parliament on the subject of the Treaty of Commerce with France, and that the Lords had appointed the LORD STEWARD and the LORD CHAMBERLAIN of the HOUSEHOLD to attend HER MAJESTY therewith on the part of their Lordships, and do desire this House to appoint a proportionable number of its Members to go with them.

Ordered, That Mr. BYNG, Mr. BAINES, the VICE CHAMBERLAIN, and the COMPTROLLER of the HOUSEHOLD do go with the Lords mentioned in the said Message.

Ordered, That a Message be sent to the Lords, to acquaint them therewith; and that the Clerk do carry the said Message.

SUPPLY.—CHINA.—VOTE OF CREDIT.

MR. SIDNEY HERBERT moved that the Speaker leave the Chair, in order to go into Committee of Supply.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR DE LACY EVANS said, he rose to move the Amendment of which he had given notice. He had intended to have brought this question forward at the opening of Parliament, as its importance demanded; but from various causes he was sorry to find that two months had elapsed before he could get an opportunity. It was true that a short discussion took place on the subject about a week ago, but it was postponed at the instance of the noble Lord the Foreign Secretary, who said he expected shortly to receive additional papers from Mr. Bruce. He understood the noble Lord had laid some despatches on the subject before the House in the early part of the evening, but he saw by the newspapers that Mr. Bruce was doing nothing, waiting for instructions from the noble Lord. Mr. Bruce was waiting for the noble Lord, and the noble Lord was waiting for Mr. Bruce. In the meantime a gigantic expedition was prepared, which he ventured to submit would cost far more than the £850,000, the amount of the Vote about to be asked for that purpose. He understood that the Government were not disposed to admit that the force would be so large as was generally supposed. But he had received a statement from a high source, asserting that the Indian Government were sending 18,000 British troops and between 7,000 and 8,000 Native troops from India. Artillery, and, he believed, a battering train, were being sent from this country, and there was besides a considerable force from France. Several thousand marines and seamen would also be employed on shore; so that the total force would approach very nearly to 40,000 men. It was possible that the Government had sent orders to reduce that force; and he hoped they had, for it was of portentous magnitude, and he did not know what 40,000 men could be required for. The Chinese were a most unwarlike people, and the least capable of any set of men of resisting even a small force. The employment, therefore, of an enormous force such as he had mentioned, excited apprehensions that some serious views of conquest were entertained. The question of expense was, then, involved in this matter, and, perhaps, an augmentation of the income tax next year. Upon this question of expense he believed that some entertained hopes that a considerable portion might be recovered from the Chinese in the way of indemnity; but he would read the emphatic language used by Lord Elgin in one of his despatches. The noble Lord stated:—

> "Among the difficult questions which I had to resolve at Tien-tsin no one gave me so much anxiety and annoyance as that of the amount to be exacted from the Chinese Government in name of indemnity. From a very early period in those negotiations both Baron Gros and I satisfied ourselves that it would be idle to attempt to extort money directly from the Imperial Government in the North. Everything we saw around us indicated the penury of the treasury. Nothing could be more miserable than the state of the high officers of the Imperial Government with whom we came in contact. The troops called together to defend the capital were, as we had reason to believe, unpaid. Under these circumstances we came to the conclusion that, on practical grounds, and apart from certain considerations of morality and justice which might, perhaps, have been urged on behalf of the Chinese Government, it would be unwise to drive it to despair, and, perhaps, to extreme measures of resistance, by putting forward pecuniary claims which it could satisfy only by resorting to measures that would increase its unpopularity and extend the area of rebellion in the empire. The power of passive indurance is not wanting to the Chinese character, and it was to be feared that the Emperor might make up his mind to brave the worst at our hands, rather than consent to render himself, as his father did after the last war with England, tax-gatherer, on an extensive scale, for foreigners. We resolved, therefore, that such pecuniary claims as we had to prefer should be regarded as a charge on the province of Canton exclusively; that the city should be held as a pledge for their payment; and that the Emperor should only be required to sanction our taking measures to recover them from the local authorities."

Let the House consider how enormous would be the expense of the army now being sent to China. It must be borne in mind that the troops proceeding from the highest point, namely, India, would have to go 5,000 miles, and the stores must be transported 15,000 miles. These were matters which cost enormous sums. Some time ago he put a notice in the business paper with the view of inducing the Government to select some diplomatist of great experience to take charge of these important affairs now pending in China; and within the last few days it had been formally announced that Lord Elgin had been selected to proceed to China. That appointment put an end, to a certain degree, to the public anxiety as to the selection of the functionary to go out to China, because very considerable confidence was no doubt placed in the noble Lord's judgment, and the noble Lord might naturally be deemed the fittest person to obtain the ratification of the treaty he negotiated. He perceived from the despatches laid before the House that Lord Elgin was earnestly requested by Lord Malmesbury not to quit his post until he had completed the work so well begun. He supposed the noble Lord had authority to leave, but he thought it matter of regret that the noble Lord did not remain until the whole matter was finished. As he now wished to vary the terms of the Amendment he had given notice of upon the Motion for going into Committee of Supply, he would read the Amendment he desired to substitute. It was as follows:—

> "That humbly participating in the wish of Her Majesty, expressed in Her most gracious speech on the opening of this Session of Parliament—namely, that she will be gratified if the prompt acquiescence of the Emperor of China in the moderate demands which have been made upon him by the Allies shall obviate the necessity for the employment of force—this House is of opinion that the moderation of policy thus indicated on the part of Her Majesty and that of Her Ally the Emperor of the French will best contribute to diminish expenditure, avert complications, and to promote commerce, the interests of justice, and the establishment of peace."

Sometimes trifling incidents gave rise to wars. He recollected one war that began in consequence of a hatchet being stolen from a farmer. In the present case, when there was to be a combination of the troops of the two countries, and when difficult circumstances were to be anticipated, it was desirable that every precaution against an unnecessary extension of operations should be taken. It appeared that this great force will be under the direction of two Plenipotentiaries, two Admirals, and two Generals. Now, if all these high functionaries acted harmoniously together, as it was to be hoped they would, such harmony would exceed any "happy family" that had ever been exhibited as yet. As material interests connected with the commerce of England were at stake, it was to be hoped that the Government of this country had arranged with the Government of France certain conditions, beyond which their operations would not extend. There were rumours that this expeditionary army was to be disembarked at the mouth of that river which had been the scene of so much disaster, and was then to march to Pekin. He earnestly hoped that that might not be the case. No doubt this force, and probably one-fourth of it, would overthrow any Chinese force that could be opposed to it; but the consequence of marching a great army into the country might be serious. Hitherto, the two wars carried on against China had been on the seaboard, but this, it was said, was to be conducted by an inland operation. He did not pretend to say that some demonstration might not be necessary to restore the reputation of the British troops to a more satisfactory footing in the eyes of the Chinese Government; but he hoped that the passage in Her Majesty's Speech from the Throne expressing a hope that the employment of force would not be required would not remain a dead letter, but that the moderate demands which the Plenipotentiaries had been instructed to make, would obviate the necessity for the employment of force. They might expect that such would be the case the more confidently, seeing that the noble Lord himself and other distinguished members of the Cabinet had on a former occasion very strongly deprecated operations against China. The condition of the country would certainly place great, almost insuperable, difficulties in the way of the troops, and he did not see how batteries of artillery could be worked upon such roads as lay between Tien-tsin and the capital, unless expenditure were disregarded and no resistance encountered. The reason why the French joined so readily in this expedition was, he supposed, that they had a very large army without a present European war wherein to employ it, and this Chinese conflict was perhaps meant as a temporary amusement or occupation for the French soldiery till something more serious turned up. He would not object to our sending a powerful force if France did the same—to be sure we were 10,000 miles nearer the scene of action—but he did not see why we should send double the force of our Ally. He hoped that the noble Lord would immediately inform the House that an agreement on this subject had been entered into with the French Government, and relieve their minds from the apprehension that it had been left loose and indefinite, at the mercy of this diplomatist or that general. The two Governments ought to lay down a definite basis for this proceeding, which was one of very great moment. If they neglected to do so, it was quite possible the expenses of the expedition might swell beyond all calculations, perhaps to eight or ten millions. The hon. and gallant General concluded by moving—

> "That humbly participating in the wish of Her Majesty, expressed in Her most gracious speech on the opening of this Session of Parliament—namely, that she will be gratified if the prompt acquiescence of the Emperor of China in the moderate demands which have been made upon him by the allies shall obviate the necessity for the employment of force—this House is of opinion that the moderation of policy thus indicated on the part of Her Majesty and that of Her Ally the Emperor of the French will best contribute to diminish expenditure, avert complications, and to promote commerce, the interests of justice, and the establishment of peace.

Lord JOHN RUSSELL: In regard to the question last raised by my hon. and gallant Friend—namely, the military operations in China—it would obviously be unwise and impolitic to publish the exact instructions given to the military and naval commanders; and, besides, it would also be exceedingly unwise to make those instructions so strict and positive that the officers commanding, at a distance of 10,000 or 15,000 miles from home, would be tied up to a particular course, in whatever circumstances they might find themselves. I therefore cannot give the military and naval instructions. My hon. and gallant Friend says it is not desirable that the troops should march upon Pekin. Undoubtedly it is not, and we have always expressed our desire that it may not be necessary. But, in the event of all reasonable terms being rejected by the Chinese, it will be the duty of the troops to proceed to Pekin; and it would be not only unwise, but a departure from duty, for us to give particular instructions that there should be no marching upon the capital under any circumstances. The terms of negotiation have not yet been finally settled, on account of circumstances which have lately occurred. Instructions have been drawn up by Lord

Elgin in which the French Government generally concur; but there are some points upon which they wish for further explanation. Her Majesty's Government thought that the best way, under these circumstances, would be for Lord Elgin, who was very well acquainted with Baron Gros, and had acted with him in a very cordial manner, to go to Paris and consult with him as to the points on which explanation was required. One point of very great importance was, whether the two negotiators, Lord Elgin and Baron Gros, each of them having the full trust and confidence of their respective Governments, should have supreme authority over the naval and military commanders, and have the power of stopping operations whenever they should think it advisable to do so. It is a very right principle that they should possess that power; but at the same time it requires modification, for the naval or military commanders might be so situated that it would be impossible for them to stop operations at a particular moment with safety to the troops and ships. That and other points are still under discussion; no final conclusion, as far as I have yet heard from Lord Elgin, has been come to in regard to them. I shall say a few words as to the necessity for the display of military force. It is evident that when 400 or 500 men were killed and wounded by an ambuscade, without any sort of notice, the lives and property of Europeans in that country could not be safe unless in one way or another reparation were made for that outrage. ["Hear, hear!"] He observed that some hon. Gentlemen seem to doubt that this was done without notice; but what occurred was simply this:—When Mr. Bruce said he was going to the mouth of the Peiho, he expressed the hope that he should be allowed to go up with a vessel sufficient to carry himself and his retinue to Tien-tsin, and that he might be conveyed in an honourable manner from thence to the capital. That proposal was not met by a positive refusal. On the contrary, the Commissioners at Shanghai said they would communicate it to the Court at Pekin, and get an answer in regard to it; the time, however, which they required for that purpose was unreasonably long. When Mr. Bruce reached the mouth of the Peiho the people said there were no authorities on the spot, that they were acting without orders, that they had merely put up the stakes in the river as a protection against pirates, and that they were not authorized to say anything to the British Ambassador. Whether Mr. Bruce was right or wrong in the course he took, it is quite clear that he and Admiral Hope went up to the barrier without any notice having been given to them that their passage up the river was to be obstructed. That being the case, and the loss inflicted on us being so severe, it was necessary that some reparation should be insisted upon. The demands we made were exceedingly moderate. We required, of course, that the treaty which had been concluded, and waited only for ratification, should be carried out. We demanded also an apology for the outrage which had been committed. That being done, we proposed that our Minister should go up in a peaceable manner to Pekin, and that there the ratification of the treaty should take place. Considering that we are at the expense of a considerable armament, more reasonable proposals than these could not well be made. If they are refused and the armament should arrive there, then Mr. Bruce was instructed to ask for a large indemnity. I do not think we could propose anything less than this; and if these moderate terms are not accepted, then the treaty and the other stipulations will have to be enforced by arms. The strength of the expedition will by no means be so great as my hon. and gallant Friend imagines, but we trust and believe it will prove sufficient for the enforcement of our proposals. No one can lament the whole matter more than I do. We do not go to China to form alliances against other Powers. We have no question of boundaries to settle there, or any disputes of the kind that arise in connection with the affairs of Europe or America. What we have to do there is merely to trade; but for the purposes of trade we must have security for the persons and property of our countrymen. Our trade has enormously increased of late years. The trade of Shanghai, for instance, has sprung up since the Treaty of Nankin, and has already assumed considerable proportions. Being a large trade, a great number of persons are engaged in it, and disputes of various kinds are liable to occur. It is therefore desirable that our Minister in that country should be able to resort to the chief authorities, when necessary, and that he should not be confined to Canton, having to deal with petty officials, and to wait months for the conveyance of messages to and the return of answers from Pekin. It is necessary that our Minister should have the power of going to Pekin, with free access to the authorities there. I do not think we ought to be content with the proposition in the American Treaty that the Minister should go to Pekin only on matters of business, and come away again directly. That is not enough. Our Minister ought to have the option of being at Pekin whenever he thinks necessary. It may be found more for our interest and convenience that the Minister should reside at Shanghai, and only go occasionally to Pekin, still I think that the condition which Lord Elgin inserted in the Treaty is essential and ought to be insisted on. I have only further to say that Lord Elgin will soon return from Paris and proceed upon his mission to Pekin. There is no man more anxious to maintain the most peaceful relations with China than my noble Friend Lord Elgin. He is esteemed by the people of that country, and he has a strong desire for their welfare. Both he and Baron Gros are animated by the most pacific sentiments, and we have thought we could not do better than ask Lord Elgin and Baron Gros to go out again as our Plenipotentiaries to arrange our differences with the Chinese Government.

Sir JAMES ELPHINSTONE said, he had listened to the speech of the noble Lord in the hope that he would have laid before the House some plan of a comprehensive policy for regulating our future relations with China, and for bringing to a close the discreditable position we had hitherto occupied in that country. He wished the House to look back to the period when the Government first undertook the responsibility of communicating with the Emperor, and to allow him to retrace what had since occurred. In 1832, when the charter of the East India Company came to an end, a different state of things was forced upon the Chinese Government. Instead of the monopoly that existed on the part of the East India Company, when a disciplined force acted under treaty engagements, and everything was conducted in an orderly manner, the trade was thrown open to persons who flocked to China as an El Dorado. The Government sent out a nobleman (Lord Napier) as superintendent of trade, who was neither charged with the powers of a Plenipotentiary nor backed by a suitable force, but who landed at Canton in the dead of night, and who was accredited to no one but the head of the police and the Customs authorities of Canton. He was insulted, the trade was stopped, and almost every one who had anything to lose left the country. He (Sir James Elphinstone) was there at the time, and therefore spoke with a personal knowledge of the facts. Lord Napier's death brought that state of things to an end, and for three or four years afterwards the trade was carried on under the most irregular circumstances. The seizure of opium, the burning of the factories, and a series of outrages upon British subjects led to the first Chinese war. The Government sent out Sir Henry Pottinger as Plenipotentiary, and he concluded the Treaty of Nankin, after hostilities that brought the Chinese Government into great disrepute with their subjects. That treaty was called a seven years' settlement. It was clearly impossible that the relations of the two countries could long rest upon the basis of that treaty. British subjects were exposed to indignities of every description; they were massacred and murdered; they were confined to the neighbourhood of Canton; the city of Canton, contrary to treaty engagements, was closed against them; and the affair of the *Arrow* was only the culminating point in the long list of injuries and indignities. He thought that Her Majesty's Government were perfectly in the right in this question of the *Arrow*, because if they allowed vessels that carried the British licence to be interfered with, the commerce of our settlements in those seas would soon fall to the ground. He should, therefore, have supported the Government of the noble Viscount in this dispute with the Chinese Government if he had had the honour of a seat in Parliament at that time. The second Chinese war resulted in the mission of Lord Elgin. In his belief, the whole of the operations of that war, up to the point when Lord Elgin left China, were conducted with singular ability, not only by our Plenipotentiary, but also by the gallant Admiral who commanded our naval forces (Sir M. Seymour). We then had another treaty, which, although it was an improvement on that of Sir Henry Pottinger, was not framed in that comprehensive spirit and regard to the future which ought to have characterized it. Lord Elgin was now going out again, and he trusted that in any future treaty the noble Lord might conclude provision would be made for placing our trade on such a footing that it could be carried on peaceably in future, humanizing and civilizing the Chinese, and giving us greater influence with the

Chinese Court. As regarded military operations he differed with the noble Lord as to the plan of operations he had appeared to shadow out, for, in his opinion, it would be a fatal mistake for the troops to advance upon Pekin. No doubt the insult perpetrated upon us deserved retribution; but, in the first instance, it ought to be put before the Chinese as demanding an ample apology and an indemnity large enough to compensate us for the loss of our vessels and material and compensation to those who were injured or their relatives. That was, he thought, as far as we could well go at the outset, failing such a settlement. He would then reduce the forts of the Pehio, but he would be very chary of going further in that direction. He should fall back, and take up the strategic position we ought to occupy, which was to hold the city of Nankin. He had always held that that city was the strategic point which we ought to occupy in China, and which would enable us completely to command that empire. He who held it would have a complete control over all the great producing districts, by the possession which it would give him of the command of all the commercial arteries of the country, and it would then be impossible for the Emperor to collect his revenue or exercise the powers of Government. He (Sir James Elphinstone) would first, therefore, take possession of the Taku forts, and then fall back upon Nankin, where he would make it known to the inhabitants that we were prepared to maintain order and to receive their produce. But if our forces were to go to Pekin the fleet must start in the month of April; some time would be required to reduce the Taku forts, and the month of August would have arrived before the troops could have got to the Chinese capital. Now, it was the opinion of every person acquainted with China that in that event the Emperor would retire into Mantchouria. He had not himself a doubt upon that point. Our army would then have to maintain order among a vast and turbulent rabble; they would have to spend the winter under a climate in which the thermometer sometimes fell to 20 or 30 degrees below zero, and their communications would be cut off by myriads of Tartars. They had all heard of the disasters of Cabul, and it would be too much in one lifetime to suffer from a similar calamity. Our troops might be able to overthrow any army which could be mustered against them, but the Chinese would probably not collect together that we might butcher them. Asiatics would not fight under our conditions, and of all Asiatics the Chinese were the most subtle and ingenious. They would do everything to prevent our march to Pekin, and, when there, would, no doubt, do everything to make our stay as unpleasant as possible. Now, the policy he recommended was one which would checkmate the Emperor at starting, and to do this we ought to take possession of Nankin with a force of gunboats. This would enable us to keep the internal navigation of the country clear, and silk and tea would come to us down the tributaries; the atrocities alike of the rebels and the Imperialists would be prevented; the prosperity and safety of the producing districts would be insured; and the Emperor would at the same time be cut off from the fairest portion of his dominions and forced into a negotiation which, under proper management, would end in a more permanent settlement of the question. This, in his opinion, was the true solution of the Chinese difficulty. With regard to the rebellion, there seemed to be considerable misapprehension. It was of no recent occurrence, but appeared to have existed, more or less, from time immemorial. In 1820, when he went out to China, the rebels were in force in the province of Quangtung. The Chinese authorities then got Americans to fight for them, and one of these, a man named M'Gee, kept a public-house, was made a mandarin of the peacock's feather, and used to wait at dinner with his peacock's feather on. In 1849 a sort of semi-Christian movement took place in this province quite distinct from the normal rebellion with which, however, it became speedily identified, but our policy throughout had been of the most vacillating kind. Sometimes we supported the rebels, sometimes the Government; and all this time much of the Chinese coasting trade was thrown into the hands of foreigners, or the Chinese merchants had to pay black-mail for its convoy and protection from piracy. Unless the Government of Great Britain was in a position to take the Chinese Government into their own hands they were not warranted in weakening the power of the existing Imperial Government. The rebels had never carried on a regular Government of any kind, but had been guilty of rapine and murder wherever they went. The only chance of maintaining order and authority in China was to strengthen the hands of the existing Government; and this was the view taken by Lord Elgin in one of his despatches addressed to Lord Clarendon. The noble Lord the Foreign Secretary, in the statement he had just made to the House, seemed to point to a demand for indemnification from China; but unless we laid hold of the export duties of the country we had no means of obtaining indemnity from that people. In the despatch from Lord Elgin read by the hon. and gallant Member for Westminster the great poverty of the Chinese was clearly pointed out, and he observed that it was unwise to put forward pecuniary claims upon them in such circumstances.

Lord JOHN RUSSELL said, the claim insisted on in the Treaty of Tien-tsin was £1,200,000, as compensation for losses sustained by Her Majesty's subjects.

Sir JAMES ELPHINSTONE: Yes, but the noble Lord now asked for an indemnity for the great armaments we were sending out to China. He told the noble Lord that it was impossible to obtain it. We had the Persian expedition to guide us in our calculations as to the probable expense of this expedition to China. The Persian expedition only lasted about five months, the distance from Bombay was 1,500 miles, and the sum the country was called upon to pay in order to meet the expenses of that expedition was £2,225,000. How much more than that amount was laid upon our willing horse, the empire of India, he never could ascertain correctly, but it was said that the whole cost of the Persian expedition amounted to £3,750,000, and it is most probable that it did not greatly, if at all, fall short of that sum. But that amount was expended upon a small force going a distance of 1,500 miles. Now, the distance from Bombay to the mouth of the Peiho was 5,000 miles, from Calcutta 4,700 miles, and from Madras 4,800 miles. The contrast price of coal for the expedition to the Peiho is £3 per ton. The horses, artillery, and attendants upon an army of 10,000 or 12,000 men, going such a distance, must be much larger than the number which was required for the Persian expedition; and the basis of the operations being India, the army must necessarily carry the greater part of its supplies with it. But supposing the whole thing to be done in a few months—though he did not expect it would take less than twelve months before the expedition could be at an end—and supposing it would be necessary to leave a force in the country to enforce the carrying out of the provisions of the treaty, in that case his belief was that they would not get out of this Chinese war at a less cost than £10,000,000. And all this was to be incurred at a time when they had a deficiency of £7,000,000 or £8,000,000, of which no account was taken, but which must eventually come out of the pockets of the people; and with a large deficiency and no adequate amount allowed for the expenses of the Chinese expedition, the result to this country would be disastrous. That was the reason why he had steadily opposed the financial measures of the present Government. As to the French, he could not conceive what brought them into this Chinese matter at all. During the sixteen years when he was in the habit of going backwards and forwards to China, he found the whole of the French trade to that country represented by one ship, that brought out claret to China and took back some toys and green tea, and silk piece goods. He believed that that trade had lately increased, but he was sorry to say, in a most unfavourable direction; namely, in the carrying Coolies, which was neither more nor less than a system of slavery. This trade had been gradually increasing of late years, and had now reached a very unsupportable pitch. It was spreading throughout China a distrust and hatred of the Europeans, and especially of the English, because the inhabitants of China could not draw the distinction between us and the French nation in regard to this obnoxious trade, believing us to be the great promoters of that trade, because we were the only nation that appeared to have commercial transactions with them to any great extent. Now he was of opinion that this Coolie question was a most serious one, and must be dealt with summarily by us. He had heard nothing said by the Government as to the propriety of putting a question to the French Government upon this subject, and it was one that was eating into the vitals of our Chinese trade, and would continue to do so until we took up the matter as we ought to do and settled it. Before he sat down he wished to impress upon the Government that they ought by no means to take the control of the army and fleets out of the hands of the military and naval commanders after a definite policy had been decided upon; because if an Ambassador, having the control, proposed to concentrate the forces on a given point, the Admiral in command, when two nations were co-operating, would often be embarrassed in the discharge of the service in consequence of having to consult the officers of the other nation with whom he was acting. Their great object in China now was to obtain by a permanent treaty arrangement the commodities which they went there to purchase, and in doing so they ought at all times to act as Christian merchants, to support the Imperial Government, defend the honour of our flag, and abstain from shedding the blood of the inhabitants in unnecessary quarrels, and to carry on all their transactions in the spirit of peace and justice.

MR. BRIGHT: Sir, when the speech in which the Session of Parliament was opened met my eyes, and when I came to the paragraph which referred to these unhappy transactions in China, I confess I was glad to see, or to think, that the tone of that paragraph was moderate, and indicated a disposition on the part of Her Majesty's Government to avoid any re-opening of the war with China. I presume that the Resolution which has been moved by the hon. and gallant Gentleman below me is a Resolution rather calling upon the House to support the Government in the policy which was indicated in Her Majesty's Speech. The words of it are such as I imagine every Member would be quite willing to support with his vote, and such as the Foreign Secretary would be ready to accept. There is another object, as it appears to me, in proposing this Resolution—namely, to afford the noble Lord an opportunity of making the statement which, on some previous evening, he gave the House to understand he would make on Chinese affairs. With that statement I confess I am a good deal disappointed; for he has not told us a single thing, except that the amount of force to be sent to China is only about half as much as that which had been stated by my hon. Friend near me. It appears to me that on occasions of this nature, when the country may possibly be dragged into a bloody and most costly contest, it is the duty of the Minister for Foreign Affairs to be a little more explicit to the House. We have had before us, on another occasion, a case which has been mentioned to-night by the hon. Member for Portsmouth (Sir J. Elphinstone)—that is, the war which was carried on with the kingdom of Persia, which cost more than £2,000,000, about which we heard nothing when it began, and about which nobody has heard anything since it ended, except that we have had an enormous sum to pay for it. We are apparently involved in another transaction, which I think the most robust conscience in this House can never regard in the light of an honourable cause. Let us for a moment—and I shall not take up the time of the House more than a very few minutes—trace the progress of these transactions. I will not go back to the original Chinese war, which was about as bad as anything could be, but to that war which was commenced by the indiscretion—to use no harsher term—of Sir John Bowring, the English Plenipotentiary—which was based on a fraud,—upon that which the House of Commons has condemned as a positive lie; and although when there was a dissolution of Parliament a majority was returned to support the Minister who was then in office, yet no attempt has ever been made—and I think no Minister would ever pretend to attempt—to induce the House of Commons to reverse the judgment to which it came on that occasion; and I believe there is now scarcely a dissentient opinion throughout the country as to the folly and guilt of that transaction. One way or other that war came to an end, and a treaty was made under the auspices of a noble Lord who is at present a Member of the Cabinet. There was, in the negotiation of that treaty, a grave error committed. There seemed to be a constant disposition to introduce something into it which should be a special cause of aggravation to the Chinese, but which could be of no use to the trade or the political interests of this country; and one thing was insisted upon which has hitherto been unheard of in China—namely, that an English Minister should take up his residence at Pekin. It is a question open to discussion whether it is worth while to keep a Minister at any Court in the world—it is a question whether it would not be much better that all your Ambassadors should be withdrawn; and that when any difficulty arose between the Government of this country and any foreign Government you should send out a Minister for the special purpose of dealing with it. But, however, this question may be decided, that man must have a wonderful notion of English policy or English commerce who thinks that anything can be gained by picking up some inexperienced or some needy diplomatist—though I would not apply the term needy to this case—and sending him to reside at Pekin, where he will be the least comfortable, and perhaps the very least wanted. That clause was inserted in the treaty, I believe, with the special object of humiliating the Chinese, and to give a proof of the absolute supremacy and triumph which the arms of England had obtained over the feeble Government of China. Now, to turn from the question of the treaty, to the question of its ratification—I do not understand why, in the midst of a political affair of this nature, a nobleman who had been the Minister who had arranged this treaty should not have stayed until the ratification was complete. There may have been reasons for his return that I do not know of, and it may be that the Minister who succeeded him has been, as compared with other men in the subordinate situations he has filled, fit for the position. He is a gentleman whom I never saw, of whom I know nothing, except for this transaction—indeed, I never heard his name until he went to China, and we found him engaged in a transaction so calamitous to this country and so calamitous also to the Government and people of China. In this second case I maintain that we are just as wrong as we were in the case of Sir John Bowring at Canton. All the arguments which the noble Lord the Secretary for Foreign Affairs used in 1857 would, to my thinking, be valid against the case which he has undertaken in some sort to apologize for to-night. The noble Lord spoke of treachery that was exhibited towards the forces of England; but we have it on the authority of an English officer who was engaged in this sanguinary and unhappy affair, a gentleman holding the rank of captain, and connected with a high dignitary of the Church, who says there was no treachery whatever. And, more than that, if the Chinese had intended to be treacherous or to lay an ambuscade, he says that not a single vessel could have escaped, nor a single person on board have survived, had the Chinese taken the opportunity that was afforded them for firing on the squadron and inflicting such damage upon it as was open to them to do. The fact is, it is not worth our while, as sensible men, involved in the discredit and guilt of this transaction, to try and cover it up by charges of treachery against the Chinese. The charge is one of utter folly and imbecility on the part of our own Minister, and, nowithstanding all that may be said of the valour of the Admiral, of great indiscretion on his part. I hold that prudence and valour are twins and go together. Together they do great things; but separate they end in disasters like this. I have no patience to hear in this House Gentlemen getting up and praising the valour of the commanders of vessels on occasions like this. Every man in the fleet, I suppose, showed equal valour; but the 400 or 500 men who were sacrificed on that occasion were sacrificed to the bad arrangements of the Admiral and the utter folly of the Minister. That is an opinion which I do not offer as my own, but as that of men who served in China, and the opinion, I undertake to say, of 99 out of 100 of all reflecting men in England who have read the narrative of this miserable transaction. Up to that point no one can blame the present Government. The noble Lord had just taken office in the very week in which this business took place in the Peiho; therefore he is not to be blame for what happened 15,000, miles away; but I think neither he nor his colleagues showed afterwards that judgment which might have been expected from men placed in responsible positions when they heard the accounts of this transaction. It appears to me no man could read the despatches and narrative, whether they came direct from the Chinese papers or from the correspondent in China of a London paper, or from Indian papers, or from private letters, or any other source, but that he must come to the conclusion that Mr. Bruce has been guilty of a great want of judgment, the consequence of which has been a most disastrous failure. But what has been done with a man who has shown a great lack of judgment and has failed disastrously? I do not pretend to say that I, or any other man may, not sometimes have failed in judgment; we may fail in many affairs of life:—but surely when a Minister placed in this responsible position 15,000 miles from home commits errors so grievous as to bring about results so startling and alarming to the people of this country, the first thing the Government should do would be not to continue such a man in an office of such responsibility, but to replace him by some one in whom the Government and country could hope to find a sounder judgment and better discretion. Nothing can be so absurd to my mind as negotiating with a people through a Minister who has just failed in the first and only transaction he has had with them, and whose mind must necessarily be irritated by his want of success; because, instead of going to them with a mind unbiassed, entertaining generous sentiments and such regard for the people as the case admitted of, together with a sincere wish that both nations might live in amity with each other, his mind must be in a state of irritation at his own defeat. I say it is not possible to pick out from the whole world a man — considering equal competency in other respects—who would be so entirely unfitted to have the conduct of these further negotiations or operations, whatever they may be, as Mr. Bruce, who since these transactions has been continued as our Minister in China. If Gentlemen will read his despatches they will see that he never was fit for the office, because they will find that he commenced his negotiations in a spirit of what I must call most unfair suspicion and distrust. Almost every expression that he uses is one which shows how much he was disposed to affront rather than to consult the feelings of those with whom he was about to negotiate, and, in fact, he appears to make a positive claim to the confidence of his employers, the Government at home, because he wishes to do things precisely in that manner most calculated to mortify and humiliate the dignitaries of the Chinese empire. Well, if he was not fit for his office then, can he be fit for it now? If he be so great a man that Kwelliang, the Prime Minister over 300,000,000 of people, was not sufficiently great a man to meet him, then, if you trust your future negotiations to him, I should not have the smallest expectation of their coming to a successful result; and I think the estimate of expense which the hon. Member for Portsmouth has laid before the House probably falls short of the bill that will ultimately have to be paid by us. But now the noble Lord, doing tardily that which some months ago ought to have been done, proposes to send Lord Elgin out again, with the hope that he may terminate this unhappy state of affairs. I am not able to say whether Lord Elgin is the most suitable man for the purpose; but from his experience and knowledge of Chinese affairs he would appear to be so. If he can clear his mind of all feeling, exasperation, or anything akin to that which Mr. Bruce has felt, then I do not know why he may not be as good a man for the purpose as any other man. Possibly, the failure of his brother may have this beneficial effect upon him, that he may be anxious by his own conciliatory conduct to close this dismal chapter, and he may be anxious by his own conduct of affairs to veil the misfortune of his relative, and therefore he may prove, in the end, the most suitable man to send out to China. I find no fault with the selection of that noble Lord, for I presume there can hardly be a greater difficulty for a Minister than to select a suitable person to fill a most responsible and difficult position on the other side of the globe. I think the noble Lord should begin his instructions—which instructions, by the by, we are not allowed to know anything about—by not insisting upon that part of the treaty which requires that an English Minister should reside at Pekin. I confess, as I said before, I can see no advantage that could be gained to the trade or policy of this country by our Minister residing at Pekin; but if we are more powerful, and can send fleets and armies without stint to break up a great nation that has existed for centuries before we were heard of—if we can do all this, it is not necessary to use all this vast power in so ungenerous a manner as to annoy and insult the supreme governor of 300 or 400 millions of people. If the noble Lord at the head of the Government should speak to-night, or on any future occasion, I hope he will tell us what is the good to be expected from establishing Mr. Bruce, or Mr. Bruce's successor, at Pekin. If he can show that the good is something greatly overbalancing the evil, then we can consider it; but it seems to me to be—to use a rather favourite expression of the day—going to war for "an idea," and that idea about as stupid a one as ever entered into the head of any statesman. Now, on one point the hon. Member for Portsmouth has referred to I should like to make a few observations. The course being taken before going into this new war,—or this new crime, I do not know any other word for it—is one of an alliance with another nation. I am not one of those who are always expressing distrust of the Emperor of the French; I speak with respect on all occasions of the Emperor of the French, the Emperor of Austria, and all the Powers that rule in all countries, as much as any person with whom I am acquainted. But this may be the case—the objects of another Government may be different from the objects of this Government. The noble Lord has told us there is no convention with France as to this transaction; no specific agreement between the two countries as to what they are going to war for, what are to be the terms of peace, how the cost is to be defrayed, or if either Power intends to retain any territory in China. All these points were arranged before the Russian war; but they have not been arranged before the Chinese war; and we may be dragged into complications in China that will cause immeasurable evil there, and lead afterwards to serious complications and unpleasantness nearer home. I think the Chancellor of the Exchequer cannot feel very happy if he heard the speech of the hon. Member for Portsmouth, and his estimate of the probable expenses of this war. As to expense, it appears to me that the country and Parliament have become absolutely drunk on the question. The "words of truth and soberness," such as I endeavour to speak on this subject, are treated as if I were talking of the affairs of the people of another planet, which we have nothing on earth to do with. Here is a great toiling nation of 30,000,000 of inhabitants, increasing every census, with its exports doubling every few years, its population enjoying itself more and more; this is the vast reservoir from which Parliament and the Chancellor of the Exchequer think they can draw inexhaustible streams of wealth, to pay the cost of a policy so idiotic as this we are pursuing in China. I believe the hon. Member for Portsmouth is right in all his calculations and estimates of the cost of the expedition. The calculations we have heard from the Treasury Bench are the mere fringes of that immense mass of cost that must come down on us, if we live to another year. Hon. Gentlemen opposite charge me with having some special affection for the present tenants of that bench. I have always felt a great interest in everybody who has been powerful on that bench since I have had a seat in this House, when I thought they pursued a course in harmony with the true interests of the country and the opinions I have formed of what is necessary for those true interests. I do not blame the Government for any considerable wrong they have done, because they came into this transaction as a legacy of misfortune from their predecessors. But when I approach this Chinese question I confess I think the Government stands on grounds so slippery that I should not be in the least surprised if in the next Session of Parliament—should they be living as a Government, as I hope they may—they find themselves ingulfed by this very Chinese question, which has once before caused political changes in this House. When that discussion took place three years ago I was spending some weeks in the city of Rome. I there received a letter from the hon. Member for Rochdale, written immediately after that division; speaking of the Chancellor of the Exchequer's speech, I recollect well that he said it was "a marvel of persuasive eloquence." That is true; I have heard the statement confirmed by others who listened to that speech. But the right hon. Gentleman on that occasion was speaking on behalf of great principles of justice, and telling the House that what is called the prestige of England is valueless to the nation if it is not based on an equitable policy to other nations. I am not charging the Government with having been inequitable, nor blaming them for transactions of which they are not guilty. I am only warning them against two things—first, against forming a partnership with another Power in transactions which, in connection with another Power, they cannot control; next, against making demands on the Government of China based only on the disaster caused by the folly of their own Minister, and which they have no right, in the sight of God or man, to make. Looking back on our transactions with China during the last few years, I believe nothing more vicious can be found in our history; no page of our annals is more full of humiliation, because full of crime, than that on which is recorded our transactions with China; and, because I feel this—because I wish the Government to live and prosper—because I wish this House to stand in honour before the country—because I wish the country to hold a position of repute and morality before the world, therefore it is I warn the Government and this House against proceeding with a policy which no man here can say in his conscience is not a policy conducted in defiance of the laws of Heaven, and those principles of justice without which human society itself cannot be held together.

Mr. SIDNEY HERBERT: Sir, the hon. Member for Portsmouth appears to have misconceived what fell from the noble Lord (Lord John Russell), from the emphatic manner in which he has warned the Government against giving instructions for our forces to advance to Pekin. The hon. Member's speech is, however, inconsistent in its main principles. The hon. Member's policy consists of an advance on Nankin, which he admits is at this time in the hands of the rebels, or left an utter desert and waste; and he endeavoured to show that we ought to advance upon that city, not for the purpose of putting a temporary pressure on the Chinese Government, but with a view of permanently retaining it. Now, Nankin is either a waste or in the hands of a body of the Chinese people, with whom we are not at war. Our object has been to localize the war as much as possible—to show that we are engaged in hostilities with the Government only, and wish the people to suffer as little as possible. The hon. Member says Nankin ought to be permanently annexed. [Sir J. ELPHINSTONE: Occupied.] Well, "annex" and "occupy" are nearly convertible terms. But I am certain Her Majesty's Government will not be disposed to adopt his advice. Nothing could be more disastrous than saddling ourselves with a tract of country which must involve us in hostilities, and could be but of little use. Then the hon. Gentleman quarrelled with the moderation of the terms of the Government. He blames it for having only required the ratification of the treaty as it stood, and that it has not demanded any indemnity for the war, though he had before said the country is so impoverished it would be impossible to get any. I think the hon. Member's warning that the English and French troops should not march too far into the interior is superfluous. If there are any two armies in the world that do not require a warning against advancing on Nankin, up a river frozen in winter, through an immense population, relatively to which any army must be small, they are the armies of France and England. The English army has the recollections of Cabul, and we should not be willing to incur any similar disaster. The French army, too, has advanced on foreign capitals, from which it barely returned, and could cite its own experience against the attempt. The hon. Member has referred to the difficulties in some of the Chinese towns caused by the Coolie emigration; a very valuable officer, Mr. Austen, has directed his special attention to this subject; and I hope other European nations are accommodating themselves to our mode of conducting the traffic, and that complications with the Chinese from this cause will be prevented. Now let me come to the speech of the hon. Member for Birmingham. He said, with great truth, that this is not a question which the two sides of the House need discuss with asperity; for both have been engaged in the transactions that led to the mishap of the Peiho. The instructions were originally given by Lord Clarendon, and adopted by Lord Malmesbury. Mr. Bruce was, I believe, appointed by Lord Malmesbury. There can, therefore, be no party recriminations as to the misfortunes that have occurred. But he also says the treaty bargained for things not necessary. I have no wish to say a single word in defence of the treaty of Tien-tsin. I have an opinion of my own on Chinese matters. Looking back on all the history of our transactions with China, I think we have there been "in a wrong groove," and it is very difficult to get out of it. But I hope the statesmanship of the noble Earl who is about to go to China may obtain for us a better footing there. It may be true that the treaty imposes upon the Chinese conditions which they did not anticipate, and conferred upon us certain advantages. But, at the same time, two Governments represented on both sides of the House have adopted the treaty, so that it constitutes, as it were, a point of departure. Now, it is possible that there is no necessity that there should be an English Minister resident at Pekin. Lord Elgin appeared to be of that opinion; for, although he stipulated for the right of being able to go to head-quarters in case any difficulty should arise, he at the same time assured the Chinese Government that, except on those occasions upon which some misconduct on the part of its officials gave cause for complaint, the English Minister would not insist upon going to Pekin and residing there. Indeed, he rather held the occurrence of such an event *in terrorem* over them, in case the Chinese Government should act with injustice towards British subjects. But be that as it may, the Treaty at Tien-tsin is now a *fait accompli*, and has been accepted by both sides of the House, and its ratification must therefore be insisted on. We have not, even subsequent to the attack at the mouth of the Peiho, attached any onerous conditions to that ratification. All, indeed, that we have demanded is that the ratification should take place. It must be borne in mind that the question is one which was beset with great difficulties. The affair of the Peiho took place on the 25th of June. When the news with respect to it reached us, we had to decide upon the conduct of our officers in a remote part of the world. It is also but just to Mr. Bruce to state that his was a very difficult position; he was perplexed by the vacillation of the Chinese plenipotentiaries at Shanghai; he had to contend during the whole summer with the duplicity of their diplomacy. I do not reproach the Chinese functionaries on this account, because I am not quite sure that duplicity quite as glaring did not characterize the diplomacy of European nations boasting the highest civilization, within a period stretching not quite so far back as the end of the last century, nor am I sure it is quite free from it even now. At all events, Mr. Bruce saw that the object of the Chinese was to frustrate by delay the object which he had in view. He accordingly proceeded to the mouth of the Peiho, and he found on his arrival there the entrance barricaded. I may here observe that I think the hon. Member for Birmingham is slightly in error in the expressions on this point to which he gave utterancce, for it does not follow that an ambuscade is not resorted to with a treacherous design because it does not succeed. There is, at all events, no doubt that our officers went up to the barricade in perfect good faith. When they reached it they found no flags flying, and no men of rank came down to receive them. The issue was, as we are all aware, that a battery opened on them and that great slaughter took place. Now, that being so, it is quite clear that, whatever may have been the wisdom of our policy towards China in former years, we have now but one course to pursue with respect to that country. We may hope to obtain the ratification of the Treaty of Tien-tsin without bloodshed, but it is, I contend, absurd to approach the Chinese with that object without making some demonstration of force to show that we are capable of carrying our wishes into effect. It is very easy, I cannot help saying, to be wise after the event, and to criticise the conduct of men with the view of showing that they have displayed a great want of judgment. But that is not exactly a fair way of looking at the matter, and, when we are told that the Americans negotiated successfully with the Chinese, it must be borne in mind that they merely asked to be allowed to come within the scope of the most favoured nation clause, and that their privileges in the matter were greatly facilitated by the negotiations of Lord Elgin and the presence of an English fleet. The truth is that the Chinese look upon all "whites," whether Europeans or Americans, as members almost of the same nation, and what they had granted to one nation they would never think of refusing to another. With regard to those persons who have censured the proceedings in China, I will remind them that it is easy to be wise after the event, and to criticise the conduct of men acting at a great distance from home and surrounded by difficulties; but let me suppose that Admiral Hope had succeeded in silencing the fire of the Chinese batteries, and had accomplished his purpose, nothing would then, I imagine, be said in derogation of the judgment displayed by Mr. Bruce. But, passing from that point, I have the strongest expectation that Lord Elgin on his arrival in China will be able to place this question on a better footing. He possesses, in my opinion, many of the qualities which are necessary to effect that object. He has great local experience. He it is who made the Treaty of Tien-tsin, and he must be in a peculiar manner desirous that peace should be established on a durable and permanent basis. You cannot, moreover, read the blue-books connected with this subject without perceiving that he is inclined to the opinion that we are asking too much from the Chinese. Through the whole of his correspondence, indeed, there is breathed on his part a spirit of conciliation which animates me with the utmost hope that we shall be able, with his assistance and the great demonstration of force which we are about to make—for we could not carry our views into effect without such a demonstration—to place our relations with the Chinese empire upon a satisfactory footing. I shall now say no more on the subject, but when the House goes into Committee I shall be prepared to explain the circumstances and amount of the Vote which we are about to ask you to grant this evening.

Sir JOHN PAKINGTON: Sir, I quite concur with the right hon. Gentleman that the discussion on this important subject is one which need not assume a party character. The late Government, I am aware, appointed Mr. Bruce, and we should be very much to blame if we endeavoured to escape from any responsibility which attaches to us in this matter. But, while I agree with the right hon. Gentleman to this extent, I am sorry to be obliged to add that he has not in the course of his observations relieved me from that disappointment with which I heard the statement of the noble Lord the Secretary for Foreign Affairs. In making that statement I think the noble Lord has hardly acted up to the promise which he made on a former occasion, when I understood him to say that at no distant date—as soon as the despatches which he then expected should have been received—he would make a full explanation to the House as to the policy of the Government with respect to the position of affairs in China. We are still left in ignorance upon that point. The subject is one in reference to which I am sure the Government cannot complain that they have been subjected to undue pressure from this side of the House. The contrary, indeed, has been the case; for owing to the great interest which we have felt in the discussions on the Budget, on matters of foreign policy, and the approaching debate on the Reform Bill, the attention of Parliament has been to a great extent diverted from the consideration of this most important question. This matter involves considerations of the first importance. It involves what are hereafter to be our relations with that great and peculiar people, the Chinese; it involves an immense amount of trade with that quarter of the world,—I am sorry to say, at this moment it involves the question whether or not we are to embark in a most costly and difficult war; and, lastly, it involves the question of what is the becoming conduct for the Government of this country to take after that most disastrous reverse Her Majesty's arms sustained at the mouth of the Peiho. I think, too, that that most unfortunate event involves the question in such extreme difficulty as to entitle the Government to the support and assistance of the House. Approaching this difficult and embarrassing question in this spirit, I quite admit that, after that unhappy affair at the mouth of the Peiho, it is the undoubted duty of our Government to see that our power and prestige in the East are not diminished. On that account I am not disposed to find any fault with the Government for having sent out a powerful armament to support any demand they may think proper to make on the Emperor of China. I think it was their duty to do so. They have acted wisely to that extent. But the hon. Gentleman the Member for Birmingham—in a great part of whose speech I entirely concur—alluded to the speech delivered two years ago by the present Chancellor of the Exchequer, a speech which the hon. Member for Birmingham did not himself hear, from a cause which now happily exists no longer, but which was described to him by the hon. Member for Rochdale in terms he quoted to the House, and to the justice of which I entirely subscribe. I am sure the right hon. Gentleman will not suspect me of any intention or spirit of flattery when I say that I think that speech was the finest and most impressive I ever heard in this House. I only hope the right hon. Gentleman has not forgotten the sentiments he then expressed. The noble Lord, the Foreign Secretary, also addressed us on that occasion. He was not then, as now, sitting side by side with the noble Viscount. He then stood in very different relations to the noble Lord from those in which he is now placed; and I believe neither the House nor the noble Lord can have forgotten the emphasis with which he, in a spirit of equity and wisdom, in which I heartily concurred, bade this House be just and fear not. That was the maxim the noble Lord laid down; and in the present difficult and anxious state of our relations with China I earnestly hope that the noble Lord will now act on that principle,—be just and fear not. The noble Lord told us to-night that he would not raise any question as to the conduct of Mr. Bruce; and I have no desire to force any discussion on that conduct more than is unavoidable. But I must say that the extent to which the noble Lord to-night abstained from giving us any view of the intended policy of the Government does force us, in my opinion, to enter in some degree on the conduct of Mr. Bruce, because that conduct lies at the very root of the policy which the Government are to adopt. Well, I have stated that I think the Government are right in making a demonstration of force in China; but the noble Lord—and that is one of the respects in which he has told us the policy of the Government—the noble Lord made an announcement to-night, in confirmation of what he told us on a former occasion, to which the hon. Member for Birmingham did not allude,—that one of the demands which the Government do intend to make of the Government of China is an apology for the transactions that took place at the mouth of the Peiho. The hon. Baronet the Member for Portsmouth (Sir J. Elphinstone) adverted to that demand of the Government, and in terms of approbation. I know not how far the views I entertain on this subject will find favour in the general opinion of the House, but this is a matter of so much importance, involving consequences of such moment to this country, that I cannot stop to ask whether my views may find favour in this House, or to what extent they may be shared; but I feel it my duty to state those views, and I wish to put it to the House and the Government whether, looking to the unfortunate origin of that transaction at the mouth of the Peiho, looking to the whole conduct of Mr. Bruce in this matter, we are entitled to demand an apology from the Chinese or not. If this is to be your policy—if you are to demand an apology from the Government of China, that decision involves of necessity two questions—first, do the facts as they occurred, acting in that spirit of justice to which I have adverted, justify the demand for an apology? And the second question which of necessity arises is this—if that apology should be refused, what is the alternative? Let me advert for a moment to a question on which the noble Lord has not touched to-night; nor, indeed, has the right hon. Gentleman (Mr. S. Herbert) referred to it, but I have heard it adverted to before—namely, that the instructions of Lord Malmesbury to Mr. Bruce under the late Government were such as to justify the course pursued by Mr. Bruce. Now, I entirely dispute that proposition. [Lord John Russell: I did not say so.] I did not impute it to the noble Lord; on the contray, I said he did not say so; but the statement has been made by others, and I cannot help adverting to it. Now, I can see nothing in the instructions of Lord Malmesbury that called on Mr. Bruce to make that attack off Peiho. With the permission of the House I will read the very few words of Lord Malmesbury's despatch which really bear on this question. [Mr. Bright: What is the date of the despatch?] I quote the first despatch in the printed papers, dated March 1, 1859. The only instructions to Mr. Bruce, which appear to bear on this point, are contained in these words:—

> "The Admiral in command of Her Majesty's naval forces in China has been directed to send up with you to the mouth of the Peiho a sufficient naval force, and unless any unforeseen circumstances should appear to make another arrangement more advisable, it would seem desirable that you should reach Tien-tsin in a British ship of war."

I know no other expressions from which it is possible to say that Lord Malmesbury had instructed Mr. Bruce to force his way up the Peiho; and that is the question upon which the matter will ultimately turn. I will not at this late hour detain the House by entering into these despatches more than is necessary to establish this point; but I desire to show that Mr. Bruce was not justified in ordering the attack in the Peiho, therefore I will at once direct the attention of the House to the despatch Mr. Bruce received from the Chinese Commissioners Kweiliang and Hwashana. I think that Mr. Bruce acted with discretion in refusing to negotiate at Shanghai. It is quite clear that, for reasons of their, own they wished to detain him at Shanghai and there re-open negotiations; but Mr. Bruce, I repeat, acted with judgment in refusing to remain at Shanghai to negotiate. But when the Chinese Commissioners found that Mr. Bruce was determined to proceed on his mission to Pekin, and would not re-open the negotiations, that very important despatch was written on the 12th of June by them, on which mainly, if not solely, turns the question as to the propriety of Mr. Bruce's attack on the Peiho forts. That despatch says:—

> "The Commissioners feeling that it would not be correct that the day appointed for that purpose [to exchange the ratifications of the treaty], which was near at hand, should be passed, after due deliberation decided that the only course open to them was to represent the matter fully to His Majesty the Emperor, and to request him to be pleased specially to select some high officer who might proceed to Tien-tsin to make arrangements for Mr. Bruce's reception. Their memorial was sent forward at the rate of 200 miles a day, and would arrive at the latest in some eight or nine days at Pekin, so that it might be assumed that when Mr. Bruce and the Ministers of France and America reached Tien-tsin the Imperial Commissioners could not fail to have arrived as well, and so the exchange of treaties in Pekin would be effected by the time fixed for the purpose. . . . It behoves them, therefore, in obedience to His Majesty's commands, to return post haste to the capital. As they have prayed His Majesty to detach a high officer to act as agent in the matter, Mr. Bruce will be certainly enabled to arrive at his destination by the time appointed. With the peaceful relations now established between the two nations, nothing certainly will be done that is not in conformity with the provisions of the treaty, and the Commissioners accordingly pray Mr. Bruce at once to put away all misgiving on that subject. . . . His mission being a pacific one (or as he comes speaking peace) his treatment by the Government of China will not fail to be in every way courteous; and it is the sincere wish of the Commissioners that relations of friendship may be from this time forth consolidated, and that on each side confidence may be felt in the good faith and justice of the other."

Now, I wish to ask the Government what diplomatists in any country could have held language more perfectly fair—more perfectly consistent with the *bonâ fide* intention to execute the treaty at Tien-tsin than that which I have read? Could Mr. Bruce take the slightest exception to that language? On the contrary, was not Mr. Bruce bound, after receiving this letter from the Commissioners, at any rate to have waited the course of events the Commissioners had indicated in that despatch? I cannot see that he had the least pretence for doubting the proposal they made. But what did Mr. Bruce do on the receipt of this despatch? The despatch was dated the 12th of June. Eight or nine days were necessary, on their own showing, to communicate with Pekin. Mr. Bruce then proceeded to the mouth of the Peiho, and, without waiting to see whether or not these Commissioners were acting in good faith, he gave directions to Admiral Hope to break through the barriers and force the passage of the Peiho. What is the language of Mr. Bruce on this subject? In the despatch in which he describes the failure of the attack on the Peiho, he writes thus to Lord Malmesbury:—

"After a long and anxious consultation M. de Bourboulon and I decided that we ought to adhere strictly to the course laid down in our letters to Kweiliang at Shanghai, and that we should insist, as much for the sake of our future communications with Pekin as for the successful accomplishment of the mission now confided to us, on the right of using the river as the natural highway to the capital."

And a little further on he adds:—

"I do not think that in any case we ought to have allowed our right to choose the only expeditious and commodious route to the capital to be questioned."

I speak with diffidence on this point in the presence of those conversant with such questions when I say I believe that Mr. Bruce is not supported by the law of nations in laying down the proposition that they had the right to choose the route by which they should proceed to the Chinese capital. But, however that may be, I hold that he was wrong in not waiting longer to see how far the promises made by the Chinese Commissioners at Shanghai would be fulfilled. In the same despatch Mr. Bruce speaks of the difficult task that lay before him in carrying the treaties into full operation, and ensuring a reception at Pekin "on terms to the last degree mortifying to Chinese arrogance." I am sorry to find those expressions in Mr. Bruce's despatches. I have no desire to comment with unnecessary harshness on that gentleman's conduct; but the papers show that he has been impressed throughout these transactions with the idea that the Chinese authorities ought to be approached in a very different spirit from that wise caution and moderation which, in my opinion, would have best enabled him to perform the difficult duty assigned to him. Well, what happened immediately afterwards? Not waiting for the answer to the message sent to Pekin, Mr. Bruce directed the unfortunate attack on the 25th of June to be made on the forts of the Peiho. At 9 o'clock on that morning a junk came alongside Her Majesty's ship *Magicienne*, the vessel in which Mr. Bruce was stationed, and which was anchored about nine miles from the forts, bringing an offer from the Governor General of Pechelee to welcome the British Envoy at Peh-tang-ho, whence he might proceed to Pekin by land. The Secretary of State for War has told us we are apt to be very wise after the event. I admit that we are arguing this question with that advantage; but surely we must not allow that consideration to deter us from endeavouring to place ourselves, as nearly as we can, in the position in which our Minister stood at the time, and then passing a fair judgment on his conduct. Why, I ask, was the *Magicienne* at a distance of nine miles from the scene of action? That was not the case with the American Minister. He was on the spot at the critical moment, although far less interested in what was going on than our representative. When the communication reached Mr. Bruce inviting him to Peh-tang-ho, in my opinion he ought, if possible, to have countermanded his orders for the attack. For what was the invitation he received? Here is the translation of the Chinese communication:—

"Hang, Governor General of Chili, &c., makes a communication. In obedience to the commands of His Imperial Majesty, the Governor General has come to Peh-tang-ho, a port (or harbour) to the northward of Ta-koo, to be of any service (or to do the honours to) Her Britannic Majesty's Envoy. As the negotiators of the treaty made last year, His Majesty the Emperor has issued a decree commanding the Chief Secretary of State, Kweiliang, and the President of the Board of Civil Office, Hwashana, to return from Shanghai to Pekin and they may arrive any day. If the Envoy of Her Britannic Majesty will have the goodness to wait until the Chief Secretary Kweiliang and his colleagues reach the capital, they will thereupon receive him at once, and he will enter the capital to exchange the treaties (or will exchange the treaties in the capital)."

I appeal to the House whether this invitation, made directly from the Governor

General of the province on the morning of the 25th of June, although it may not have been the direct result of the previous communications from Shanghai, does not exactly correspond with it in spirit? Was it not a carrying out, as far as the Chinese authorities could do so, of their avowed intention to receive our Minister with all proper honour, and expedite his mission to Pekin? I must express my strong opinion that after what passed at Shanghai—after the despatch of the 12th of June, Mr. Bruce was not warranted in ordering the attack of the 25th. Still less, after the invitation sent to him on the morning of the 25th, was the unhappy attack on the forts to be justified. And if it was not justified, are we entitled to demand an apology? The Chinese only did what they had a perfect right to do in barring the entrance of the river. I admit that their conduct at the mouth of the Peiho was not ingenuous or straightforward. [Lord J. Russell: Hear, hear.] The noble Lord cheers, but he is not able to tell me who was responsible for the deception practised on that occasion. The Chinese pretended that there were only militia there; and when Admiral Hope sent in to make certain demands he was met by people who said that the barrier was placed there only to exclude rebels. Nobody, surely, will contend, considering the character of the nation with whom we have to deal, and after the communications received from high officials and persons in authority, that because of these doubtful proceedings at the mouth of the Peiho, the responsibility for which cannot be traced to any one, we are justified in using force to choose our route to the Chinese capital. For, remember, there was no dispute as to our Minister going to Pekin to exchange the ratifications. The Chinese Commissioners at Shanghai fully conceded that point. The only question was as to the route to be taken; and under those circumstances it cannot be maintained that we were warranted in attempting to break through the barriers, and in declaring that we would go by the Peiho, and in no other way. But supposing we demand an apology, and it is refused, what is to be the alternative? Are Her Majesty's Government going to embark the country in a protracted and sanguinary war with China on so doubtful a plea? I hope not. I think the Government are right in requiring that the treaty shall be ratified, and in making a powerful demonstration to support that demand. But I take exception to their intention to insist on an apology, unless they are prepared—which I hope they are not—to make the refusal of that apology a cause of war. At the same time, if they are not so prepared, it would be most unwise to demand the apology at all. The noble Lord alluded to a very doubtful point—namely, how far the Ambassadors have power over the commanders of the naval and military forces, and the extent to which they could direct the operations. What does the noble Lord mean by "the Ambassadors stopping those operations?" Have instructions gone out to commence hostilities before the arrival of the Ambassadors? That is a point on which the House ought to be informed. I believe by the time the two Ambassadors reach China the season will be very far advanced for military enterprises. With regard to the appointment of Lord Elgin, I am happy to say I make no exception or objection. I believe that, looking to the great knowledge which that noble Lord must have acquired of the habits and usages of the Chinese, the Government could not have made a better selection of their negotiator; but I confess I am anxious to learn on what footing Mr. Bruce is to remain. Is he to continue in a diplomatic position, or will Lord Elgin supersede him? Are both of them to receive salaries from the country as Ambassadors to China? In conclusion, I may express a hope that the noble Lord at the head of the Government will be able to give us some more satisfactory information with regard to the future policy of the country than has yet been afforded by the noble Lord the Secretary for Foreign Affairs or the right hon. Gentleman who has last addressed us.

Mr. G. W. HOPE said, that no one was more ready than himself to assent to the doctrine of the hon. Member for Birmingham, when speaking of Admiral Hope, that personal gallantry was no excuse for alleged misdirected operations; and he ventured to think that Admiral Hope himself would willingly subscribe to that doctrine. The real question was, whether the hon. Member for Birmingham was justified in asserting that these operations at the Peiho were undertaken without a reasonable prospect of success. He did not allege that there was any cause to suspect an ambuscade, and he had not seen any statement in Admiral Hope's despatches to that effect. He would put the case on broader and more general grounds, and maintain that if we looked to the whole history of our wars in China there was nothing in this case to justify Admiral Hope in refusing to obey the instructions he had received. There was no ground for asserting that the Admiral made no *reconnaissance*, the fact was that he took all the means in his power to obtain information; and admitting the truth of everything that had been stated, that the forts were in a state of sufficient preparation, better than Chinese forts usually were; that foreign auxiliaries were present, and that Russian caps and Russian faces were seen behind the entrenchments, was there in these circumstances sufficient reason for him to decline the contest? He would put it to any professional man, or even unprofessional man, present whether he would not have been held to have disgraced himself had he done so? But there was also another point of view from which it was fair to look at the question. It has been said that the operations in China had been wholly unsuccessful; but was it true that they were so in every part? Until the hon. Member for Birmingham made his observations to-night, the opinions expressed in the House had been so generally favourable to Admiral Hope that he had not prepared himself with references to despatches; but this, he remembered, that the statement by Admiral Hope was distinct—and, indeed, it was admitted by the Chinese themselves, though, of course, with some attempted explanation—that the firing from his guns silenced those of the forts. Now, if the Admiral was able to conduct the operations so far successfully, was it possible to say that he was not justified in undertaking them? He now came to the disastrous part of the affair—the landing. He knew that Admiral Hope took upon himself the responsibility of that part of the operations; but, he asked, was he morally responsible for it? He stood by his men, and fought his best—when he was completely disabled the command fell into other hands, and though with the feelings of a gentleman he took on himself the responsibility of the whole operations, it was too much to say that because that part that was not conducted by him personally had proved unsuccessful he was responsible for all the disaster. He did not wish further to enter into the question except to protest, with the hon. Member for Birmingham, against the further waste of gallant lives in such operations. He was not one of those who looked for the millennium of peace, when wars were to cease, but he remembered hearing an opinion expressed by Sir Robert Peel, in which he agreed, that no war undertaken for mere pecuniary or commercial purposes was ever worth the cost of blood and treasure expended. He did not object to war when honour, interest, safety, or justice, demanded it, but he did object to wars such as these Chinese wars, in which success brought no honour, and failure could only be atoned for by devoted personal heroism.

Mr. CUMMING BRUCE said, he could not refrain from asking the permission of the House to read an extract from a letter of the representative of Her Majesty in China with regard to the conduct of that gallant admiral, on whom the hon. Member for Birmingham, having wasted all his eulogy and admiration on the Emperor of the French, had thought fit to pour the vials of his indignation. The British Minister wrote of the gallant officer, with whom he was acting,

> "Our Admiral is a hero of the antique stamp; such coolness, pluck, and devotion to his duty; he is a great character, say of him what we will. If he underrated his foe, I should like to know who did not; and, as he had never fought with Chinese, he could only form his opinion from what other people had told him. People in England talk as if he went in for attack; but that is not so. We went in to ascend the river, the only high road, and that up which Lord Macartney had gone. No Chinese authorities had told us we were not to take that route; the forts, they declared, were not put up with any intention against us; and no soldiers or banners had been seen there the week before. The gun-boats lay inside the bar, and we had no reason to doubt that, if they advanced boldly and peaceably, to carry out the instructions we had received, they might ascend the river without any such opposition being offered."

These were the remarks of our Minister in China. He also held in his hand a letter from a gallant French officer who served out there, and who said that

> "there was nothing to criticise in the conduct of Admiral Hope; but that great praise was due to him for having covered with high honour the most disastrous check which had ever been undergone in China;"

The French officer went on to remark that,

> "properly speaking, there was no attack made, but that the object sought was only to open the passage; and that, in the opinion of those best qualified to judge of the moral value of the Chinese resistance, it might well have been presumed that intimidation alone would have sufficed to remove it."

With regard to the landing, the same French writer thought that, even if this had been done by Admiral Hope's authority, it was a step which he might have been justified in taking. Our Minister, Mr. Bruce, had been blamed by the hon. Member for Birmingham, inasmuch as he received a message from the Governor General of the province at nine o'clock in the morning, and yet the attack went on; that he took no notice of it, and did not suspend operations against the Chinese. But the facts were these. The booms were blown up on the night of the 24th. On the 25th two junks arrived, with provisions, and a letter from the Governor General of the province. There was some informality in the letter, and Mr. Bruce immediately went on board the French Minister's ship to communicate with him. While he was there, consulting with his French colleague, the firing began. The firing continued till night. It was supposed that he might have stopped the firing; but the fact was, that the *Magicienne* was anchored outside the bar, ten miles from shore. No news came during the day; the Ambassadors were most anxious, but the state of the tide rendered it impossible to communicate with the Admiral. In fact, all the boats of the *Magicienne* were employed inside the bar, with the gun-boats; and they had no other boat capable of facing such weather. One member of the Embassy, with the master of the *Magicienne*, did, in fact, endeavour, in the ship's gig, to communicate with the shore, but found it was utterly impossible, and was obliged to return, *re infectâ*. The conduct of the Minister, in not communicating with the Admiral, was not, therefore, so unjustifiable and inhuman as some hon. Gentlemen declared. Another thing which Mr. Bruce had been unduly condemned for was, not having adopted the course which the American Minister did, in proceeding by another way to Pekin. It was very easy to criticise after the event. But, on his return from the capital, the American Minister called upon our Ambassador on his way down, and authorized him to state officially that, after his experience at Pekin, he (the American Minister) was perfectly persuaded that Mr. Bruce had followed the only course which could have led to any satisfactory result. Mr. Bruce had been much blamed for simply acting upon his instructions, which were to obtain the ratification of this treaty at Pekin, and at Pekin only; he was not entitled to receive it at Shanghai, but he was to insist on all the tokens of respect due to the Minister of a great and equal power. If he had consented to go to Pekin by any other road than that only known and recognized highway by which Lord Macartney and Lord Amherst had gone before him, this would have been, in the eyes of the Chinese, a confession of inferiority and a submission to insult. If he had done so, he would have violated his instructions, and thrown away all the advantages gained by the Treaty of Tien-tsin. He (Mr. C. Bruce) regretted this evasion, on the part of the Chinese, of their treaty engagements, but he did not yet think what had happened would necessarily lead to a renewal of the war, if the negotiation was conducted in a proper spirit. He hoped a renewal of the war would be avoided, because it would be a war in which our success would itself be a calamity for our own interests, inasmuch as it would lower the prestige of the Chinese Government, the only means of preserving order amongst two or three hundred millions of people; and if it brought about a state of anarchy in China, that would be cutting up our commerce by the roots. But he thought the effect of this defeat—as he was afraid it must be called—at the mouth of the Pehio had been much exaggerated; and that the Chinese Government, perhaps, "frightened at the sound themselves had made," would submit to the terms which our Ambassador would offer; and that nothing would occur to prevent the peaceful ratification of the treaty. A great deal had been said about the worthlessness of the stipulations of this treaty that we should have a Minister resident at Pekin; but he was at a loss to reconcile the description which had been given by the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) with the miserable and unsatisfactory state of our former relations with China. It must be remembered, however, that three Governments in succession had recognized the necessity of having a British Minister at Pekin. He must also remind the hon. Member for Honiton (Mr. B. Cochrane) that Lord Elgin was expressely precluded by his instructions from making a treaty which did not confer a right to enter Pekin. It must also be remembered that the people of China were not averse to our expedition; the gallant Admiral admitted that the peasants themselves came down to assist him in getting the gun-boats up the river. What we had really to overthrow was the authority of the mandarins. Mr. Bruce had been blamed for going to China with a preconceived notion that everybody was against him. But Mr. Bruce thought that the war party had recovered its influence in China, and that he could obtain the treaty only at the place where he was authorized to do so, namely, at Pekin. But what would have been said if Mr. Bruce, from the fear that his entrance would be opposed, had turned tail towards the coast? Would he not in that case have deserved the censure which had been thrown upon him? In his opinion Mr. Bruce had been most unfairly and unjustifiably attacked, and he trusted the House would excuse him for having felt it his duty to state the subject to the House in the way in which he had.

VISCOUNT PALMERSTON: I entirely agree with the right hon. Baronet opposite (Sir J. Pakington), that when you are judging the conduct of a man, you ought to imagine yourself to be in the situation in which he was placed when he performed the act upon which you are passing judgment, and I think that that is the way in which the conduct of Mr. Bruce ought to be considered. What were Mr. Bruce's instructions? He was instructed to exchange the ratifications of the Treaty of Tien-tsin; he was told that those ratifications were, in accordance with an Article of the treaty, to be exchanged at Pekin; he was therefore ordered to go to Pekin, and he was told to go by the Peiho. He was told that from the mouth of the Peiho he was to go up the river in a ship of war as far as Tien-tsin, and he was informed that the Admiral was to accompany him with a sufficient force. Now, what is the meaning of "a sufficient force?" The only interpretation which anybody in Mr. Bruce's place could place upon the expression "a sufficient force," must have been a force sufficient to enable him to go from the mouth of the Peiho to Tien-tsin in a ship of war, and thence to proceed by land to Pekin and exchange the ratifications. But it is said that there was a qualifying clause—namely, that he was to pursue that course unless unforeseen circumstances should lead him to adopt a more advisable one. I think that Mr. Bruce was perfectly justified in thinking that there were no such circumstances to induce him to alter his course. The right hon. Baronet has quoted a letter from the Chinese Commissioners, which he stated was very fair and friendly, and indicated peaceable intentions; but what did that letter invite him to do? Why, to go to the mouth of the Peiho, for the purpose of going thence to Pekin to exchange the ratifications. He goes to the Peiho, and what does he find there? Does he find at the mouth of the Peiho an official communication saying, "The Government don't like you to go up this way; you must go in some other direction; your passage here will be obstructed by order of the Government?" Nothing of the kind. He finds an impediment. The right hon. Baronet says that every nation has a right to barricade its own rivers. Against an enemy no doubt it has; but you do not barricade your rivers against a friend who is coming to complete a transaction which is to establish peace and friendship and commercial intercourse between you and the nation which he represents. The Ambassadors inquire, "What does this barricade mean, what is the intention of it?" and the answer is, "It is not put up by the Government, it is simply a little arrangement of self-defence established by the people of the district to protect themselves"—against whom? Against the English and French Ministers? No: "against pirates." But the Ambassadors were not pirates, therefore they had no reason to suppose that these barricades were established to stop their progress. Was there any officer of the Chinese Government there saying, "Here I am, and I tell you that you can't go up this way," or "Have the goodness to go another way?" Not a bit of it. The Ambassadors were told that there was no one there but militia and peasantry; nor was there any one in an official capacity under the Chinese Government to offer any obstruction to their progress. Under these circumstances it really appears to me that Mr. Bruce and Admiral Hope were perfectly justified in taking steps to remove the impediment, to remove the obstacles, which did not bear any semblance whatever to an official refusal, and to do that which they came authorized and invited by the Chinese Commissioners to do. Did they begin the attack? No. They began removing the barrier; it was the Chinese who began the attack. It was not necessary for our forces to commence firing. All they wanted was quietly to remove the obstructions in the river, and to pursue the course which Mr. Bruce and M. de Bourboulon had been instructed to take, and had been invited by the Chinese Commissioners to pursue. But was the Peiho the wrong way? Why, the Peiho was so entirely admitted by the Chinese Government to be the proper road by which foreign Ministers should go to Pekin, that in the treaty they have concluded with Russia—a treaty which was concluded in May, a month or six weeks before these transactions—there is a stipulation that the Russian Minister, whenever he comes by sea, shall go to Pekin by the Peiho. That river was, therefore, acknowledged by the Chinese Government to be the proper way for diplomatic agents to come, and they knew, moreover, that by our treaty of Nankin we were entitled to the privileges enjoyed by the most favoured nations, including that granted to the Russian Minister of going to Pekin by the Peiho, the passage thus shut against us. I cannot, therefore, imagine any man placed in the situation of Mr. Bruce, knowing what had been the habitual practice, and with instructions to exchange the ratification of the treaty within a certain time—for, be it observed, the period assigned in the treaty for the exchange of the ratifications was upon the point of expiring—shrinking from the difficulties which he found to impede his course, and going away with the treaty unratified. If Mr. Bruce had done so he would have been justly chargeable with a neglect of duty. It would have been said, "You were told to go up the Peiho in a ship of war; you were told that the Admiral would accompany you with a sufficient force; there was a sufficient force; why did you run away, and allow the honour of the country to be tarnished and its engagements set at nought when you had the means of discharging the mission entrusted to you?" But the right hon. Baronet says, that on the morning of the day on which the attack took place, at nine o'clock, Mr. Bruce received a letter from the Chinese authorities, inviting him to go to Pekin by another way. The right hon. Baronet read that letter very glibly, and if Mr. Bruce had received it as it appears in the blue-book he would have read it very glibly too; but, unfortunately, the letter was in Chinese, and took a considerable time to be translated and made intelligible. No less than two hours elapsed before the letter could be understood, and then Mr. Bruce had to communicate with the French Minister, who was in another vessel at some distance; and I am told that, owing to the stormy nature of the day, the force of the currents, and the very insufficient boat in which alone Mr. Bruce could go, all the other boats being with the squadron inside the bar, he was a long time in reaching the representative of France. By the time he had explained the state of affairs to the French Minister the firing had begun, and it was too late to make any change in his arrangements. But supposing the Chinese letter to have reached him in time, would it have been wise or proper in him to accept the invitation to go to Pekin by the road pointed out by the writer? We know what that road was. The American Minister did accept the invitation, and we know how he was carried through the country in a wooden box on two wheels, without light or air; how between Tien-tsin and Pekin he was obliged to get out and walk because the jolting was so intolerable, and it was impossible to submit any longer to the torture of remaining in his "carriage of honour;" and how when he at last arrived at Pekin he was kept a close prisoner, was not allowed to communicate with the resident Russian Minister, was not permitted to exchange ratifications at Pekin, but was sent back for that purpose to Tien-tsin. Would this country have been pleased to be told that its representative, who had been instructed not to submit in his passage up to Pekin to any degrading ceremony—because it must be remembered that Mr. Bruce was warned by Lord Malmesbury that what might be done on his first arrival would be made a precedent for all future occasions—had been dragged through the country in a covered cart, and so jolted by the way that, in order to avoid a dislocation of his joints, he had been compelled to walk a considerable part of the road? In China there are three modes of honour or of degradation. Those persons whom the Chinese desire to honour are carried in sedan chairs; those who are next in rank are allowed to ride; and none but the very lowest class of people are put in covered boxes and jolted over the rough roads of that country. I say, then, that if I had been in Mr. Bruce's situation and had received the Chinese letter in time, nothing could have induced me to accept the invitation which it conveyed. No "unforeseen circumstance" could have justified me in undergoing the unforeseen degradation and personal inconvenience which I have attempted to describe. As to the conduct of the Admiral, enough has been already said upon that subject, but everybody must admit that there never was a greater display of heroism than in the attack at the mouth of the Peiho, not only on the part of the Admiral, but also on the part of all under his command. The circumstance that success did not attend their efforts does not detract in any degree from their distinguished bravery. I should hardly have risen to make the remarks which I have addressed to the House, but the right hon. Baronet wishes to know what is our policy with respect to China—a question which he is undoubtedly entitled to ask. There can be no doubt as to what our policy is; but, when the right hon. Baronet asks what are the instructions we have given as to the operations about to be commenced in China, I must respectfully beg leave to decline answering this question, because the House will see that to tell beforehand how your naval and military commanders or your diplomatic agents are to act in circumstances which have not yet arisen, would be to defeat the purpose which you have in view. But I am ready to say, at the same time, that our policy is as simple as I think it is just and reasonable. A treaty has been concluded with China. That treaty has been approved by the Emperor. We want the ratifications to be exchanged, we want the treaty to become a formal and acknowledged compact between the two nations. Some people think that it contains more concessions on the part of the Chinese Government than it was handsome on our part to ask. I am not of that opinion. The chief variations between the present treaty and the Treaty of Nankin are that we claim, and we obtain, a right of residence, when we choose to exercise it, at Pekin, and the right at all times of direct communication with the central Government of the empire—a right of the utmost importance, the want of which has been the cause of many of the difficulties and unpleasant events that have arisen between us and the Government of China. We have hitherto had communication only with the Viceroy at Canton, an official whose great duty it seems always to have been to put us off with excuses, to keep back our representations—as in the case of Yeh—from Pekin, and, in short to keep the barbarians off as far and as long as he could. The result has been an accumulation of complaints and grievances which have led at last to unpleasant and disagreeable consequences. There is nothing in what we ask new to the practice of China. Russia has had for some time a diplomatic agent resident in Pekin, and we therefore demand no more from the Emperor of China than he has already conceded to the Government of Russia. We have more commercial intercourse with China than Russia has, more subjects resident in that country, and therefore greater need for direct communication with the central Government of the empire. It may be, no doubt, a question of discretion whether we should exercise the right of having a permanent mission at Pekin. That is a question which would undoubtedly require much consideration. There are many reasons, I am ready to admit, why the position of a Euoropean resident at Pekin might, at all events during part of the year, not be a fit position in which to place a man. But the right of going to Pekin and the right of communicating with the Government of Pekin are rights essential if we want our subjects and their property to be secure. Another stipulation is that we should be allowed to navigate the great river Yang-tse-Kiang, and to trade with the towns on the banks of that river. At present, while the rebellion continues, and the great towns are reduced to deserted ruins, it is not a right that can be exercised to any great advantage; but it is very important with a view to the extension of trade with China. It is said that we should take possession of Nankin and govern there. I am afraid that town is not likely to afford good accommodation either to our troops or to our commerce; but the right of going up the river Yang-tse-Kiang and trading with the populous towns in the interior is of great importance in the prosecution of our commerce with China. The third stipulation of importance is, that British subjects should have the right to travel in the interior of China with passports. That also is of great importance to our commercial intercourse, and it is a stipulation not at all repugnant to the habits and feelings of the Chinese. People are apt to imagine that what took place at Canton will take place everywhere else. But that is a great mistake. The bad feeling existing towards us at Canton was, I believe, not only artificially got up, but an exception to the rule. At Shanghai there is a large European community living in perfect amity with the Chinese, visiting and associating with them, and our residents go into the interior a certain distance without any molestation from the people of the country. I say our policy with China is to obtain the ratification of the Treaty, and to obtain for our subjects in China freedom for themselves, and security for their commerce and property. We want no conquest. It forms no part of the intention with which this

Viscount Palmerston

expedition is sent to conquer any portion of China, or to obtain possesssion of any part of China more than we now possess. But we do think, and I am persuaded the country is of that opinion, that it would be disgraceful to this country—that we should lose our position in the East—if, having sustained that disaster which took place at the mouth of the Peiho, we simply allowed things to remain as they are, if we allowed the Treaty of Tien-tsin to remain unratified, and if we did not require from the Chinese Government the satisfaction which we have demanded. It is said that we are pressing the Emperor of China too hard if we demand an apology. If there is to be any redress I think an apology the least which any individual or any nation could demand for an outrage like that which was committed at the Peiho. But there is no reason to suppose that the Emperor of China is disinclined to give us that apology; because we have reason to understand that the term which he has given to the transaction is that it was an isolated fact, arising chiefly from the impetuosity of the British commander; that it was not to interrupt in any degree the friendly intercourse of the two nations; and that he has actually opened to British commerce one of the ports which, by the treaty, was to be added to the five. The Emperor of China is not in a temper of mind indignantly to refuse to make an apology for an act which he disclaims as the result of any orders which he himself had given. When I am asked what is our policy with regard to China, I say that our policy is to require the fulfilment of the Treaty of Tien-tsin, to have by virtue of that treaty increased commercial intercourse with China, but not to involve the two nations in a war which may not be necessary, and not to acquire by conquest any additional cession of territory. With regard to the importance of trade with China, I only ask hon. Gentlemen to go back in their recollection to the feeling of satisfaction which was excited in this country at the time we received the Treaty of Nankin. Let them recollect the general applause of Sir Henry Pottinger for having concluded a treaty which every one believed was of the utmost advantage to this country, and the expectations that the treaty would do great things. The commerce with China has increased very much; in virtue of that treaty we have made an establishment at Shanghai, which is really becoming now a European settlement. But there were things not provided for by the Treaty of Nankin, which are provided for by the Treaty of Tien-tsin, and I do not anticipate that I go beyond the probability of events when I say that when those two treaties are faithfully executed, opening all the resources of China to Europe and America—for we require no exclusive advantage,—they will confer great benefit on the nations of Europe and America, and tend at the same time to improve and increase the prosperity of the Chinese themselves.

MR. WHITESIDE said, he remembered hearing the noble Lord the First Minister, three years ago, defend a very much worse cause against the eloquence of the right hon. Gentleman the Chancellor of the Exchequer, the noble Lord the Secretary for Foreign Affairs, the right hon. Gentleman the Secretary of State for War, and against the weight of the intellect and patriotism of the House. It was true that the noble Lord on that occasion sustained a defeat, but he cashiered the House of Commons for it. He admitted that the noble Lord succeeded in that move. He had the country with him, because it was thought he had shown pluck in having maintained that there was a necessity for thrashing the Chinese and compelling them to enter into commercial treaties at the point of the bayonet. The noble Viscount spoke exactly in the same vein that evening as he had three years ago. He showed no penitence, he exhibited no sign of remorse; he appeared as ready to commence war with the Chinese now as he was then. He (Mr. Whiteside) had no intention of attacking Mr. Bruce; but he could not allow the matter to pass without stating what he thought to have been the error of that gentleman. The Earl of Malmesbury in the despatch conveying his instruction to Mr. Bruce made use of this language,—

> "And unless any unforeseen circumstances should appear to make another arrangement more desirable, it would be desirable that you should reach Tien-tsin in a British ship of war."

Could there be in the mind of any man who read that an idea that Lord Malmesbury's intention was that Mr. Bruce should make war on the Chinese. Was it not clear that Lord Malmesbury's intention was that in order to maintain the dignity of Great Britain, Mr. Bruce ought to go up the river in a ship of war? But was that the spirit in which Mr. Bruce did go up the river? Was the language used by that gentleman in his despatch to the Foreign Secretary such as to conciliate the

Emperor of China? In a despatch written by him he spoke of the necessity of "inspiring the Emperor and his councillors with the conviction that what was once demanded from them would be exacted," and again,—"I am determined to assume an attitude and tone best calculated to make the Chinese submit quietly to my very unpalatable proposals, by impressing them with the opinion that these concessions are inevitable unless they are prepared to draw the sword." Why, that gentleman was determined to fight, and went with a resolution of fighting anybody he could find to fight with. The noble Lord was incorrect in saying that Mr. Bruce could not have acted when he got the letter in the morning, because Mr. Bruce himself said,—

> "It was difficult to communicate with the Admiral (who was nine miles distant), but I should not have been deterred by the informality of the letter if the contents had been satisfactory."

Mr. Bruce could have reached the Admiral in a steamer if he had liked the tone of the letter, and so, not-liking the tone of the letter, he had a battle. As a humane man, the noble Lord must regret the loss of life on that occasion, but the tone of the noble Lord's speech was calculated to encourage the Ambassador to go there and commit the same offence. But he (Mr. Whiteside) would ask the noble Viscount in what book he found that an Ambassador had in the country to which he was accredited a right to force his way up a river and bombard any forts which might present an obstacle to him? Would an Ambassador from this country to France have a right to so act if he were refused a passage up the Seine? Instead of acting as he had done, Mr. Bruce should have written home and consulted the noble Viscount who would have been sure to recommend a pacific policy. The noble Viscount had explained to the House what his Chinese policy was. As well as he (Mr. Whiteside) could understand, it was this—that no matter how many thousand Chinese lives might be sacrificed thereby, we—in strict alliance with our friend the Emperor of the French—were to force our way to Pekin. We were to blow up their forts and bombard their towns, and then say, Good people, we are a trading community; we have come here to extend your commerce and ours; we commence by violating all the rules of morals and humanity, but we have the authority of the First Minister in England, the First Minister in Europe, that this is a right policy. The noble Viscount was very desirous that our Ambassador should reach Pekin; but if he got there would he sleep calmly? From all accounts it did not seem to be a comfortable place for an Ambassador. He (Mr. Whiteside) wished he had the eloquence of the right hon. Gentleman the Chancellor of the Exchequer to convince the noble Viscount that he was not right—though, by the way, the right hon. Gentleman had not convinced the noble Viscount three years ago about that miserable affair of the lorcha *Arrow*, and justice had now overtaken him for his failure, as he was obliged to propose Estimates for a Chinese expedition, that he must in principle condemn. The right hon. Gentleman the Secretary for War seemed to be the only Member of the Cabinet who on this occasion spoke for peace. The noble Viscount to whom he (Mr. Whiteside) had listened that evening, as he always listened to him, with great attention—had spoken with great determination. Indeed, it was pleasant to hear the noble Viscount at such times. He always spoke with more than his usual animation, spirit, and eloquence, when he was preparing for a war. He had made the Chinese tremble before, and he was determined to make them tremble again—of course with the laudable object of improving our pacific and commercial relations with them. The noble Viscount asked the Chinese for an indemnity; but as the House had that evening heard, on good authority, the Chinese were too poor to pay it. He (Mr. Whiteside) hoped for peace; but whatever might be the result of this war the responsibility of it would rest on the noble Viscount's head, as did the responsibility of the last, though that, indeed, did not seem to affect him much, and when it was brought to a conclusion the House of Commons would have to discharge the bill.

MR. BAILLIE COCHRANE said, his conduct had been severely criticised by the hon. Member for Elgin, who had accused him of making misstatements; but he (Mr. Cochrane) was prepared to give the authority for every statement he made. The noble Viscount at the head of the Government had made a very jocose speech with respect to the miserable and unfortunate engagement in the Peiho. The noble Viscount admitted that the Chinese Commissioner sent a letter to Mr. Bruce, which Mr. Bruce could not read because it was in Chinese. Large estimates were voted for interpreters, and yet the noble Viscount made a joke about Mr. Bruce not being able to read a Chinese letter. He was surprised that the noble Viscount had used the language he uttered with regard to the calamitous event in the Peiho. The noble Viscount had also joked about the American Minister, Mr. Ward; but there existed the American President's as well as that Gentleman's own authority for the statement, that he was treated with the utmost distinction. He again expressed his regret that a Minister of the Crown should have made a joke of the sacrifice of life which had occurred at the action in the Peiho, and had embarked in a new war without a sufficient sense of the responsibility incurred.

VISCOUNT PALMERSTON: The hon. Member has totally misunderstood and misrepresented what I said. I made a joke about the letter, and not about the action; and no man of common feeling, who respected himself, would unjustly impute to another that he made a joke of a great calamity. The hon. Gentleman imagined me to say that there was no interpreter present. That is not the case. There was an interpreter, but it took about two hours to get the letter interpreted so as to be properly understood.

SIR HARRY VERNEY thought that nothing was more important than that distant functionaries should be supported when they were in the right. What was said in that House was acutely felt, and great pain was inflicted by unjust observations. Mr. Bruce was distinctly instructed firmly to resist all the attempts of the Chinese to obstruct his progress to the capital; and he did not see, under the circumstances, how he could have acted otherwise than he had done. He was convinced that the most humane and merciful policy was to insist upon direct communication with the central authorities at Pekin; for, as long as English traders were left at the mercy of the weak and corrupt officials in the provinces and on the sea-board, disputes and outrages would never cease.

Motion, by leave, *withdrawn.*

Question put, and *agreed to*:

House in Committee: Mr. MASSEY in the Chair.

(In the Committee.)

£850,000, Naval and Military operations in China (Vote of Credit).

MR. SIDNEY HERBERT hoped the Committee would allow him to proceed with the Vote of Credit for the Chinese war.

MR. DISRAELI objected to going into a Committee of Supply at that late hour. Moreover, the late Minister of War, who had an important statement to make to the Committee, had left the House under the impression that the Vote would not be taken at so advanced an hour of the night.

MR. SIDNEY HERBERT assured the Committee that it was absolutely necessary the Vote should be passed that night.

THE CHANCELLOR OF THE EXCHEQUER said, that the necessities of the public service required that this Vote should be taken at once. Unless that were done the Government could not meet its engagements without violating the law.

MR. DISRAELI said, if the right hon. Gentleman asserted on his word and authority that this was the last evening on which the Vote could be taken, he had nothing to say—except that the public business was not conducted as it ought to be.

THE CHANCELLOR OF THE EXCHEQUER said, he was informed by those officials who watched minutely from day to day the public expenditure, and compared it with the legal authorities, that this was the last day upon which they could take the Vote with the certainty of being able to meet the regular demands of the public service in the different departments of the Government. The Vote could be criticised or impugned, if need were, when the Report was brought up.

MR. DISRAELI consented to the Vote being proceeded with, solely on the unequivocal statement of the Chancellor of the Exchequer, and on no other consideration whatever.

Vote *agreed to.*

House resumed.

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

House adjourned at a quarter after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 19, 1860.

MINUTES.] PUBLIC BILLS.—1ª Prisons (Scotland) Acts Continuance; Marriages (England and Ireland).

2ª Selling and Hawking Goods on Sunday; Consolidated Fund (£4,500,000).

3ª Attorneys, Solicitors, Proctors, and Certificated Conveyancers; Valuation of Rateable Property (Ireland).

DIVORCE COURT.

QUESTION.

LORD LYNDHURST said, he wished to call the attention of their Lordships to the state of the Divorce Court, and to ask his noble and learned Friend on the woolsack if there was any objection to lay upon the table the Memorial of the Lord Chief Justice upon this subject. From the great pressure of business in that Court much inconvenience had been experienced by the Judges, and a great suffering by the suitors. The evil did not arise from any incapacity of the learned Judge who presided over the Court, but from the provisions of the Act by which the Court was constituted, and which enacted that no decree for the dissolution of any marriage could be pronounced except by a Court constituted of two Judges of the Common Law Courts in addition to the Judge Ordinary. Since the Divorce Court had been established, such had been the pressure of business in the Common Law Courts, that the time of the Judges was almost occupied there, and they really could afford but little or none to the Divorce Court without suffering the business of their own Courts to get into arrear. The consequence was, that unless the clause alluded to in the Act was repealed, further and greater inconvenience would arise—the only alternative being the appointment of additional Judges. According to the opinion which he (Lord Lyndhurst) entertained, as well as according to the opinion of some eminent persons whom he had consulted, the best course would be to repeal that clause in the Act. A single Judge was quite competent to deal with all cases which arose in that Court. A single Judge had presided in the old-established Ecclesiastical Court, and had discharged the business of that Court, so far as judicial duties were concerned, in a satisfactory manner. Cases of the greatest nicety in the Common Law Courts, as well as the Equity Courts, were decided by a single Judge; nay, further, only a single Judge presided in cases of life or death; and there had been no complaints that those cases had been improperly decided, and no representations that a single Judge was unable to discharge such duties. His own opinion was that the most direct and effectual way to meet the evil was to repeal the clause in question. No one could say that the learned Judge who presided in the Divorce Court did not discharge his duty in a most satisfactory manner, and no reason could be shown why he could not continue to do so unaided by any further judicial help.

THE LORD CHANCELLOR: I have no hesitation in saying that I shall feel great pleasure in laying before your Lordships the Memorial of the Lord Chief Justice. At present it has rather the aspect of a friendly and private communication to myself; but, as a wish has been expressed by the noble and learned Lord that it should be laid on the table, I think it will be very expedient to do so. The Act of Parliament referred to is founded on a Report made by the Common Law Judges, and, in fact, drawn up by one of them; and their opinion, I think, is entitled to deep respect. As to the other point, the delays of the Divorce Court, I deeply regret them; I have done my best to provide a remedy for them. I should not propose to increase the number of the Judges, for that would be a great evil; but I have already expressed to your Lordships a desire to adopt the expedient the noble and learned Lord has proposed—to allow a single Judge to preside in the Divorce Court, and pronounce its decisions. I will undertake to lay on the table a Bill for this purpose.

LORD LYNDHURST expressed his acknowledgments to the noble and learned Lord on the woolsack.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

THE EARL OF CARNARVON said, he asked a Question on Friday of his noble Friend opposite (the Duke of Newcastle) concerning the papers which had been produced relative to the annexation of Savoy and Nice to France, as to a very marked discrepancy between the despatches and certain telegrams which appeared in the morning papers; and he had also asked him respecting a Circular Despatch of M. Thouvenel explaining the views of the French Government, and whether that despatch would be laid upon the table. He would not have troubled their Lordships relative to the circular of M. Thouvenel but for certain observations which fell from, or rather escaped from, the noble Lord the Secretary of State for Foreign Affairs in the House of Commons. His noble Friend opposite took him to task, he thought rather severely, for having overstepped the limits of discretion in putting his question; but if he were disposed to retaliate, he could point out, not only discrepancies between despatches and telegrams, but between Ministers, colleagues in the same Cabinet; for while the noble Duke was speaking in that House, in the other the noble Secretary of State for Foreign Affairs thought the despatch of so much consequence that, without communicating with his own colleagues, unasked and unsolicited, and while speaking on a wholly different point, he stated the substance of that communication to the House of Commons. He assured his noble Friend opposite that he would not press for information on this or any other matter with a view to embarrassing the Government, or in cases where the production of such information might be prejudicial to the interests of the public service; but he thought their Lordships would agree that if the noble Secretary of State for Foreign Affairs was right in communicating to one House the contents of the despatch, he (the Earl of Carnarvon) could not be very wrong in asking a question concerning it in the other. The result, however, had been to show the country the exact position of affairs with regard to the annexation of Savoy; and he thought that the discussion, so far from weakening, had strengthened the hands of Her Majesty's Government, because it had elicited a feeling in Parliament and in the country as to this question which could not be mistaken. It was not yet, it would appear, perfectly certain that Savoy was annexed; it was not yet quite clear that the annexation was complete, though he feared they were at the verge of it. The noble Duke did not attempt to contradict the facts disclosed by the telegrams; and in other sources of information it was stated that two regiments of French soldiers were ordered into the country for the purpose of securing, he supposed, the freedom of election there. It might be impossible to arrest this proceeding for the annexation of Savoy, but it was of great consequence that it should not proceed further; and whether the annexation was to be limited to the Alps, and not to move in the direction of other countries and other frontiers, or not, it was most important that their Lordships should be in possession of all the information with which Her Majesty's Government could with safety to the public interest furnish them, so that the House might have the opportunity of discussing the subject and expressing an opinion upon it. He hoped that the promise which the noble Lord the Foreign Secretary had given in the other House, to produce the latest despatches for the information of Parliament would be carried out in their Lordships' House also, and that the noble Duke would lay upon the table of their Lordships' House as soon as possible the despatch of M. Thouvenel and the answer thereto of the Foreign Secretary.

THE DUKE OF NEWCASTLE was sure that their Lordships would excuse him for not renewing the conversation which had taken place a few evenings since on this subject. His noble Friend had asked a question, and had a right to an answer; but he must observe that his noble Friend had misquoted the observations of the noble Lord at the head of the Foreign Office. The promise which had been given by the noble Lord the Secretary for Foreign Affairs, as he understood it, was not that the despatch would be produced immediately, but that as soon as the sanction of Her Majesty had been given to the answer to M. Thouvenel, and as soon as that answer had been forwarded, the despatch and reply would be laid before both Houses.

TREATY WITH FRANCE.—THE QUEEN'S ANSWER TO THE ADDRESS.

THE LORD STEWARD OF THE HOUSEHOLD (the EARL of ST. GERMANS) *reported* Her Majesty's Answer to the Address of Thursday last, as follows:—

"I thank you for your loyal and dutiful Address. It is most gratifying to Me to receive your assurance, that after having considered the Treaty of Commerce which I have concluded with the Emperor of the French, you are prepared to take steps to assist Me in carrying out a measure which is intended to promote commercial and friendly intercourse between this country and France, and to afford an additional security for the continuance of peace."

THE BALLOT.—RESOLUTION.

LORD TEYNHAM said, he rose to move a Resolution That it is expedient, in the Election of Members to serve in Parliament, that the Votes of the Electors be taken by secret Ballot. Having presented petitions from Droitwich, Maidstone, Bath, Banbury, Haverfordwest, Chichester, Newport in the Isle of Wight, Redruth, Dundalk, Colchester, Norwich, Guildford, Chatham, and other places in favour of the ballot, he would, in introducing the subject, beg to recall to their Lordships' recollection that the working of our representative institutions involved two considerations of the utmost importance. There was, in the first place, a high moral question bearing strongly upon individual happiness and the welfare of our domestic life, and exercising a powerful influence on our present and future condition; and in the next place because our example would have a most important influence upon the other nations of the globe. There could be no doubt that, under the present system, a foul blot had been cast upon our institutions, which all our legislative efforts had hitherto failed to remove, but which, on the contrary, seemed to be deeper now than at any former period, and it behoved their Lordships to see if that blot could not be expunged, and a system established freer from corruption and more worthy the imitation of our Colonies as well as of independent States. If asked why he brought this subject before the attention of the House of Lords, he would reply that a political practice which had been adopted in ancient Greece and Rome, which was supposed by many to have been one of the secrets, if not the secret, of the prosperity of mediæval Venice, — which had been adopted by various sections of our own community, including the House of Lords, —which had been carried by the children of our forefathers to the eastern coast of North America, and had there become one of the settled institutions of the United States, and which, soon after representative institutions were granted to our colonies in the southern hemisphere, was adopted by them as a means of preventing the transplantation of the evils of the electoral system of the mother country,—was eminently worthy of the consideration of any assemblage of men. When the subject was first introduced "in another place" it met with but little support, but it was re-introduced year after year, and each year the number of its supporters increased, until now the minority in its favour was very large, and the majority opposed to it constantly increasing. It might be that those who supported the ballot were wrong altogether; if so, it would be for their Lordships to set them right. It might be that there was great exaggeration in the arguments put forward in its favour; if so, a debate in their Lordships' House would tone down that exaggeration. What was the state of the question as it stood before the country now? There was not a man in England who did not deplore the evils of bribery and intimidation that now existed. Their Lordships well knew that every effort of the law to put these evils down had failed, and it became them then to make an effort to have the question brought fairly under consideration, in order that they might see whether the reports they had heard of those evils were founded in truth or were exaggerated. If he was asked why he sought to discuss that question in their Lordships' House, he answered that it had been debated in their Lordships' House before. In 1693, the 6th of William and Mary, he read in the Journals of the House that it was "Ordered by the Lords Spiritual and Temporal in Parliament assembled that a Motion being made for the purpose of considering voting by ballot in their Lordships' House, and that the same be taken into consideration on Saturday, 17th February, at 11 o'clock, and all the Lords in and about town to be summoned to attend." That debate was several times adjourned, but at the last date to which it was adjourned he could find no reference to it in the Journals. The Motion, no doubt, had reference to balloting in their Lordships' House; but, if it were worthy of consideration in their own interests, surely it was much more worthy of consideration with reference to the application of it to the nation at large. It was not so very long since the practice existed in their Lordships' House. He could trace it down to 1820. The last Secret Committee ballotted for was on the 8th of June, 1820, to examine the papers laid before Parliament by command of His Majesty in reference to the conduct of the Queen. If that was so, why should they not try the experiment of the ballot upon the country at large? What was the position of the question before the country now? Parliament was apparently about to concede the franchise to a larger number of electors, but of those who were about to be admitted to the exercise of the franchise the majority would receive it with fear and trembling without the ballot, but would hail it as a boon of first-rate importance accompanied by the security which the ballot would confer. Upon these various grounds he thought he had not exceeded his duty in asking their Lordships to examine the question he had the honour to introduce to their notice. It had been his painful occupation to think over the evils connected with open voting, and he felt he should not be doing his duty by the country or by the question if he abstained from asking their Lordships if they did not think and feel that there were bitter and disgraceful things connected with open voting which it was well worth their while to consider if by the ballot they could not be removed. In the morning of the day that House was a court of justice, and the interests of justice ought to be more highly prized by their Lordships, if possible, than by any other class of the community. Surely, for the purposes of legal advice one solicitor was sufficient for each candidate. But he had a letter from a solicitor on this subject on the evils of the present system, one of which, the writer stated, was the employment of every solicitor on one side or the other during an election, and that the candidate who retained the most lawyers was sure to gain his election. If a solicitor, engaged as an electioneering agent, used the influence which he gained by a knowledge of a man's affairs, he could thereby induce a man to vote contrary to his convictions; and if a man told a lie as a voter, how was he to be expected to tell the truth as a witness? Justice might miscarry, and therefore, in the interest of justice, he contended that it was our duty to make this change. The next evil in connection with open voting which he had to bring before their Lordships was that of drunkenness. If many were of opinion that he who employed the greatest number of solicitors gained his election, it might be equally asserted that he who retained the greatest number of public-houses had the best chance of success. But what was the result of that? They read it in the Reports of Election Committees, and they saw it with their own eyes in every country town where an election was going on. They knew there were great temptations to drunkenness on such occasions, and they knew to what that led. Then they came to treating. There might be those who would not sell themselves for money, but would sell themselves for drink, as many a man did when he was half-seas over. To what did the whole of that tend? It tended they knew to that which destroyed public morality, and which contaminated our electoral system with awful and disgraceful scenes of drunkenness. What was there besides? The religion they professed was one of peace, and proclaimed "peace, goodwill towards man." Their very magistrates were styled "justices of the peace;" yet they all knew that at elections it was a common practice to hire "roughs" for the very purpose of committing violence. Next he came to bribery, A man who received a bribe for his vote took a bribe for that which was given to him by his country for its welfare. If a man took a bribe to vote according to his convictions he still proclaimed that his country was not worthy of being served without money, and if he took a bribe and voted against his convictions he asserted that his country was not worthy of being truthfully served. In the one case he was extortionate, and in the other sordid and faithless. The extensive bribery which prevailed at the last general election was the result of bribery at the previous general election. The voters had learnt how to require money and how to conceal all trace of the bribe up to the Member being returned—they had reduced bribery to a system. By maintaining the present law they could not make them ignorant of the system, but, under the Ballot, those who had accepted bribes would not again be trusted. Whatever might be said as to the necessity of doing away with open voting, the case was much stronger when they came to intimidation. A man might give a hint that he had a right to dispossess a tenant or to withdraw his custom from a tradesman, and no law could prevent it. It was well known that at many elections female influence was employed, and ladies became canvassers; and the common feeling he believed was that female canvassers got few votes, but the result of their pleading was to prevent men from voting by hints of losses. If there was one thing which more than another should induce them to do away with open voting it was to deter females from canvassing, which deteriorated the female character and the tone of female influence among our countrymen. He now came to consider the effect of direct open voting on their representative interests. The first effect was to prevent persons, who were qualified, from putting their names on the register at all. The next effect was that it prevented many persons who were on the register from recording their votes; and a great many of those who were on the register did not exercise their franchise. The House of Commons ought to be elected at least by those who possessed the franchise—it should represent the mind of the electors, but if they found—as they did find—that a very large portion of the electors never voted at all, they were bound to come to the conclusion that the House of Commons was not in that condition which the theory of the constitution designed that it should be. It could only be supposed that these persons abstained from voting from the fear of the intimidation and coercion to which they would expose themselves by coming forward to vote. The same effect was observed in America. He admitted that the Ballot existed in the United States, but the Ballot which existed there was not the Ballot which he wished to see in this country. The system in America was the Ballot with open voting. He desired the Ballot with secret voting. He, therefore, designedly used the word "secret" before "ballot," as there were two kinds of ballot, open and secret. The consideration he had last referred to was well worthy the attention of Conservatives. In proof of that he referred to a petition from some electors of Ayrshire, who complained of violence, and declared that unless they received protection nothing would induce them to give their votes again. If, then, votes were given under the influence of bribery and intimidation, and not according to truth and uprightness, were they not bound to come to the conclusion that the candidates who were returned by so imperfect a system were neither those who were designed by the constitution, nor those who would be returned were secret voting the practice of the land? He almost shrank from touching on the bearing of this question on individual political liberty. The man who was offered a bribe and declined it, who lost his shop or his farm by refusing to vote as his landlord wanted him, or who exposed himself to any other sort of intimidation, had to make a heavy sacrifice for his liberty, and it was both impolitic and unjust to impose so high a tax on the freedom of the individual. There were men, certainly, who did not shrink from paying that tax to the full extent that they might retain their liberty; but there were, unhappily, many who yielded to a temptation to which they ought never to have been subjected. The question of a man's moral nature—his sincerity or insincerity—was therefore very much bound up with this question of secret voting. It was absurd to establish a system which exposed a man to the temptation of voting one way in order to escape oppression or to supply his pecuniary needs, while in his heart he wished to vote in another way, and at the same time to expect him to discharge his duty as an elector honestly and uprightly. What the friends of secret voting desired was to push out the secret bribery and wickedness that now existed, and substitute in their place a secret act that had no wickedness whatever. What did he propose, then, in asking their Lordships to assent to the Resolution? He did not seek to interfere with the freedom of any man. Any one who wished to express himself openly in favour of a particular candidate would be at liberty to do so, both previous to the day of election and on the day of nomination. His antipathy was not to the open expression of opinion, but to the bribery and intimidation which accompanied open voting. He did not wish for the system of the United States, which was the Ballot with open voting; nor the system of Victoria, which was the Ballot with a subsequent exposure of the voters on a scrutiny; but he desired the system which existed in the other Australian colonies where the vote was secret both at the time and for ever after, and although the people might think it tautology to speak of the "Secret Ballot," yet he had called it so advisedly, as there was a Ballot not secret. With regard to the objections which had been urged against the system of secret voting, he wished to make a few remarks. The first objection was, that secret voting led to secret lying—that men would promise to give their votes to one candidate and actually vote for another. Now it was very well known that promises of votes were given long before the election took place, and it often happened that a man who gave a promise of his vote under certain circumstances might change his mind and wish to give his vote for a different candidate. In such a case it was difficult to reconcile the voter's conscience with his promise. He therefore thought that on the day of nomination all candidates should be compelled to absolve all voters from their promises. The argument that secret voting would promote lying, might be used against every law and obligation, and the higher the law the stronger would be the temptation to lying. It was said, for instance, "Thou shalt do no murder;" "Thou shalt not steal;" but if a man was guilty, or supposed to be guilty, of the crime of murder or stealing, and was reproached for it, he would, of course, tell any number of lies. That argument, therefore, would tell against the very best law that ever was made, or could be made. Another argument made use of was that secret voting was for the protection of cowards and of those who gave and received bribes. On this point he would call the attention of their Lordships to a fact in the history of their Lordships' House. On the 6th of March, 1733, —the 7th of George II.—it was moved that for the better securing the freedom of election in electing the Peers of Scotland, the election should be by way of ballot. There was a majority of thirty-three against that Resolution. But there was an able and earnest Protest against its rejection by thirty-four Peers, headed by the Duke of Marlborough, and the arguments therein put forward were so cogent that he begged leave to read some extracts from it. In the debate upon the Motion the Duke of Argyll had objected to the Resolution, not upon its merits, but because he thought that as a clause in the Act of Union declared that the election should be taken by open voting he was precluded from voting that it be taken otherwise. In the Protest, however, the minority gave as their third reason for their dissent,

> "Because in an election of this nature the method of voting by ballot appears to us infinitely preferable on many accounts; for as it is well known, there are several alliances amongst that body of nobility, many of the Peers may be put under great difficulties, their alliances drawing them one way, and their opinion and inclination another way; it is also possible that by pensions from the Crown, or by civil or military preferments, some of them may be under obligations to a Court, and be reduced to the hard necessity (under the power of an arbitrary Minister) either of losing their employment, or of voting against their nearest relations, and their own opinions also. We apprehend that no election can be called perfectly free where any number of the electors are under any influence whatsoever by which they may be biassed in the freedom of their choice."

The people at large had the same feelings as the Scottish Peers of 1733. The Ballot was as much required to protect the virtuous English peasant as the virtuous Scottish Peer. On what ground did they expect that the secret Ballot would answer the expectations of those who supported it? Here we would refer to authorities. Wood, in his *Oxonienses*, was in favour of the ballot. Relating the history of James Harrington, a remarkable character of that day, who had a large number of followers, he said, "This gang had a balloting-box—by which they decided who should be their rulers, than which choice nothing could be invented more fair and impartial." Going back to ancient days, he found, in a tract supposed to be written by Andrew Marvell, in the reign of Charles II., the following passage:—

> "And certainly Rome, nor Athens, had never attained to their grandeur and reputation but for the Ballot. By this only art, we had almost said, Venice preserved itself against the world for 1,300 years. Persons were elected for their virtues and accomplishments, and the public purse was protected against the influence and power of the country."

If the ballot had that power in Venice, who would say that there was not a necessity in this country for some such protection of the public purse? In 1698 an embassy was sent from England to Venice, under the direction of the Earl of Manchester; and Mr. Cole, who accompanied the Embassy, and resided some time in the country, said, "All voting in the Great Council is done by ballot, without any mistake, or any sort of confusion or disturbance; and it prevents bribery, faction, animosities, and those ill consequences which they might otherwise produce." Might not similar blessings be expected to result from the adoption of the Ballot here? But he need not to go to Venice or to Scotland, he would come to their Lordships' House. In March, 1703, there was a Bill before their Lordships' House for taking, examining, and stating the public accounts of the kingdom. Three Commissioners for carrying the measure out were to be named by that House; and it was wisely resolved that they should not be of either House of Parliament, nor in any public office or employment, nor accountable to the Government; and also that they should be chosen by Ballot. The mode of voting was by their Lordships putting their ballots into a glass, which was carried round, beginning with the lowest in the House; the ballots were then examined, and the result was reported by the Duke of Richmond to the House. If that was a wise course to be pursued in the election of Commissioners who were to have the control of the public accounts, why should not the Ballot be adopted in the election of Members of the other House, which had so much to do with the public expenditure? The Ballot was no novelty. In the State Tracts of the time of William III., vol. i., there was a letter written by a member of the great Convention holden at Westminster, in which it was stated that it was then customary, in the borough of Lymington, in Hampshire, to elect Members by Ballot; and the author added:—

"This method I know to be a great advantage. It prevents animosities, and assists that freedom which ought to prevail at an election; for it can be by no means discovered how an elector gave his vote." If the Ballot worked well then in Lymington, why should it not do so now in all the boroughs and counties of the kingdom? All efforts had hitherto failed to stem the tide of corruption and intimidation at elections, which was well known to their Lordships. He contended that the Ballot would put down intimidation, corruption, drunkenness, bribery, and other evils. The facts which he had adduced proved that it had been successful within and without that House. If their Lordships thought that it would not be successful, it was their duty to provide some other remedy for those admitted evils. The noble Lord concluded by moving to resolve,

> "That it is expedient in the Election of Members to serve in Parliament that the Votes of the Electors be taken by secret Ballot."

The Duke of NEWCASTLE had listened with great attention for an hour and a half to the address of the noble Lord, but he was at a loss to understand how the noble Lord made out any connection between the evils he complained of and the remedy he advocated. He had told them, on the authority of some old entries in their Journals, that the Ballot was an old institution of their Lordships' House, and he quoted some precedents from the Journals of the time of William and Mary; but he (the Duke of Newcastle) apprehended that the ballot he found entered there had no more to do with secret voting than the ballot adopted in the House of Commons in appointing Committees, or that which took place at the opening of every Session, when the Queen summoned them to attend to hear the Speech from the Throne, and when, in order to prevent over-crowding at the bar, Members were selected for precedence by the chance of the ballot. That was the ballot alluded to in the Journals of the House, and not the secret voting by ballot. The noble Lord had endeavoured, but probably with small success, to catch some votes on the other side of the House by telling them that the secret ballot, if adopted, would tell as much in favour of the Conservative party as any other. He (the Duke of Newcastle) believed he was perfectly right. He did not oppose this Motion on party grounds, or because he believed it had any democratic tendency at all. He believed there was at least as much intimidation on the democratic side as there was on the side of any body of landlords in the kingdom; and if there were no other objection to this measure, so far as political parties were concerned, they might all agree to vote for the measure. He did not look at it as a party question, but as a moral and social one; and, moreover, as a political question, but in a sense quite apart from party considerations. The noble Lord quoted a vast number of examples of the working of the Ballot, and in so doing had skipped from the Republic of Venice to the borough of Lymington; but in the three great examples he had produced as to the efficiency of the Ballot, he was at a loss to understand what kind of ballot he really advocated. There were three great examples of the working of the system of vote by Ballot. The first was that which obtained on the Continent of Europe, and more especially in France; the second, so commonly quoted, that in use in the United States of America; and the third, that recently adopted in the Australian colonies. The noble Lord did not touch much on the French system; but he must be permitted to ask the noble Lord whether, when he was advocating a greater degree of popular freedom, he would point to France, where the Ballot had never been adopted with a view to resist the influence of the Government, but where at this moment, under the influence of the Ballot, a despotic Government existed inimical to freedom of discussion and the liberty of the press? As regarded the United States, the noble Lord had taken a different course to that adopted in the other House. He entirely threw over the United States, and he believed rightly, for the Ballot in the United States was not the Ballot in the sense that we spoke of it. It was no secret Ballot in America, but voting by ticket. He believed that in one of the States of America the secret ballot was once adopted, but it only lasted for a year, and was repealed in the year following, and did not now exist; and he thought the reason of the failure obvious. He believed that in a race of British origin the Ballot would never be found to work either successfully or without much greater attendant evils than those it was intended to rectify. The noble Lord said that the Ballot he advocated was that in use in the Australian colonies; but then he said he did not approve of the Ballot in the colony of Victoria, but as adopted in some other colonies. But opinions in favour of the Ballot in the Australian colonies were by no means of so decided a character as the noble Lord would have their Lordships believe. If the Australian colonies believed that they had found a successful Ballot at all, it was in Victoria. The noble Lord said he did not like this Ballot on account of the possibility of a scrutiny afterwards; but that was what the Australians believed to be the very virtue of the scheme. Were we, however, to conclude that the example of as many years in the Australian colonies as they had had experience of generations in the United States was to be their guide? It might succeed in Australia; but at present he could not say it had succeeded. They must look at the different state of society and of circumstances altogether, and recollect the utter absence of those great vested interests that existed in this country, and that were supposed to bear so hardly on the voters. We must look, moreover, at the entire independence of their labour upon capital; and then he would ask their Lordships whether, even with a few years' alleged successful experience in Australia, it would be safe to try the experiment here? He was at a loss to know whether the noble Lord really meant the secret Ballot, or the American Ballot, and whether, moreover, he wished it to be optional or compulsory. On that depended the whole essence of the scheme. If he intended it to be compulsory he must carry out his principle to its legitimate conclusion. If he made it compulsory he must make it penal on any man, not merely to give his vote openly, but to tell how he voted afterwards; and he must go further, and alter the whole system of election, abolish canvassing, forbid election committees, do away with nomination days and the appointment of solicitors; and, in short, entirely alter the whole system of election. Did the noble Lord himself believe that such a state of subserviency to secrecy would ever be maintained or tolerated in this country? But if it was to be an optional ballot, which he understood was now the mode in favour, and the one most likely to be accepted in the other House, how would the noble Lord effect his object? If they had it, the great majority of men on either side would go and vote openly. That might not be of any great consequence in such large constituencies as metropolitan boroughs, but certainly in the ordinary constituencies of this kingdom it would be perfectly easy to intimidate and bribe where the parties were nearly balanced. Then there would be no secrecy at all. The noble Lord had dwelt on the evils of intimidation and bribery, and said that no law had been able to reach intimidation, although legislation had been to a certain degree successful in the suppression of bribery. The majority of noble Lords present remembered the period that had elapsed since the passing of the Reform Bill in 1832, and he would ask them whether at this moment bribery was more rife than intimidation was then, and whether the intimidation of thirty years ago was not reduced to an immense extent? The noble Lord had said that no law had touched it; but something had, and that something was the moral feeling of the country and its improved moral sentiment; and if they allowed these motives to operate they would be far more effectual than either the ballot-box or any other scheme. As regarded bribery, it was provable to demonstration that under the system of the Ballot they gave increased facilities to bribery. To accept the Ballot would be to put the business of the elections into the hands of the lowest attorneys of the place, who would receive £2,000 or £3,000 to carry an election, and the candidate would say, "If you return me, I will pay a certain further sum to you: but if I am not returned you shall not have it;" and he had no doubt that this last stage of bribery would be worse than the first. Their Lordships would forgive him for not going further into this subject; for it was one with which everybody was familiar, and the arguments in reference to it they must have all heard frequently. There was one point, however, to which he would advert. One of the most important elements in the constitutional government of this country was responsibility; and if the Ballot—the secret Ballot—were adopted it would deprive the electors of their proper responsibility. He considered that the vote of every man must be looked upon in the light of a trust. He did not mean a trust in the strict legal sense of the word, for undoubtedly it was not a trust in that sense; but he thought that the vote of every person was given to him for the public good, and that if the voters stood alone, of all connected with the system of government, in not being subject to public opinion the whole value of the system would be lost. Their Lordships were themselves responsible to public opinion, and he was quite sure that the public would see with regret, and possibly with displeasure, any attempt to introduce the Ballot into their proceedings. He thought it would be as displeasing to the public as to their Lordships themselves. Responsibility was one of the great features of constitutional government, and he believed that publicity was an essential element of responsibility; and if they were to do away with publicity they would strike a great blow at freedom itself, and do that which would lead to the demoralization of the land. He believed that the advocates of the Ballot were seeking that which they could not obtain by the means proposed. Let them bring the force of public opinion on the evils of intimidation and bribery. A great deal had been done in that direction already, and more would be done by persevering in the same system. He believed that in this way they might—though perhaps not in our lifetime—bring about a state of society in which a man might be able to vote without the smallest fear of any tyrannical influence, and this would do far more to remedy existing evils than by throwing the cloak of darkness over the proceedings of the voter and leaving him to rely on secrecy for his safety. He was confident that their Lordships would reject the proposal which had been made.

On Question, their Lordships *divided*:—Contents 5; Not-Contents 39.

And a Question arising whether certain Lords had come into the House after the Question was put, not having heard the Question put,

The Tellers were heard thereon:

And The Earl DE GREY declaring, That he had so come in, the Numbers were reduced accordingly—Contents 4; Not-Contents 39.

And the Question was Resolved in the *negative*.

CONTENTS.

Belper, L.
Llanover, L.
Strafford, L. (*V. Enfield.*) [*Teller.*]
Teynham, L. [*Teller.*]

NOT-CONTENTS.

Canterbury, Archp.
Campbell, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.

Bath, M. [*Teller.*]
Salisbury, M.

Amherst, E.
Carnarvon, E.
Cathcart, E.
De La Warr, E.
Derby, E.
Hardwicke, E.
Malmesbury, E.
Saint Germans, E.
Winton, E. [*E. Eglintoun.*]

Eversley, V.

Carlisle, Bp.
Chichester, Bp.

Aveland, L.
Chelmsford, L.
Churchill, L.
Clifton, L. (*E. Darnley,*)
Colchester, L.
Denman, L.
Digby, L.
Ebury, L.
Egerton, L.
Foley, L. [*Teller.*]
Lyveden, L.
Monteagle of Brandon, L.
Overstone, L.
Saltoun, L.
Somerhill, L. (*M. Clanricarde.*)
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Templemore, L.
Truro, L.
Wensleydale, L.
Wynford, L.

Resolved in the *negative.*

SELLING AND HAWKING GOODS, &c., ON SUNDAY BILL.

SECOND READING.

Lord CHELMSFORD moved that the Bill be now read a second time.

The Duke of NEWCASTLE said, the noble Lord would doubtless agree with him that with regard to a measure which had already excited considerable public interest, it was most unadvisable that there should appear to be any intention of passing it without affording ample time for consideration to those who would be affected by its details. He would therefore suggest that, following a course which was sometimes adopted, the second reading should now be taken *pro formâ*, with the understanding that the Committee on the Bill should be fixed for some future day, when, if necessary, the principle on which it was founded would be open to consideration.

Lord CHELMSFORD willingly agreed with the suggestion, and consented to postpone the Committee on the Bill until after Easter. His only anxiety was to pass such a Bill as would be likely to prove valuable.

Earl ST. GERMANS, as a Member of the Committee which had sat in 1850, recommended the perusal of the important evidence taken at that time to the noble Lord by whom the Bill had been introduced. He also took the liberty of suggesting that he should place himself in communication with Sir Richard Mayne and some of the metropolitan magistrates who administered justice in districts where Sunday trading most largely prevailed. If his noble and learned Friend would adopt this course he thought he would be enabled very materially to improve his measure.

Bill read 2^a.

House adjourned at Half-past Seven
o'clock, till To-morrow, Half-
past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 19, 1860.

Minutes.] New Writs Issued.—For Londonderry City, *v.* Sir Robert Alexander Ferguson, baronet, deceased; for Clare, *v.* Colonel Luke White, void election.

Public Bills.—2° Bankrupt Law (Scotland) Amendment; Titles to Land (Scotland) Act (1858) Amendment.

THE ANSWER TO THE ADDRESS ON THE TREATY.

Viscount **CASTLEROSSE** (the Vice-Chamberlain), appeared at the bar of the House and said,—Her Majesty has been pleased to receive most graciously the joint Address of both Houses of Parliament, and has returned the following Answer:—

I thank you for your loyal and dutiful Address.

It is most gratifying for Me to receive your assurance, that after having considered the Treaty of Commerce which I have concluded with the Emperor of the French, you are prepared to take steps for giving effect to a system intended to promote a beneficial intercourse between this Country and France, and to afford an additional security for the continuance of Peace.

BEVERLEY ELECTION.

REPORT.

House informed, that the Committee had determined,—

"That James Robert Walker, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Beverley.

"And the said Determination was ordered to be entered in the Journals of this House."

House further informed, that the Committee had agreed to the following Resolutions:—

That it was proved to the Committee that Thomas Whitfield was bribed with £6 by Nathaniel Kempley and with £2 by Benjamin Moore.

That Edward Milner was bribed with £5 by Nathaniel Kempley and Jacolina Wilkin.

That John Needham was bribed with £2 for himself and £2 for his son by John Smiles Vickers.

That John Raspin, Francis Clerk, Robert Richardson, and David Leadley, were bribed with £3 each by John Dales; but it was not proved that such bribery was committed with the knowledge and consent of James Robert Walker, esquire, or his agents.

Report to lie upon the Table.

THE SIX-POUND FRANCHISE.

QUESTION.

Mr. **STEEL** said, he wished to put the Question, of which he had given notice, to the noble Lord the Secretary of State for Foreign Affairs, if Tenants who pay £6 rent and upwards in any city or borough, but whose Landlords compound for the Poor Rates, will be entitled to vote under the New Reform Bill; and will Tenants who pay the like rent of £6 and upwards by quarterly or monthly payments, who hold from year to year, be also entitled to vote; and, if not, how can these parties become so entitled?

Lord **JOHN RUSSELL**: Sir, I beg leave to state to the hon. Gentleman that tenants who pay £6 rent and upwards will be exactly in the same situation as those who now pay £10 under the Reform Act. With respect to those paying £10 rent, if their names do not appear on the rate, they are not entitled to vote, but have the privilege of asking to be put on the rate, and on becoming liable to the rate, continuing to pay the same rent, they become entitled to vote. The second question I cannot answer precisely. I think it is rather a question for the revising barrister.

OFFICERS OF ARTILLERY.

QUESTION.

Captain **JERVIS** said, he would beg to ask the Secretary of State for War, Whether, taking into consideration the importance attached at the present day to artillery throughout Europe, there is any intention to place the Officers commanding the British Artillery in the principal stations abroad and at home, including Aldershot, in a position compatible with their duties, by giving them the rank of Brigadier-General?

Mr. **SIDNEY HERBERT** said, he was not sure that he quite understood the hon. and gallant Member's question, but he could state that the position of Artillery Officers was under the consideration of the Government.

THE EASTER RECESS.

QUESTION.

Mr. **SPOONER** said, he wished to ask when the Government propose to adjourn for the Easter Recess, and when they mean to resume business again?

Viscount PALMERSTON: No doubt, Sir, hon. Members, having been called together this Session rather earlier than usual, will be glad to have as long a Recess at Easter as can be conveniently given. But I am obliged to say that the period for adjournment must entirely depend on the progress of the public business now before us, some of which is of a very urgent nature, and certain Bills must be passed before Easter. Therefore we are not able at present to say on what day we shall recommend the House to adjourn.

TURKISH MEDALS.

QUESTION.

Mr. COLLINS said, he would beg to ask the Secretary of State for War when the Turkish Silver Medals which have been received from the Ottoman Government will be issued to those Officers and Non-Commissioned Officers who are entitled to the same who are now serving in Regiments of Militia?

Mr. SIDNEY HERBERT said, that the vessel in which these medals were sent from Turkey having unfortunately gone to the bottom, he could not state when they would be distributed.

VOLUNTEER CORPS—ADJUTANTS.

QUESTION.

Colonel GREVILLE said, he wished to ask the Secretary of State for War if it is the intention of the Government to sanction the appointment of paid Adjutants to each Regiment of Volunteers?

Mr. SIDNEY HERBERT said, it was the intention of Government to appoint Adjutants to the Volunteer Regiments.

CUSTOMS ACTS.—REPORT.

Resolutions *reported.*

"That, on and after the 1st January, 1861, in lieu of the Duty of Customs now chargeable on the article under mentioned on importation into Great Britain and Ireland, the following Duty shall be charged, namely:—

	s.	*d.*
Hops, until the 1st January, 1862 the cwt.	20	0
Hops, on and after the 1st January, 1862, the cwt.	15	0"

"That, in lieu of the Duties now payable upon Ships with their tackle, apparel, and furniture, there shall be charged upon all Ships foreign-built, of wood, and upon all ships built of wood in any of Her Majesty's Possessions abroad, on the Registration thereof as British Ships, at any port or place in Great Britain and Ireland, the Duties of Customs following, that is to say,—

	s.	*d.*
For every Ton of the gross Registered Tonnage of such Ships without any deduction in respect of engine room or otherwise . . .	1	0"

Resolutions *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Laing.

THE ANNEXATION OF NICE TO FRANCE.

QUESTION.

Mr. KINGLAKE said, he rose to ask the noble Lord at the head of Foreign Affairs the question of which he had privately given him notice, but, as he felt it necessary to make a short statement to the House, he would, in order to put himself in order, conclude with a Motion. He had never risen to address the House with feelings of greater pleasure than at that moment, for he rejoiced to be able to say that, unless he had been deceived by some inexplicable hoax, the news from Nice was of the most gratifying description. They had been told that the people of Nice were anxiously demanding to be annexed to the great Empire of France, and that, though there might be a small group of persons in that country who perversely and malignantly showed a desire to remain attached to the throne of the King of Sardinia, yet it was not reasonable that such an insignificant portion of the population should be permitted to indulge in that malignant species of loyalty. But within the last hour and a half he had received a telegram to the effect that the Municipal Council of Nice had determined by vote to remain annexed to the Kingdom of Sardinia, and they had also declared that if France would insist on the principle that their remaining annexed to the Kingdom of Sardinia was incompatible with the safety of the French frontier, then the Municipality of Nice anxiously prayed that their country might be allowed to form an independent State. The telegram went on to say that a deputation had proceeded from Nice to Turin to carry this decision to the foot of the Throne; and it was further added that the thanks of the Municipal Council were voted to three Members of this House, one of whom was the hon. Member for Horsham (Mr. S. FitzGerald), and the other was his hon. Friend the hon. Member for Tamworth (Sir Robert Peel). He hoped he might be permitted to congratulate his hon. Friend on this event, for he thought it must be extremely gratifying to him that the son of one whose voice had once exercised a vast influence on the votes and the character of this House, and through the House on the whole of Europe, should have the honour to have the thanks proffered him of a free people. The question of which he had given notice was one which he had ventured to put to the noble Minister for Foreign Affairs, with a view of determining the course he might take with regard to his pending Motion. It was natural and proper that a great deal of anxiety should be shown by the hon. Members of the House as to the course he was about to take on that Motion. But the fact was, that these affairs with regard to the annexation of Savoy and Nice were so continually passing into new phases, that it was extremely difficult for any Gentleman charged with the duty of bringing forward such a Motion to know the exact time and the exact form in which it was desirable to submit his views to the House. He must say, too, that the communications they received from Her Majesty's Government from time to time considerably varied. He did not say that at all in any taunting spirit, because it might be quite consistent with truth and with the absence of divided opinions that one thing should be true on Tuesday and another on Friday. On Tuesday they were told by the noble Lord at the head of the Government that he had every reason to suppose that the opinions of the other great Powers would be sincerely asked and sincerely abided by by the Emperor of the French; but on Friday the noble Lord the Foreign Secretary said that which went far to dissipate their hopes. These alterations made the form of his Motion a very difficult one. All he could say was that he hoped and trusted, and had reason to believe, that he should be able to submit his Motion to the House in a form that would strengthen the hands of Her Majesty's Government. If he found, however, that the course taken by Her Majesty's Government was not such as to enable him to put his Motion in that form he would not shrink from putting it in such a form as the justice of the case demanded. But he would frankly add that he should feel much relieved by any hon. Gentleman who would undertake the charge of that which, by accident rather than by his own seeking, had been reposed in him. The question he wished to ask the noble Lord was—first, Whether Her Majesty's Ministers had received the appeal which it was understood had been addressed, or was intended to be addressed, by the Swiss Government to the great Powers of Europe on the subject of annexation; and next, whether Her Majesty's Government would give the statements contained in that note due consideration before they replied to the despatch which had been received from M. Thouvenel; and lastly, whether Her Majesty's Government would put themselves in communication with those other Powers to whom the Swiss Government had notified their address, in order, if possible, to come to some common concert? He then begged to move the Adjournment of the House.

SIR ROBERT PEEL seconded the Motion.

Motion made and Question proposed, "That this House do now Adjourn."

LORD JOHN RUSSELL: In answer to the first question put by the hon. Member—namely, whether the note from the Swiss Government has been received, I have to state that no note from the Swiss Government has yet been received.

With regard to the other two questions, which relate to the future course which Her Majesty's Government will think fit to adopt, I have to appeal to the House for their forbearance. I stated the other evening that a despatch of great importance had been received from the French Government. Since that time we have received the intelligence which has reached my hon. and learned Friend—namely, that the Swiss Government has determined, after an appeal to Paris and Turin, to send a note to all the great Powers of Europe with regard to the projected annexation of Savoy to France. In these circumstances, I say, I ask the forbearance of this House to leave it to Her Majesty's Government to deliberate freely and carefully on the answer they will return to any communication made to them. It cannot but be that the answer given in this House would not be confined to this House, or even to this country; but it must go forth all over Europe that answers are given from day to day on the different phases which this negotiation assumes, and the result must be most prejudicial to the public service and most embarrassing to Her Majesty's Government. The time will arrive when the whole conduct of Her Majesty's Government will come before Parliament, and I must therefore ask the indulgence of the House if I decline to answer these questions.

Motion for the Adjournment of the House put and *negatived.*

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.

Order for Second Reading read.

LORD JOHN RUSSELL moved that this Bill be now read the second time.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. DISRAELI said:—Sir, I understand that the promoters of this Bill claim for it the merit of simplicity. Simplicity in the operations of nature is admirable, because there we see adequate means adapted to the end proposed, without complexity; but in matters of legislation simplicity is a quality of an ambiguous character, because if we find that the means are not adequate to the end then it is not simplicity at which we arrive, but rather imperfection and incompleteness. Now, what is the end proposed by this Bill? The end is, "to amend the representation of the people in England and Wales." Are the means adequate to that end? My first impression, when I took up this Bill, was that it might have been drawn up four or five centuries ago. Except the land on which we tread, and masses of brick and mortar, I do not see any property referred to as a qualification for exercising the franchise, and that in a country where for more than a century the people have been doing nothing but creating and accumulating various properties to an incalculable amount. The claims of intelligence, of acquirement, and education are not noticed. The bill, indeed, is of a mediæval character, but without any of the inspiration of the feudal system or any of the genius of the middle ages. It proposes to itself three principal objects, which I suppose I may consider three principles. It is to extend the suffrage in counties and in boroughs, and to effect some redistribution of Parliamentary seats. These certainly are objects well worthy the attention of the House, but there are objects almost as important connected with the exercise of the franchise, and with the better representation of the people of England and Wales, which singular to say, are not alluded to in this Bill. It has been thought that, besides extending the possession of the franchise, it was one of our first duties to consider whether, by a more perfect registration, and by affording greater facilities for polling, the exercise of the suffrage might not be rendered far more valuable and far more advantageous to the community. I may remind the House that in the Bill which I had the honour to introduce to the notice of the late House of Commons there was a proposition, carried into effect by numerous clauses, to establish a self-acting registry. There was a scheme perfectly worked out, which would have so multiplied polling places that the Ministers of that day felt justified in asking the House to declare that the payment of travelling expenses to a voter should thereafter be illegal—a provision which would greatly have checked that corruption of which we all so much complain. But in this Bill to amend the representation of the people, so limited are its conception and the objects of which it treats, that I do not see any allusion to these primary and absolutely necessary topics. The general aspect of the Bill is highly unsatisfactory. Its omissions are its principal features. The qualifications from which it draws its franchises are of a limited character, and some important topics connected with the exercise of the suffrage are entirely omitted. That is the general aspect of the Bill; let us now consider it in some detail.

The Bill has three principles. It extends the franchise in counties, and in boroughs, and it effects a redistribution of Parliamentary seats. I will first touch upon the arrangements which are proposed with reference to the borough franchise, and for this reason, that in the somewhat meagre statement with which Her Majesty's Ministers introduced this measure that was the only part of the Bill with regard to which they laid down any principle of action; and, therefore, there we have an opportunity of ascertaining to a certain degree the principle on which the Government has acted in that reconstruction of the constituency which is one of the principal objects of this measure. Now, Sir, when upon another occasion I laid down on the part of my colleagues the principle on which we had acted in reconstructing the constituency of this country, I ventured to observe that our sole object had been to confer the franchise upon those persons to whom we thought that high privilege might safely be intrusted, and who would, we believed, exercise it for the general welfare of the country, and, therefore, I said that in making the propositions which I then laid before the House we had not stopped to calculate what number of persons they would enfranchise. The point which we placed before us was the fitness of the recipients. We did not embarrass ourselves with calculations or alarms as to the number who might receive the suffrage, so long as we were persuaded that those upon whom it was to be conferred would be classes who would accept it as a high privilege, and to whom it might safely be intrusted. That is not the principle upon which Her Majesty's Ministers have proceeded in framing this measure. On the contrary, the noble Lord, laying down the principle upon which he has acted, said that he had to consider what would be the number added to the constituency of the boroughs by the different methods which were under his consideration. He said, "If I had taken a rating of £9 I should only have got so many. If it had been £8 it would have given me so many more, but I don't think enough, and I have, therefore, for boroughs fixed upon a particular figure, which will give some 257,000 votes. I think that is enough, and I do not think the House will be of opinion that it is too much."

I object to that principle. In proposing to confer the franchise upon those who do not now possess it we ought to look to their fitness; we ought not to consider how we can obtain a certain number of additional votes, and then ask the House to support our measure because the number is one which may not alarm them. I say that, if instead of 257,000 there had been 557,000 men who, in the opinion of the House, were fit to receive the suffrage, the suffrage ought to have been given to them; and, at the same time, I assert that the fact that the number to be enfranchised is only half is no proof at all that the class proposed to be admitted to the franchise by this measure is one upon whom the suffrage ought to be conferred. I am not now giving any opinion on the policy of the proposition before us; but it appears to me that the founding a recommendation to extend the franchise merely upon a consideration of numbers is an unsafe and shallow proceeding.

What is the addition which the noble Lord is about to make to the borough constituencies? Here are his figures. The present constituencies of the cities and boroughs of England and Wales may be placed at 440,000, including freemen, and the noble Lord makes a proposition by which they shall be increased to 658,000. Let us consider what is the character of the present constituencies, and then let us see what is the character of the addition which is to be made to them. There is no fallacy so great as to suppose that, because a man is registered and votes under a ten-pound household qualification, he therefore lives in a ten-pound house. Reflection and observation, especially after the debates of the last twelve months, have impressed that pretty generally upon the conviction of society. In the existing body of 410,000 housekeepers—I deduct the freemen—all classes almost in Her Majesty's dominions are included, from the patrician resident who, perhaps, pays a rent of £1,000 a year for his dwelling, to the weaver and the dock-labourer of the Tower Hamlets who exercise the franchise under the lowest degree of qualification. But between Grosvenor Square and the Tower Hamlets, or rather between the classes which they represent, there is scarcely any class in England that is not included in the existing borough constituencies. All the mercantile class, all the professional class, all the various classes of retail dealers—classes of different political opinions, of different religious opinions, of different habits, of different social standing—at present exercise the franchise in cities and boroughs. To these 410,000 persons, whose feelings, whose position, whose opinions, whose habits are all so varying and so contrary, the noble Lord, under this Bill, proposes to add 248,000, who are all from the same class, and whose opinions, feelings, and habits are identical. Let us consider what will be the effect upon our present constituent body, with its various elements, of the introduction of a class so purely homogeneous. It may be said that raising the constituent body, considering the question only numerically, from 440,000 to 658,000 is not a very great experiment; that it is, as the noble Lord has told us, an increase of only one-third. But it appears to me that if we accept that calculation, we shall embrace a fallacy which, may greatly mislead us. What we have to consider is, what will be the probable effect of the proposed extension of the franchise upon the present borough constituencies. As it happens that the proposed new electors will produce what, generally speaking, may be described as no effect whatever upon the present Metropolitan Constituencies, and as, of course, they will produce no effect upon the constituencies of the Universities, we must deduct the amount of those constituencies from the existing constituent body before we can attempt to estimate what will be the effect of the new body upon the old one. If we deduct 145,000 electors, which is the amount of the metropolitan constituencies and the constituencies of the Universities, from the existing constituent body, we shall find that the number of the remaining voters is only 288,000; making a deduction of 20 per cent from the addition which the noble Lord proposes there will remain 203,000 ; and, therefore, we have to consider what will be the effect upon the present constituent body of 288,000 of a homogeneous class of 203,000 coming into competition with it at public elections. But even that mode of putting the question, which is an accurate and a true one, will hardly convey a complete idea to the House of the manner in which the new electors must necessarily act upon our cities and boroughs ; because, to ascertain what will be the effect of 203,000 voters, all of one class, bound together by the same sentiments and the same habits, upon 288,000 animated by different opinions, influenced by different feelings, and regulated by different habits, we must recollect that, as appears by the returns which the Government have placed before us, in six boroughs —and those among the most important in the country—the constituency is trebled, in 28 it is doubled, and in 48 the addition is equal to at least one-half of the present electoral body. It results, therefore, that about half of the boroughs of England and Wales will, so far as we can form any calculation, be under the influence of the new class of voters. I give no opinion at present upon the policy of the measure; my only object is to put before the House what is the real state of the facts, and what may be the probable results of the proposed extension of the franchise.

Let us now consider whether the particular class upon whom the noble Lord is about to confer this great political power are a class who are incapable, or who are unlikely to exercise it. Are they a class who have shown no inclination to combine ? Are they a class incapable of organization ? Quite the reverse. If we look to the history of this country during the present century, we shall find that the aristocracy, or upper classes, have on several very startling occasions shown a great power of organization. I think it cannot be denied that the working classes, especially since the peace of 1815, have shown a remarkable talent for organization, and a power of discipline and combination inferior to none. The same, I believe, cannot be said of the middle classes. With the exception of the Anti-Corn-Law League, I cannot recall at this moment any great successful political organization of the middle classes, and, living in an age when everything is known, we now know that that great confederation, which ultimately proved so triumphant, owed its success to a great and unforeseen calamity, and was on the eve of dispersion and dissolution only a short time before that terrible event occurred. [*An ironical cheer from* Mr. Bright.] I can only say that my authority is one of the most eminent members of your own confederation. But the fortune of the League does not affect my argument, which is founded on the fact that the working classes have shown on various occasions, and for long continuous periods, powers of organization, discipline, and combination quite equal to those of the upper classes ; but that the middle classes, with the exception of the Anti-Corn-Law League, have not, in my memory, conducted any great political confederation to a successful issue. Then the class to which you are about to give this predominance, is perfectly capable of organization ; and from the days of the Luddites to the present period, the tradition of frequently secret, but always well-disciplined, organization has been preserved among the working classes. It is said that the working classes are exceedingly intelligent and educated, and therefore likely to appreciate the possession of the franchise. But these are reasons why you should take care in legislating on this subject, that you do not give them a predominance. What has been the object of our legislative labours for many years past but to put an end to a class legislation which was much complained of? But you are now proposing to establish a class legislation of a kind which may well be viewed with apprehension.

It is highly necessary, in dealing with this subject, and in attempting to confer the franchise on the working classes, that you should not establish by that means a class legislation with which, considering its power and probable consequences, no class legislation that has hitherto, though only partially, prevailed can for a moment be compared. It was obvious policy that while you attempted to introduce the working classes to the exercise of the franchise, you should counteract the tendency to this class domination, by giving a variety of franchises, and by effecting a natural counterpoise to consequences which all must deprecate. This was attempted in the Bill brought forward last year, and how were the propositions contained in that measure met? They were called "fancy franchises," and that was considered an answer. Alliteration tickles the ear, and is a very popular form of language among savages. It is, I believe, the characteristic of rude and barbarous poetry; but it is not an argument in legislation. I thought it a remarkable circumstance, after hearing so much of the objection to "fancy franchises," that the present Bill was not a fortnight on the table of the House before I found distinguished Liberals rising in every quarter on the opposite benches and proposing the introduction of what they denounced last year as "fancy franchises." Let us see what you mean by "fancy franchises." We never had an opportunity of arguing the question last year, because the Bill was not allowed to go into Committee. I will take a "fancy franchise"—a franchise dependent on the partial occupation of a house, and which is popularly called the "lodger franchise." Hon. Gentlemen speak of the lodger franchise as if lodging were a casual circumstance in our social life; that it might be as well as not to give a lodger the franchise; that he was very likely to be a respectable man, but that, after all, it was not a matter of any great importance. Now, lodging is not an accident of our social life: it is a condition of our social life. The richer the country gets, and the greater its trade, the more numerous will become the lodger class. Just as the retail trade takes every year larger dimensions the shopkeeper must have a larger shop, either as a magazine for his stores, or as a means of exhibiting his goods. The larger the shop, the more disproportioned is the house to his social wants; and so, just as the country increases in wealth and trade, the shopkeeper will feel the necessity of filling his ample and commodious chambers; and in that way the lodger class comes into existence, with ample or sufficient means, and with all the habits that make men respectable in this country. They are educated, and feel a sense of responsibility in the performance of public duties. When you give a vote to the mere householders, surely those who really occupy the house, and are infinitely more wealthy, and frequently much better educated, ought not to be debarred from a trust of which they are worthy. What is the use of calling it a "fancy franchise?" It is not a "fancy franchise," but a real franchise; as real as, and more likely to be worthily exercised than, the householders' franchise, which, according to a limited and barbarous notion, you consider the only proper franchise.

The payment of direct taxes might well be a basis of the suffrage. You are now in this country substituting, in a great degree, direct taxation for indirect taxation. The careful and limited substitution of direct taxation for indirect, which has gone on now for some years, is a matter, no doubt, of the utmost importance, and highly advantageous to the country, but it is a system which, if pursued without great prudence and caution, would make the Finance Minister who proposed it the Necker of this country. It is a process connected with great consequences, and at a moment when you not only propose to confer the franchise but predominant power on a class that does not pay direct taxation, I hardly know any qualification which could be more properly recommended than a suffrage based on the payment of direct taxation. It will be answered, though momentous consequences may depend on a class enfranchised on this basis, it is a mere "fancy franchise"—but it is unnecessary to pursue the subject further, because every one must feel what a silly and unmeaning phrase that is.

I have placed before the House some critical remarks with respect to the borough franchise. I think the noble Lord made a mistake in founding his proposition on a mere consideration of numbers. I think the noble Lord ought to have considered, in the first place, fitness, and not numbers. Following his principle, this appears to be the consequence, that the noble Lord is about to introduce a body homogeneous in character and interests of upwards of 200,000 into our boroughs, in addition to what is really not more, so far as the question of their influence is concerned, than a body of about 288,000. Then, in one-half of the boroughs in England the new constituency will be able to command the seats, and by so doing you are changing the depositary of political power to a very great extent, and are, in fact, conferring power on a class,—a result, which your recent legislation, during the last ten years, has endeavoured in every way to avoid. I cannot, therefore, approve this mode of increasing the suffrage in boroughs. I do not think this proposition ought to have been brought forward, unless accompanied by means through which the elements of the constituency should be more various in character, and unless a counterpoise to the predominance of any particular class were established. I know it may be said that the result of the last election was favourable to the introduction of the working classes into the constituency by the mode of reducing the franchise. It is difficult to say what was the result of the last general election. That is a matter of very considerable doubt; but there is no doubt that the noble Lord took a prudent course when he took a prompt one, and called for the opinion of Parliament at the moment of its meeting. What might have been the opinion of Parliament after sitting a few months longer I leave the House to judge. The opinion of the country on this question of admitting the working classes to the suffrage was given in no decided, but rather in a hesitating, manner; and I think the opinion of the country was this, that it was desirable that a certain portion of the working classes—those who by their skill and conduct had proved themselves worthy of the electoral privilege—should be admitted into the constituency under certain conditions, which would guard the community from the predominance of that class. That, I believe, was the real verdict of the country.

But it is a mistake to suppose that the working classes at this moment have no share in the representation. I must consider the freemen of England as a part of the working classes, though they are always treated with such contempt by some hon. Gentlemen. Moreover, the result has shown that in the metropolis the great body of the working classes are in possession of the franchise; and that they also possess the franchise in many of the most important northern boroughs no one questions. I do not suppose that you can estimate the share of the working classes in the representation at less than one-ninth or one-eighth even of the existing constituencies. But when hon. Gentlemen lay it down as a principle that the working classes ought to enjoy the franchise we must remember that working men are not confined to towns alone, and that there are others who also have a fair right to consideration. The superior class of rural labourers and of working men in the country, if you look at their knowledge of their pursuits, their general conduct, and the great skill which is required in their daily duties, need not shrink from a comparison with the workmen of the towns. If you are to recognize the claims of skilled mechanics, you must equally take into consideration the claims of English woodmen, English shepherds, English gardeners, and some of the higher class of labourers in husbandry. It is impossible to deal with the question in a general way, and, therefore, you necessarily have to make a selection of the working classes, in order that their voice and influence may be heard. It follows that you must have limitation, that you must have qualification; and I say that the only effect of the noble Lord's Bill will be to give a predominance, in half the boroughs of England, to a class who, if they act in conformity with their antecedents, will evince decision, combination, discipline, and will probably return to this House a body of men who will exercise a great and, perhaps, a controlling influence over the Government of the country. Now, are you prepared to sanction such a course? Is it a course to be justified—I will not say on the principles of political expediency, but—on the principles of political justice? I contend that it is not, and therefore I cannot agree that the method by which the noble Lord proposes to admit the influence of the working classes in the election of Members of Parliament is a wise and well-considered one. I think he ought to have increased the borough constituencies by various means, and not merely by this perilous monotony of process; and while he might have introduced the most skilful mechanics among the working classes into the constituency, he might have done it under conditions which would not have neutralized the voice of all the various classes comprised in the present borough constituencies.

I proceed now to consider the next principle on which this Bill is founded—namely, the reduction of the county franchise. I, for one, have never opposed the creation in the counties of an ample constituency. Believing that the influence of the land is most beneficial for the preservation of our constitutional liberties, I have been always anxious that the great landed proprietors in this House should come here supported by the voice of a numerous constituency, and should be at the head not merely of their tenantry, but of their neighbours. I have always felt that that would add to their influence and power, which are of the utmost advantage to the State. But in increasing the county constituencies one condition should be observed. The persons thus enfranchised should be fairly connected with the chief property and the chief industry of the county. A constituency is not connected with the chief property and chief industry of a county if, for example, the county suffrage is possessed by some town which may be a new community developing itself by means of some special interest of its own, or some decaying borough without any sympathy with the property and pursuits of the county. I don't think also that the condition I have just laid down is observed when the inhabitants of a great borough teeming with a population which has overpassed the old parliamentary limits affixed to the town in 1832, but connected with that borough by every tie and duty, social and political, are permitted to send out their hordes of electors, who ought to have votes for the borough of which they really form a part, to elect a county member having little sympathy with their local interests and feelings. I don't think that main condition is observed when at any time, but especially at a time when you are establishing the franchises of England more and more upon occupation, you allow freeholds in towns to become the great manufactories of split votes, by which, at a general election, bands of voters are enabled to pour forth, and elect Members of Parliament for a district with which they have no local sympathy and no common interests. In the Bill I do not find any means adopted by which that great injustice can be rectified. The noble Lord, though his measure is a small one, can, however, condescend to details where the county suffrage is concerned. For example, I find that Clause 4 will effect disfranchisement on a large scale, by enacting that the occupation of a building jointly with land is not to confer a right of voting, unless the building be of £5 annual value. That clause is a new one, and would disfranchise a large number of voters in the rural districts. The noble Lord has a terror of disfranchisement, which with adroit misrepresentation he opposed in the Bill submitted last year, while proposing it in every measure of his own; but when simplicity is the order of the day, the noble Lord, though he will not establish a just franchise in the counties, adopts a sweeping measure of disfranchisement, applying only to rural voters.

The county franchise as proposed in the Bill will greatly reduce the influence of the landed proprietors and of the landed interest in this country. I object to any such reduction, and I will tell the hon. Member, who seems alarmed or annoyed by that expression, why it is I object. I look round upon Europe at the present moment, and I see no country of any importance in which political liberty can be said to exist. I attribute the creation and the maintenance of our liberties to the influence of the land and to our tenure of land. In England there are large properties round which men can rally, and that, in my mind, forms the only security in an old European country against that centralized form of government which has prevailed and must prevail in every European community where there is no such counterpoise. It is our tenure of land to which we are indebted for our public liberties, because it is the tenure of land which makes local government a fact in England, and which allows the great body of Englishmen to be ruled by traditional influence and by habit, instead of being governed, as in other countries, by mere police. Well, Sir, believing that the proposed reconstruction of the county franchise has a tendency to diminish the just and salutary influence of the land of this country, I highly object to the noble Lord's plan.

Now, the third principle upon which this measure is founded, is the re-distribution of Parliamentary seats. Let us see whether the application of that principle be a just and wise one. There are two schools of opinion upon this subject. There is the school of politicians who would entirely reconstruct the borough system of England, and who would not only entirely reconstruct it, but I may say would entirely subvert it. They are of opinion that what should be obtained by public parliamentary election in this country is a declaration of the opinion of the mere numerical majority of the population in the country, and they would subvert the present system and reconstruct it on a scale which would obtain that result. That is what I call the American system, and it works sufficiently well in the United States. The population of the United States greatly exceeds that of any other American community; it is rapidly increasing and is sustained by the resources of an illimitable territory; therefore, when their Legislative Assembly, or Parliament, is elected on the principle of numerical majority, they have a first-rate assembly founded on that principle. But that would not apply to England. If we take a mere numerical majority as the test of our representative system, we are very inferior to many countries in our population; and if we had a representative assembly elected on that principle, all we should have would be a third-rate assembly.

The other school of politicians is of opinion that population of course is an element in representation. Nobody would be so absurd as to deny that. It is an element just the same as property is; but in a very ancient country, highly civilized, with a complicated social organization, they hold we are bound to represent all the interests of that country, and they are essentially local. If you have a representative assembly elected on this principle you will, inasmuch as you have in England the most powerful social organization in the world, have a first-rate representative body, that is to say, a House of Commons. These are the two schools. No one pretends that our borough system was invented to obtain these results, but it is a system which in this country secures that description of representation, and it is cherished and preserved because an ancient machinery has been found existing which produces a desirable end.

I can quite understand the scheme of the hon. Member for Birmingham and his friends, which so startled the country a year ago, because they act consistently on the American principle. But those who act on the English principle must be ruled by different considerations, and must propose different ends. All they conclude in the redistribution of seats is this: When they find in the periodical revision of the representation of the country that new and powerful interests have arisen not duly represented, then following the example of their predecessors—not merely Parliamentary precedents, but the precedents of our Sovereigns in the exercise of their prerogative—they confer upon these new interests a political representation, and inasmuch as it is the custom of this country, now long settled, that the number of this Assembly is not to be increased, they hold that the mildest course which they can take is to deprive existing boroughs in some degree of their representation; and therefore it was a sound principle which the late Government adopted last year for meeting these wants, when they proposed that some of the least important boroughs of the country should contribute their fair share of the means by which that result should be obtained. So far as he has followed that example I approve of the course which the noble Lord has taken; but the noble Lord has carried the point too far, or not far enough. If he is of the opinion of those who think that the borough system is indefensible, he should have proposed a great change; but if his principle is the English principle, and he believes that there are no abstract grounds on which you can even partially disfranchise a borough which enjoys the privilege of returning Members to this House, then I think that the noble Lord has gone too far. The noble Lord ought to have made enfranchisement precede disfranchisement. There are a few boroughs in the north of England whose claims to representation cannot be denied. But it is not consistent with the spirit of our Constitution to enfranchise boroughs in the north of England without enfranchising others in the south, because we should study the distribution of power throughout the whole country. There are one or two counties where the representation is inadequate; for they contain vast interests of a different and contrary character. There is a district in the West Riding, extending over seventy miles, whose interests—agricultural—are different from those of another portion of the same county, where manufacturing industry is teeming, and it is advisable therefore that the interests which are not adequately represented should be called into this House. The noble Lord, however, goes past that.

I object to his system on two grounds. First of all I think he is acting on a complete fallacy in establishing what I venture to call cumulative Members for places already represented. Now I want to know from the Government on what principle they have so acted. You do not act on that principle in the electoral body. If a man has £100,000 a year he has only one vote, and on very good grounds, for you know that although the man has a large fortune, and you give him the same vote as the humblest dweller in a £10 tenement, he has an indirect influence in the community which asserts itself and sufficiently protects his property. Why should you do that for Manchester and Birmingham which you do not do for the wealthy individual? Hon. Gentlemen are sent here to represent the opinion of places, and not the power of places. Does anybody suppose that if the interests of Manchester were assailed they would only be defended by the two respectable Representatives who sit in this House for that borough? Not at all. We know that there would be scores and scores of Members, not confined to one side of the House, who would support the interests of Manchester; and, therefore, I entirely disapprove of this principle, which appears to be perfectly unconstitutional, and which would change the character of this House, because, if representation is to be meted out according to population and property, you would soon have very few places indeed represented in this House, and representation would be confined entirely to large manufacturing and commercial cities and large counties.

I admit that in the Reform Bill of 1832 you did confer on some counties a third Member. But the circumstances under which that was done could not be drawn into a precedent, but if it were one, as I shall perhaps be told, it would be a very bad one. In the Reform Bill of 1832 it was necessary to increase the county Members. There were some counties in which you exceeded the number of voters which authorized the conferring of two Members, and yet which did not reach that number which permitted division, and this plan of having a third Member was consequently had recourse to. But some of those counties we now know have reached an amount of population which authorizes division, and it would be better, if you wish to increase the county representation, to divide those counties than to have recourse to this system of cumulative members, which cannot be defended, and which is entirely opposed to the spirit of the Constitution.

But there is another ground on which I think it is equally objectionable. It would appear to be the happy practice of the Constitution that almost every class and every interest, and every great institution is represented, and though under our constitution in that sense the minority may be represented, still when a constituent body is formed the majority ought to decide, and the minority in that sense ought to have no claim. It is the custom of the country, and that is a very strong reason; but beyond that the principle is based upon all our constitutional precedents and practice, and it would appear to be a principle which can also be upheld on sound political reasons, even abstractedly. The noble Lord in 1854 proposed that the minority should be directly represented in this House. In my opinion a more unconstitutional course could not have been suggested, for there is only one proper way by which the minority of a constituent body should be represented, and that is by becoming a majority. The noble Lord has now proposed, not directly, but indirectly, to secure a representation to the minority in several places in some cities and some counties. I entirely object to that; but it is done, although indirectly, in this Bill, and there are some counties and some towns to which a third Member is added on that principle. We have complained of late years of a want of distinct parties and of distinct principles in this House. So far as I can learn that is a want which will in a very short time disappear. I think we shall soon have distinct parties and distinct principles on both sides; but if anything could be devised which would introduce into this House a timid and temporizing spirit, it is the political and parliamentary machinery that recognizes the representation of the minority of a constituent body in Parliament. A want of conviction and a want of energy and spirit in public life would be the consequence, and therefore I entirely disagree with the second object which the noble Lord wishes to obtain by thus dealing with the redistribution of seats. It appears to me that the principle of the redistribution of seats, as the noble Lord applies it, is unsound. It can satisfy none of those opposed to the English element of parliamentary life who want to reconstruct the House of Commons on the American principle, while at the same time it fatally alters the only sound principles upon which the disfranchisement of boroughs ought to be permitted—namely, that of conferring a representation on interests not already represented.

I have now touched on the three principles of this Bill. What is the course we ought to take with respect to it? That is the question. It is a very bad measure. That, I think, is the universal opinion. In fact, I believe I do not know more than two individuals whom it perfectly satisfies—namely, the noble Lord the Foreign Secretary and the Member for Birmingham; and the Member for Birmingham, with that candid audacity which in his case greatly neutralizes the pernicious opinions he expresses and the dangerous course he pursues, has already told us that no sooner has this Bill passed than he shall agitate the country to obtain a much more extensive change. But if we reject this Bill on the second reading, we know what will be said. It will be said by the noble Lord, "You are against Parliamentary Reform, you are against extending the franchise, which, when you were in a responsible position, you yourselves brought in a Bill to effect." I am not against extending the franchise. If we are to deal with the subject at all, I think the franchise might be extended, and safely extended, in a way, on the whole, beneficial to the country. My opinion is, so far as I can form an estimate from the documents in my possession, that under the Bill of 1859 the franchise would have been more extended than under this Bill, therefore I am not against extending the franchise. Nor, if it is necessary to consider the subject at all, am I against the redistribution of seats; that is to say, to call into Parliamentary representation interests not now sufficiently represented. I wish to see in counties and boroughs the constituencies increased, because I think they can be increased in a manner which would strengthen the Constitution, and because I think the means and materials are in existence by which that result could be obtained, and by which the working classes might have an increased power of representing their opinions in this House, while, on the other hand, the due weight and influence—so important and so necessary to the liberties of the country—of the landed interest might be adequately represented. Therefore, so far as the alleged principles of this Bill are concerned, I consider I am not justified in saying, though I think the application of those principles is most objectionable, that we ought to reject the Bill on its second reading.

We shall have the opportunity of considering this Bill in Committee. What will you do in Committee? That will be deferred to a period which will allow all, high or low, deeply to consider the responsibility which falls on those who meddle with questions of this importance. I do not feel called on now to intimate what may be done by myself or my friends in Committee after Easter. I am not at all sure whether I shall propose anything myself after Easter. I am not sure whether the responsibility of this measure may not, considering the circumstances under which it was introduced and projected, fairly rest with the noble Lord and Her Majesty's Government. Indeed, if I were to take a limited and Parliamentary view of the consequences of this Bill, it would not be for the Conservative party that I should feel very great alarm. I do not think the 100 boroughs of England that are to be delivered over to one class, whose interests and opinions and habits are identical,—I do not think those 100 boroughs are represented, generally speaking, by Members of the Conservative party. But the loss by this House of a vast number of Members who now adorn it, and who give to it weight and responsibility and knowledge, though they do not sit on the same benches as myself, I should not the less regret as a national calamity. I should be very sorry to see the just influence and authority of the Whig party curtailed. I think it one of the best securities for public liberty and good government in this country, that when a change takes place in the administration of this country, at least power is handed to a party, on whichsoever side of the House they sit, who are prepared to exercise that power on English and not on American principles. I think it is something when such changes take place, that power should be handed to those who respect the traditions of the country, and who will be faithful to its prescriptive claims; therefore I should deeply deplore this serious blow, so far as the Whig party is concerned, and from hands from which twenty years ago we should not have expected such a blow to come. I shall, therefore, not oppose the second reading of this Bill, but I shall be curious, when the House is in Committee, to see what propositions will be made to render it, even in the opinion of hon. Gentlemen opposite, who have already shown a great disposition to make Amendments, a Bill not injurious to the interests of the country.

It has been said of English statesmen that they are more remarkable for their active qualities than for their prescience, and I am not surprised at that. Man is rather an active than a contemplative creature, and it is the privilege of few to have the power of prediction. I think on the whole it is better for England that public opinion has been rather in advance of Parliament than that it should be the reverse. One result has been to make this Assembly a practical one, and though we may have occasionally blundered, it is better to blunder by adhering to an old-established system than to blunder by adopting a new system that has never been tried. I admit that with reference to this question of Parliamentary Reform English statesmen have been much to blame. There is no doubt that from the period when the Duke of Wellington was at the head of affairs, and for two or three years previously, warnings were given to our leading public men, which were unhappily disregarded, and opportunities in consequence lost which, if they had been turned to account, might have been productive of great advantage. No doubt, when the noble Lord re-opened this question he was influenced by a sincere, and, as he thought, a sound feeling, and was anxious to avoid the error of the Duke of Wellington. The House knows its history from that time. The noble Lord has more or less been in power for these ten years. He has kept this question in hand, so that when we were in power it had become a weapon always ready to be drawn from the armoury of politics, and brandished against a Conservative Ministry. The time had then come, in our opinion, when the question might have been terminated, and we endeavoured to terminate it on conditions which, I think, are spoken of now by the country in a more kindly manner than when they were first introduced, and which if they had been accomplished would, as I think, have strengthened the Constitution. But, Sir, I believe the noble Lord was premature in the measure which he introduced ten years ago, and that those who have followed him are equally in a certain degree to blame. Our course was in self-defence, and because it was impossible to carry on the Government, from the manner in which that measure was left, if we were not prepared to deal with it. Sir, I do not wish to escape from my share of blame. But, then, it may be said, in excuse of the noble Lord and of his successors that the time was opportune, if changes were ultimately to be carried, to anticipate political necessity. The country was at ease, it was prosperous; there was a prospect of foreign tranquillity as well as of domestic contentment. What is your condition now? Is it the same? Is the state of affairs the same as when the noble Lord and his successors endeavoured to deal with this question? A great military nation, of matchless valour, with a public organization more complete than any that has existed since the days of ancient Rome, abounding in resources of men, money, and military material, and so enamoured of glory that it has freely bartered freedom for fame, no longer conceals its thirst of general empire. As far as Europe is concerned, the prospect is much more dangerous than in the days of the Great Monarch; for in the days of Louis XIV. Europe was full of military energy; Europe now is prostrate and spiritless. As far as England is concerned, the prospect is infinitely more dangerous than in the days of the French Republic and the old French Empire; for France was then our implacable foe; France is now our unswerving friend. France then menaced our hearths; France now decorates our citizens. France harassed our trade then by a continental blockade; France now facilitates commercial intercourse by treaties of amity. There is nothing to keep the English people watchful or awake. Superior to rapine, hardly condescending to force, France is building up a colossal despotism by all the arts of the most advanced Liberalism—by universal suffrage—by secret voting—by electoral districts. Will you never be warned? Is this the time and the condition of affairs when you should attempt feebly, but in the same vein, to imitate these political schemes? Is this the time when you should still further deviate from that old, that free, and that aristocratic, constitution which has formed the Empire of England and framed the liberties of Englishmen? Sir, I must say that is not my opinion. The noble Lord the Secretary of State, since the night when he entered into the fatal pledge on this side of the House which has placed his Government in consequence in a position of great embarrassment, has been called upon to preside over an office of the State very different from that which he then contemplated. The noble Lord is in receipt every day of information which may well make him look grave, and the perusal of which cannot but teach him that it is a great thing for a Minister that he can fall back upon the ancient institutions of a country which have proved their power to stem any storm. Well, Sir, that being the case, I will not relinquish the hope that before we are summoned to go into Committee, a relieved House of Commons and a grateful people will learn from the noble Lord that this unnecessary, this uncalled-for, and this mischievous, measure has been withdrawn.

MR. LEATHAM said, he should not have risen had he not been aware that the constituency which he had the honour to represent entertained, with regard to the Bill of the noble Lord, and with regard to the wide question of reform, opinions the emphasis of which would only be imperfectly expressed by a silent vote. He, therefore, trusted he should receive the indulgence which the House invariably extended to those who were unused to the ways and unskilled in the practice of debate. If they regarded this merely as a suffrage Bill he thought it fully deserved the quiet, but at the same time, hearty reception which it had met with throughout the country. As a suffrage Bill it appeared to him to be incomparably better than any other measure which had been laid on the table. One of its great merits was its simplicity, and another was its reality. There was no attempt to juggle with the franchise, no attempt to conceal sinister features by fancy franchises. The noble Lord's left hand was welcome to know what his right hand did. The main object of the Bill appeared to him to be the admission of the working classes to the franchise. Fears were at one time entertained that that class could not be admitted without admitting the petty traders, who had few political sympathies, and whose admission, it was apprehended, would deteriorate the morality of constituencies. He held in his hand some statistics which had been prepared by the Reform Association of the borough which he had the honour to represent (Huddersfield), and which appeared to him to be calculated to remove those fears. They found that under the extension of the franchise proposed by the noble Lord something like 2,000 claims would be made in the borough of Huddersfield. The present number of electors on the register amounted to between 1,600 and 1,700. Of the 2,000 new claims about a fourth would be for houses at rentals varying between £8 and £10, and the remaining three-fourths for houses at rentals varying between £6 and £8. Of the houses between £8 and £10 only forty per cent belonged to the working classes, but of the class between £6 and £8 no less than ninety-eight per cent belonged to the working classes. Those who knew anything of the social position of the working classes of such boroughs as Huddersfield knew that it was impossible to find persons more independent than was the upper class of artizans, and this was precisely the class which would be admitted to the franchise by this Bill. The right hon. Gentleman who had just sat down severely criticised the Bill, and it would be distasteful to the House if he, a young member, were to attempt methodically to follow him; but there were a few observations to which perhaps he might be permitted to reply. The right hon. Gentleman had stated that the effect of this Bill would be to transfer the predominance of power in something like half the boroughs of England to another class, but he admitted that already the working class exercised a great influence in these constituencies. The right hon. Gentleman also referred to the lodger, as a fancy franchise; but the lodger franchise appeared to him (Mr. Leatham) to be no fancy franchise at all. The lodger franchise admitted the remainder of a class which they had already enfranchised by other means, but a fancy franchise was a franchise that selected individuals of a class not already enfranchised. The right hon. Gentleman had deprecated Americanizing our institutions. He had some difficulty in understanding what was meant by Americanizing our institutions. He remembered in a work edited by the noble Lord, the *Life of Tom Moore*, that Curran said to Moore, "When I can't speak sense, I talk metaphor." In this respect it would seem that Curran was not without imitators. But it was not merely as a suffrage Bill that they must regard this measure. The noble Lord undertook to deal with our whole electoral system, to remove anomalies, to redress injustice, and to abolish abuses; but regarding it from this comprehensive point of view he regretted that he was unable to extend to the measure the same humble but hearty approbation. In the first place he greatly regretted to find that there was no mention whatever of the Ballot. Such was his apprehension of the difficulty, the inconvenience, and the danger which might accrue from the exercise of intimidation upon persons in subordinate positions in counties that did he not think that after the passing of this Bill the Ballot would become inevitable, it would be with reluctance that he should support those clauses of the measure which proposed to deal with the franchise in counties. Another glaring defect was the feeble and tender way in which Her Majesty's Government proposed to deal with microscopic constituencies. Indeed, such was the noble Lord's chivalrous feeling towards the weak that there was not one borough in England so diminutive and so corrupt but that it must continue to retain a voice in the legislature, and a voice which was equal to that of the gigantic constituency of Salford. What were the arguments which the noble Lord advanced for the retention of the privileges of these small boroughs? He yielded to no Member in that House in most profound respect and most hearty admiration of the noble Lord, and it was therefore with great diffidence that he ventured to differ from him. But, did he not understand the noble Lord to imply that it was to the petty boroughs that they must look for their statesmen? Did he not imply that the large boroughs sent up persons absorbed in trade, and the counties persons absorbed in agriculture, and that it was from the petty boroughs alone that sprang that divine race, ignorant perhaps both of commerce and agriculture, to whom it seemed Providence had committed the care of this great agricultural and commercial country? But the noble Lord's argument was not altogether original. He thought they had heard something like it before, and that it proceeded from the other side of the House. He thought the right hon. Gentleman the Member for Bucks had startled them on a previous occasion by telling them that if the House were to be composed alone of the representatives of great interests, the Government of Her Majesty must revert to the despotism of 1640, and that the minions of the Court would usurp the place of the representatives of the people. But he altogether denied that large constituencies only sent up persons who had not the ability or the leisure to conduct public affairs. When he heard that assertion his eye wandered involuntarily to the Treasury bench, and, passing over the noble Viscount at the head of the Government, who till recently represented a large constituency, but who for personal convenience no doubt consented to represent Tiverton, it fell on the noble Lord himself (Lord John Russell), who, sitting for the greatest commercial City in the Empire, was the first to tell them that commercial constituencies did not send up statesmen. Next to him sat the right hon. Gentleman (Mr. Gladstone), whom he thought all would admit to be a statesman, and who represented one of the most influential constituencies in England, the University of Oxford. Beside him sat another right hon. Gentleman, the President of the Board of Trade (Mr. Milner Gibson), representing the large borough of Ashton; then came the President of the India Board (Sir C. Wood), representing the populous borough of Halifax. Amongst them also was the Secretary for War (Mr. S. Herbert), sitting for the great constituency of South Wilts, and there was the Home Secretary (Sir George Grey), who till recently sat for Herefordshire, and in addition there were the Attorney General (Sir Richard Bethell) and the President of the Poor Law Board (Mr. Villiers), who represented the important borough of Wolverhampton; and the Chief Secretary for Ireland (Mr. Cardwell), sitting for Oxford city. It appeared to him then that the great boroughs and cities and counties vied with one another in sending up statesmen to Parliament, and if they did not send up more it was not because they had no disposition so to do, but because there were no more statesmen to send. The noble Lord defended small boroughs, because twice in the course of a century great statesmen had been unfortunate enough to quarrel with large constituencies, and lose their seats. And the noble Lord had great respect for the feelings of the people of Little Peddlington, but had no compassion for the hundreds and thousands of electors throughout the country who had been keenly smarting under the sense that they were not sufficiently represented. He (Mr. Leatham) submitted whether it would not have been more statesmanlike to have dealt with this great question without reference to Parliamentary majorities. On one memorable occasion the noble Lord and his friends followed this course, and the result was a great accession to our constitutional dignity, and a place in history for the noble Lord. Possibly Her Majesty's Ministers might have lost some portion of the confidence of that House, but they would have gained the confidence of the country, and they would eventually have passed a great measure not only of reform but of justice and of security. He feared that hon. Gentlemen had been to a certain extent misled by the representations which had appeared in the public press, that the people cared nothing about reform. This assertion had been made with a feverish anxiety of reiteration which convinced him that those who uttered it had but little confidence in its truth. No, the people of England were anxiously watching that House, and it would be well not to arouse passions which were slumbering. At that moment great prosperity prevailed, and there were no symptoms of agitation; but when there was a recurrence of those periods of disaster with which

Providence saw fit from time to time to visit them, would that be a time to deal with this grave, and with what would then be this perilous question? He should have thought that the time when the demand for reform was couched in moderate and respectful language, when the desire for it was still a desire and not a passion, and when the hand of the people was extended in entreaty and not in menace, was the very moment granted by Heaven for passing a great measure which the people would receive as an evidence, not of weakness, but of good will, and would accept with gratitude for the privilege bestowed, and not with exultation over the right extorted. He regretted that Her Majesty's Government had not felt it their duty to introduce such a measure. He regretted it because the work which engaged them to-day would engage them again to-morrow, but still more, because a great opportunity for securing the confidence of the people had been flung away. . So long as that House pursued such a policy as was recommended by the right hon. Gentleman opposite — a policy of apprehension, suspicion, and distrust, so long would they have to deal with a suspicious and distrustful people; but if they once took the nation fairly into confidence, instead of creating the evil which had been anticipated, they would add new life to the State, new lustre to the Crown, and glorious centuries to the history of England.

Mr. H. BAILLIE said, that unlike his right hon. Friend, the Member for Buckinghamshire, he was so far from desiring the withdrawal of the Bill, that he hoped the time had at length arrived when the House would be able to pass a Measure of Parliamentary Reform satisfactory in the present, and, above all, of a permanent character, that we might get rid of the scandal which had for some years past been exhibited of the first and leading statesmen of the country bidding against each other for political power. It was far better, in his opinion, that the constitution should be placed upon a democratic basis, than that a system of agitation on the subject should be carried on, not by reckless agitators, but by the first statesmen in the country. Such a state of things tended to destroy all confidence in the stability of the institutions of the country, as well as in the honour of public men of both parties. The noble Lord said last year that the great object of a Reform Bill should be to give satisfaction to the working classes. Tried by that test, the measure of the noble Lord was a failure. The Bill involved three propositions—First, the reduction of the borough franchise; secondly, the increase of the county franchise; and last, the transfer of representation from small boroughs to large constituencies. As regarded the borough franchise, the basis of the Reform Bill of 1832 was a property qualification. It was supposed, in fact, and with reason, that every man who lived in a £10 house must be in the possession of some realized property. The noble Lord now proposed to give up that property qualification in practice; for it could not be supposed that a voter paying a rental of £6 a year in boroughs had any other property besides his labour. That being the case, he (Mr. Baillie) could not conceive by what process of reasoning the noble Lord proposed to draw a line between the labourer occupying a £6 house, and the labourer occupying a £5 house or a £4 house. They were equally labouring men—all equally devoid of realized property—all receiving the same rate of wages—all entitled to the same privileges, and with no difference whatever between them, except that the one lived in a borough where house-rent was dear, while the other lived in a borough where house-rent was cheap. If they were to give up the property qualification implied by the possession of a £10 house they ought to abolish all class distinctions. Therefore in his (Mr. Baillie's) opinion, the rating test or household suffrage proposed by the hon. Member for Birmingham possessed two great advantages over the plan of the noble Lord, for in the first place it was not of a temporary nature, as that of the noble Lord would assuredly be; while, in the second, it was not liable to alteration by reason of the alteration in the value of money, which was a very important consideration. If therefore the noble Lord's Bill was the only alternative, he (Mr. Baillie) would rather give his support in Committee to a proposition for household suffrage, based upon rating, than to this proposal of £6 rental, which did amount practically, in large towns, to household suffrage, without the advantages of rating. Practically, household suffrage would be the suffrage in all the metropolitan boroughs, and in most of the commercial and manufacturing cities and boroughs, and it would be only in the smaller boroughs where they would find persons in any number who were residing in houses below a rental of £6, and that would be no reason for excluding them from the operation of the Bill, or dispossessing them of their political rights. As regarded the county franchise, when the Reform Bill of the late Government was under discussion it was considered that there ought not to be an identity in the county and borough franchise. It was said that if they admitted the working classes to the enjoyment of the franchise in the boroughs they would so far predominate over the middle and upper classes that the latter would be deprived of their political rights, and therefore that it was desirable to give to those classes a representation with counties. Now, if that was the object of the Bill, it would not be obtained by lowering the rental to £10. In considering this subject, they ought to bear in mind that they were not merely legislating for themselves but for those who came after them, and one point they ought not to lose sight of was this, the great influence which would be exerted upon the franchise, in consequence of the fall in the value of money, which would no doubt take place through the large importation of gold from Australia. No doubt that alteration had not taken place as yet. It was, nevertheless, not the less certain to take place, if experience went for anything in coming to a conclusion on the subject. It was thirty years before the effect of the discovery of the gold and silver mines of Potosi took place in Europe; and then the alteration in the value of money was so rapid that the quarter of corn rose from 8*s.* to 24*s.*, below which point it had never since receded. If a change to only half that extent took place as a result of the Californian and Australian discoveries and importation of gold, then the borough and the county franchise would practically become household suffrage, and all difference in point of identity between them would be effectually destroyed. Another reason against a £10 franchise in counties was, that the £10 householders were always only too ready to shift the burden of taxation from their own shoulders, as in the case of the house tax, which they shifted to those above them, and he was afraid that the lower class, whom it was now proposed to enfranchise, in boroughs would go still further in the same direction. He thought it desirable, therefore, that the county franchise should be maintained at a higher point than was proposed either in this or the Bill of the late Government, in order that the different classes of the country might be represented. With respect to the transfer of the right of representation from small boroughs to larger constituencies, the noble Lord appeared to be following in the steps of the right hon. Gentleman the Member for Buckinghamshire, who stated last Session that the smallest class of boroughs ought not to be disfranchised, because they enabled great landed proprietors of influence to nominate gentlemen who would not find their way to the House of Commons if they had to appear before large bodies of their fellow countrymen.

MR. DISRAELI: I never made any such statement.

MR. BAILLIE had understood his right hon. Friend to refer to Arundel as a case in point. For his own part, however, he did not believe any Reform Bill would give satisfaction which did not disfranchise these small boroughs. The right hon. Gentleman the Member for Buckinghamshire seemed to be of the same opinion, because he stated upon another occasion that if he should ever have to introduce a Reform Bill again it would contain clauses for the disfranchisement of nomination boroughs, so strong and general had been the condemnation passed upon those places in the House of Commons. It had often been said that the late Government placed themselves in a false position when they undertook to deal with the question of Reform. That might be so, but what must be said of the noble Viscount at the head of the present Government, who, having formed with great ingenuity an Administration composed of men professing every political opinion, now found himself, like another Frankenstein, unable to control the monster his own genius had created, and compelled to support a Bill from the principles of which, judging from the statements he made last Session, he totally and entirely dissented? There could not be a stronger proof of the injurious effect which the continued agitation of this question was calculated to produce than the influence which it thus appeared to exercise over the minds and morality of our public men, and he therefore trusted that under the auspices of Her Majesty's present Ministers a safe and satisfactory solution of this great and difficult question might be attained during the present Session.

MR. BAXTER said, it would not be necessary for him to reply to the hon. Member for Inverness-shire (Mr. Baillie), for the hon. Gentleman was in favour of household suffrage and the abolition of small nomination boroughs, and though he (Mr. Baxter) considered that he himself was something of a radical, he could not go much further. It was a remarkable sign of the times that this great Conservative party, attached as it was to the principles of the constitution and averse to any considerable changes in our institutions, had, notwithstanding a few critical observations of the right hon. Gentleman the Member for Bucks, not thought it their duty to give an united opposition to the Reform Bill of the Government. It appeared to him that that policy of the party was not only an acknowledgment of the general good working of the Reform Act of 1832, which conferred great benefits on the country, but an indication that they were not now inclined, whatever they might have been in past times, to offer any obstinate resistance to measures of gradual and rational progress. He should be glad to receive their aid in passing a Bill such as Lord Grey in 1832 said "should have a tendency to give new vigour to the constitution of the country, and make it in point of fact what it was in theory—a fair and full representation of the people." The great masses of the people were now happy and contented, and they hoped to obtain an increase of political power, but not, as in times past, through excitement and agitation, but through the good sense of the upper and middle classes, as reflected in the House of Commons. Physical force chartism and revolutionary ideas had gone down, and given place, as he firmly believed, not to indifference in regard to the privileges of free men, but to a firm confidence that political rights would be surely though gradually conceded to the people. It would therefore be wise, just, and politic on the part of the legislature to extend the franchise. They all knew what an amazing progress had of late years been made in the education of the people. All classes had advanced very materially, and he did not believe that any Gentleman could have mixed with the people without perceiving the progress which had been made in their condition. The right hon. Gentleman (Mr. Disraeli) had represented the present measure as an extremely hazardous experiment, and had said that to extend the franchise to £6 householders would be to transfer the whole political power in one-half of the boroughs from the shop-keeping classes to the class immediately below them.

Mr. Baxter

He (Mr. Baxter) felt very much inclined to doubt whether any such transfer would take place. He did not believe that the people of this country were in the habit of voting in classes at all. The right hon. Gentleman had referred to the combinations which took place among the working classes, and had stated that with the exception of the agitation for the repeal of the corn laws the middle classes had never formed combinations. If the right hon. Gentleman meant not combination but class voting, then he (Mr. Baxter) might be inclined to agree with him; but the fact was, the middle classes had been in the habit of combining for political purposes in all former times. They had combined to carry the Reform Bill, to abolish the Test and Corporation Acts, and to obtain Catholic Emancipation; in fact all the great measures of civil and religious liberty had been mainly due to combinations among the middle classes. But it did not therefore follow that the persons whom it was proposed to enfranchise would vote as a class. Still, if he granted that such would be the case, he would put it to any Gentleman who really knew the higher class of artisans, whether they were not every whit as intelligent and independent as the shopkeeping class? It was quite true that the higher class of operatives were occasionally misled; but they read the newspapers; they were possessed of much political information; they thought for themselves; and they would, he had no doubt, prove on the whole a very valuable element in our electoral polity. The supporters of the Bill had, however, to face another and a very different sort of opponents—those who said that the measure was of so exceedingly mild a character that it was not worth while to disturb the institutions of the country on its account. Such an objection was intelligible when it came from a chartist, but he was at a loss to understand it when it was put forward by a progressive reformer, and still less when it came from a Conservative. A measure that would bring between 500,000 and 600,000 additional persons within the pale of the constitution could not be very paltry. But its value consisted in this—that if it were passed at the present time it would settle the question for a considerable period, probably for a quarter of a century to come. The right hon. Gentleman (Mr. Disraeli) had taken a great deal of credit for the "fancy franchises" in the Bill of his Government. Those franchises might very probably have conferred the right of voting upon certain classes who were extremely well qualified to exercise it; but the right hon. Gentleman forgot the answer which had so often been given to his scheme—its liability to abuse, and the facilities it would have afforded for the creation of fictitious votes. The lodgers' franchise, he might remark, was not a fancy franchise at all. No doubt theoretical objections might be adduced to a simple rental qualification; but there were many parts of the Constitution under which we happily lived of which the same thing might be said. Nevertheless the rental qualification was found in practice to work well, and he (Mr. Baxter) was Tory enough to be disposed, in this respect, to let well alone. One of the Members for the Tower Hamlets had pointed out the other day the inequality of the mode in which the Bill would operate; and he said that he would rather resign his seat than vote for a Reform Bill that would add so little to the number of his own constituents. But there were inequalities in the present system; and the Bill did not make, or even increase, those irregularities. They were a necessary incident in a rental qualification. He regretted that a £6 franchise in the boroughs which he represented would not include that higher class of artisans whom he was so anxious to see members of the electoral body; but he would not on that account oppose or even impede a measure which would certainly have the effect of enfranchising that class in all the chief seats of manufacturing industry. He would then say a few words on what he conceived to be the omissions and the defects of the Bill. He hoped the noble Lord would consider before the Bill went into Committee the propriety of altering the clause relating to the county franchise, as to render it necessary that every county qualification should have upon it a house of the value of £5; because unless that step were taken the great landowners would be enabled to enfranchise their retainers and dependents in a manner not calculated to add strength to the institutions of the country. He regretted that the noble Lord had not seen his way to grapple with the question of the redistribution of seats. One word with respect to the Ballot. Without in the least believing that the Ballot would be a panacea for all the corruption that took place in so many constituencies, he failed to feel the force of the numerous objections made to a system which worked well in many institutions in this country. The hon. Member for Pontefract (Mr. Childers) had shown in his admirable speech a short time ago that it answered in Australia; and he (Mr. Baxter) was able to say from personal observation that it had not been brought into discredit in the United States of America. They heard a great many stories about the turbulence of American elections; but however much those stories might tell against universal suffrage and the tyranny of mob rule, they had nothing whatever to do with the question of the Ballot. In the United States there was far less of real liberty than there was in this country. Men were there dragged at the chariot wheels of party in a manner which no Englishman would tolerate; and in many of the States it was quite obvious, and indeed admitted, that individual freedom of opinion in political matters was almost unknown. There was a republican and a democratic ticket. Those tickets were of different colours, and the voters carried them in their hands, or, as was done the other day in Italy, stuck them in the band of their hats as they went to the poll. That was obviously not secret voting. There was no doubt that the Ballot had been adopted in America simply as a mode of taking the votes as rapidly as possible, and not with a view to secrecy. In some States, indeed, the tyranny of the mob (to which he had already referred as arising from universal suffrage) was used not against the democratic, but against what might be called the conservative section of the electors, so as to prevent the satisfactory working of a system of secret polling. On the subject of the redistribution of the seats, he had been anticipated by the admirable speech of the hon. Member for Huddersfield. The noble Lord talked as if it was proposed to abolish all the small nomination boroughs; but even in the scheme of the hon. Member for Birmingham there were forty or fifty left, which would surely be sufficient to find seats for ministers who might happen to incur the temporary displeasure of more popular constituencies. In the debates on the Bill of the late Government the present Chancellor of the Exchequer, who he hoped had not infected the noble Lord with his views on this point, made a very eloquent defence of the small boroughs, as the only means afforded by the present constitution for the introduction into the House of Commons of men unconnected or unsupported by overpowering aristocratic influence, who were likely to take a leading part in their proceedings at an age when they would be able to go through a proper Parliamentary training; and he supported his argument by a reference to the case of Mr. Pelham, Mr. Pitt, Mr. Fox, Lord Chatham, and Sir Robert Peel. Beautiful as was the theory, it was inconsistent with the facts. He found that *Hansard's Debates* in 1854 contained a list of sixty-two small boroughs which returned ninety-five Members to Parliament, and which the noble Lord in his Bill of that year proposed partially or altogether to abolish. Now, it so happened that *Dod's Parliamentary Companion* gave the ages of the hon. Members who represented those boroughs; and of the ninety-five hon. Gentlemen there was positively only one that was under twenty-five; six were under thirty; very few were under forty; and the great majority had completed their half century. The fact was easily accounted for. The great families had each but one, or at most but two seats left; and they required them for their own relatives; so that they had none to spare for rising Foxes or Pitts. He (Mr. Baxter) hoped then that the noble Lord would no longer stand in the way of a more complete redistribution of seats. To few statesmen had it fallen to do so much to strengthen the foundations upon which our social and political privileges rested as the noble Lord. Civil and religious liberty, all must admit, owed much to him; and he (Mr. Baxter) believed that this measure, with all its defects, if passed into a law (as he hoped would be the case) would be regarded by our descendants, not as having detracted from but as having added to his political fame.

Mr. ROLT said, that the favourite argument urged by those who advocated this Bill was that it would be wise to deal with the subject in quiet times, for it was said, and said truly, that troublous times would come, and that when they came, as sooner or later they must come, no one could tell what would be demanded, or in what manner it would be demanded. He was anxious, therefore, to take the House with him for a short time to the consideration of this subject, that they might see whether, if this Bill should pass, they were likely to be hereafter relieved from any demand they might be called on to accede to if the Bill were now rejected or materially modified. If he rightly understood this measure it took a second step, and a large step, in advance towards the severance of the representation of the people from the property of the country; it proposed to increase the influence of numbers and decrease the influence of property, and he viewed with a feeling akin to dismay the fact that Parliament was called upon to legislate on that principle for the second time within less than thirty years. Undoubtedly, that was the result, if not the principle, of the first Reform Bill; and let it not be supposed that in saying this he had any desire to offer an adverse criticism on a measure to which, whatever might be the objections originally urged against it, the country had long since sworn allegiance, which had been accepted as the constitution of the country, and which men fondly hoped would bear some analogy, in point of duration at least, to the constitution which it had displaced. But a quarter of a century seemed now to be taken as the extreme measure of the duration of constitutions, and, as had been prophesied, in the lifetime of those who had framed the constitution of 1832, the Conservative party had to stand up for its preservation. As the borough constituencies now stood, they numbered about 400,000 electors, and, excluding the houses which gave the titles to those 400,000 voters, it appeared from the returns that there were within the Parliamentary boroughs about 300,000 houses above the value of £6, that is, 300,000 houses of the value of £6, but under £10, per annum, of which number 100,000 were under the value of £7 per annum. Deducting from that twenty-five per cent for the number of houses which, from some cause or other, did not constitute a franchise, 225,000 electors would be added to the list, of a class entirely below the £10 householders. This certainly was a considerable step towards the severance of representation from property, towards increasing the influence of numbers and diminishing the influence of property; and, as he had said, it was the second change in the same direction made within the last thirty years. The effect which continuous changes of this sort would have on the minds, and habits, and conduct of the people must not be put out of sight in considering this question. "Change," said the judicious Hooker, "is a great ill. It amazeth men, and causeth them to doubt whether anything be of itself good or evil, and whether all things are not rather as men at this or that time do agree to account them." If this were the effect of frequent changes in our ordinary legislation, how serious the consequence of constant alterations in the fundamental principles of our Constitution—in repeatedly changing the hands by which the powers of Government are wielded. The effect of these changes would be to weaken the ties of tradition, and set us loose on a sea of change. Increase of appetite would grow by what it fed upon, and it would be utterly impossible to say where we should stop. It followed, as certain as effect from cause, that this habituating of the public mind to constant innovations in the basis of Government must lead to changes which nobody at present dreamt of proposing. If the present Bill is accepted as it stands, it cannot be doubted that in a short time household suffrage would be a necessity; but would the change stop there? No, we must then go to universal suffrage; then the House of Lords must sustain the attack, and after that the other institutions of the country. That all these things would inevitably follow might be deduced from *à priori* reasoning alone. But, fortunately this was a case in which the lessons of experience were clear and ample. In such a case it would not be impossible for them to learn by the examples of ancient Greece and Rome, but in the United States they had presented to them, in the plainest manner, the inevitable development of a people, like our own, when left to the Government of a numerical majority. The people of the United States were a kindred race, using the same language, and for the most part having the same religious faith, and drawing their intellectual life from the same literature; and they saw in them the true development of the English blood and race when, loosened from their old traditions, they proceeded to govern themselves by the votes of a majority disregarding the influences of property. They were drawn on step by step from one point to another; and though they often attempted to draw a line at which to stop, they found themselves utterly unable to do so. It would be impossible, however, to contrast or compare the history of the Federal Government of America with our own position and circumstances. The great and wise men who settled that constitution, foresaw the changes that would inevitably come, and that the Union would speedily be broken up if the Democratic powers of the people were left unchecked, and they, therefore, circumscribed them with safeguards. But Her Majesty's Ministers had no such intention in introducing the new constitution of 1860. They trusted to the electors of the new Bill to say whether there should be a further change of suffrage in the year following, or at such other time as they might please. But from the history of the several American States many useful lessons might be learned. Would the House follow him while he attempted a brief sketch of the history of the State of New York; and while he asked what reason there was to suppose that they should not come to the same result under circumstances which were very similar. The constitution of New York, starting in 1777, was reformed in 1821, was reformed again in 1846. Gradually the periods of change became smaller, and by a provision in the constitution of 1846 the question whether it is to receive further Amendment is again to be considered in 1866. What was done in 1821 and 1846 was not done by the ordinary Legislature, but by Convention elected for the special occasion. The Senate of 1777 was a body of twenty-four freeholders. It was a sort of Chamber of Peers. The peerage, it was true, was not conferred by the Sovereign, but by the election of the peers, from amongst themselves. Freeholders, whose freeholds were worth £100, elected the Senate from out of their own body, and there was no exclusion of men of colour. By the constitution, at present, citizenship of ten days was sufficient. Every citizen of ten days' standing, having been an inhabitant of the particular State for twelve months, and of the particular district for four months, was qualified to vote as an elector and to be a senator, but to the exclusion of men of colour both as electors and senators. The electoral franchise for the House of Assembly was, in 1777, what the Bill before the House amounted to, substantially household. A rent of 40*s*., or ownership and occupation of a freehold of £20 value, rated, and actually paying taxes to the State—this was the franchise in 1777; it got more democratic in 1821; it finally became, in 1846, universal suffrage. Household suffrage was not sufficient. It was said that household suffrage was a broad and distinct line at which we might be able to stop if we should hereafter think we could not safely go beyond. Let America be the test. The attempt had been made there and had failed.

Then look at the downward course of their legislation in the appointment of judicial officers. In 1777, a Committee appointed by the Assembly out of the Senate had the power of appointing the Judges. In the regular course of the working of democracy, the people demanded the right to choose their own Judges, and the Judges were now elected by universal suffrage in State districts and in judicial districts, new courts being constituted—a Court of Appeal and a Supreme Court. In 1777 the payment of Members of the Legislatures does not appear to have been suggested; but in 1821 it was thought that a sum, not exceeding three dollars a day, should be allowed to members; and in 1846 the three dollars were made certain, and a dollar allowed for every ten miles as travelling expenses. In the constitution enacted by convention of 1846 would be found the traces of an agrarian law; by the 14th and 15th clauses of the first article of the Constitution, it was provided that no lease or grant of agricultural land, for a longer period than twelve years, in which any rent or service is reserved, should be valid, and that all charges or fines reserved on alienation should be void. It might be said that this was not an agragrian measure, but rather a law to regulate the relation of landlord and tenant, as the landowner could let the land for twelve years. But observe, this is not one of the ordinary acts of the Legislature. It is made by this special convention a part of the constitution; and let them turn to the debates which brought about the carrying of those clauses, and they would find their real purport and object. The debates in both the Conventions of 1821 and 1846 were most instructive volumes for English statesmen and politicians. "Mr. Brown voted against the first section, not because he was not friendly to the principle, but because he regarded it as humbug to incorporate in the constitution provisions which were not necessary." With respect to the style of the speeches, they would find that the high tone of debate of the earlier periods was not afterwards maintained. He had not selected the passage on account of its style. Mr. Brown went on to say, "It was in direct opposition to the great principle which had animated all the people of this country, that of the free right of alienation of property. It was a wild project, which no man in his senses out of an anti-rent district would advocate." Mr. Warden followed:—"It had almost become a recognized principle in Western New York that agricultural land should not be leased for more than five years." Mr. Kirkland said, "He believed that these tenures were disastrous to agriculture and the best interests of the State. They also tended to degrade the character of the tenants. This was an opinion which he had formed long before anti-rentism was thought of. He would not for any human inducement violate the right of a single individual, but he believed that the interests of the State would be advanced and the character of humanity elevated in the instance of hundreds without the slightest injury to any one by the adoption of some principle which should induce the landlords to part with their lands to those who occupied and tilled them." The whole course of the discussion showed that there was a project afloat that nobody should own land who did not till it, and it was now part of the constitution of New York that there should be no sale of land which reserved a rent, and no lease reserving rent for more than twelve years. It might be said that it was a vain alarm to suppose such a principle could ever take root in England, but these were men as like ourselves as men could be, who started in 1777 with ideas of a constitution not far different from ours, and who had thus reached the advanced posts of democracy which he had described. Now he would ask, has the result of these democratic changes been satisfactory. Look first to the working of political affairs. The people of New York had political parties; but they cared little or nothing for whom or for what they voted, and were led by a small number who, for their own purposes, traded with them and sold them for place and power. Every thing was managed by the Caucus. Of this he would quote a proof from the second volume of a recent work of Theodore Parker, of Boston, a fearless thinker, and a fearless speaker of his thoughts, a man in whose opinions he (Mr. Rolt) felt no special sympathy, but a man of honour, of learning, and of character. This most acute observer said:—

> "You may take 100 men out of Boston and fifty men from the other large towns in the State, and, if you could get them to be silent till next December and give no counsel on political affairs, the people would not know what to do. The Democrats would not know what to do, nor the Whigs. We are a very democratic people, and suffrage is almost universal; but it is a very few

> men who tell us how to vote, who make all the most important laws. Do I err in estimating the number at 150? I do not like to exaggerate. Suppose there are 600 men, 300 in each party; those 600 manage the political action of the State in ordinary times."

And what was said of Boston was true of New York. Was that a desirable state of things to arrive at? Humiliation enough we had sustained already when political parties were seen bidding against each other for the support of the extreme democratical section. But should we descend to the lower depths of American and democratic politics, and, on a change of Administration, for example, see a general dismissal of officials from the highest to the lowest? Observe next the influence of universal suffrage—for we shall not stop at household suffrage—on the conduct of the Executive of the United States? In reference to their foreign affairs, if the daily journals were to be credited, the conduct of American Administrations towards foreign Powers received its colour on many occasions, not from the genuine opinions of the Government, but from the prejudices and passions of the masses. Of course, there was frequently a struggle on the part of the Government to keep right, but the result often was that their action was dictated by the people. Then as to the home administration, every officer, as he had said, even down to the schoolmaster and the porter, was dismissed at every change of Government, and a new set of officers was introduced. What trading in politics must there be for such a state of things to exist! It could only arise from a few men driving the electors to the poll and then selling them for appointments in the incoming administration. Then as to the bearing of pure democracy on the administration of justice. He was far from saying that in America the Judges did not duly discharge their duties. He had no recent evidence on the subject; but human nature was human nature; and when Judges were elected by the people for short terms, it was not, at all events, a satisfactory state of things. In England we had determined that our Judges, when once selected, should be above the reach of the Sovereign, above the reach of removal for anything but proved misconduct. Let Judges be liable to be displaced and they became subservient. This was human nature. Then as to its effect on the conduct and character of the members of the Legislature—the dollar for ten miles of travelling—what was the effect of that? The electors chose men of their own class, who were to have not only so many dollars a day, but so many dollars for travelling expenses. Let the House conceive the effect of Members coming to the bar or to the offices of the House to state their mileage, and to give in estimates of their actual or constructive distances of travelling. It was very well to say that we in England should spurn such things; but there in America was a kindred race working out the political system we are invited to follow to its proper results, and the Legislature there has voted itself so many dollars a day for remuneration and so many for travelling expenses. He might here again quote Theodore Parker:—

> "In political office, if you are a senator from California or Oregon, you may draw 'constructive mileage,' and pay yourself two or three thousand dollars for a journey never made from home, and two or three thousand more back to your home. So you filch thousands of dollars out of the public purse, and you are the 'hon. senator' just as before. You have got the money, no matter how. You may be a senator from Massachusetts, and you may take the 'trust fund' offered you by the manufacturers of cotton, and be bound as their 'retained attorney' by your 'retaining fee,' and you are still 'the hon. senator from Massachusetts,' not hurt one jot in the eyes of the controlling classes. If you are Secretary of State, you may take 40,000 or 50,000 dollars from State Street and Wall Street, and suffer no discredit at all. At one end of the Union they will deny the fact as 'too atrocious to be believed;' at this end they admit it, and say it was 'honourable in the people to give it,' and 'honourable in the Secretary to take it.'"

He did not accept this as conclusive evidence of the corruption existing in the political system of America; but, at all events, either the Legislature or society was so demoralized that one of the foremost writers of that country ventured to make this serious charge. Then, what was the effect of the American constitution upon legislation? What was the course of taxation? The State-tax of New York and the city-tax, were, he believed, collected under one head—quite apart, of course, from the federal taxes—and these local imposts amounted not to 8*s.* not to 10*s.* per cent, but to 2 per cent per annum on property. The New York correspondent of *The Times,* in a letter published in that journal on December 20, 1859, said:—

> "But these shortcomings are confined to one side of the account. On the other side the show of municipal taxation does great credit to the wealth of he city. The taxes and assessments

> amount to about 2 per cent of the gross valuation. Fancy such a measure of taxation upon an estate yielding 5 per cent per annum."

And that this was so was clear from an extract from *The New York Herald,* which he (Mr. Rolt) held in his hand, as to the amount of taxable property, and the rate of taxation from the year 1841 to 1859. In the city of New York it was shown that the amount of taxable property, which in 1841 was 251,000,000 dollars, had increased in 1859 to 551,000,000 dollars; but the rate of taxation, which, in 1841, was one half-dollar per 100 dollars, was in 1859 upwards of one and three-quarters, so that while the increase in the property was twofold, the increase of taxation was more than threefold. He also thought it important to quote an extract from a private letter from a gentleman now a merchant at Birmingham, who had resided for some years at New York. After describing the nature of the New York Property-tax, he adds—

> "The valuation of personal property is hard enough to get at, but is ridiculously unfair in New York. Real property is of course more fairly valued."

This was the result which followed when those who had not the property taxed those who had; and were we not advancing in the same direction? We were giving the power to those who had not the property, and at the same time Government was teaching the new constituencies not only how deficits might be supplied out of income-tax, but how deficits might be created in order to be supplied out of income tax. Was it possible that this lesson would be lost on those to whom it was given? Soon there would be a clamour to exempt incomes derived from trades from the payment of income tax. "Mine is but a life income," it would be said, "and dependent on my own exertions; yours is a fee. How hard to subject these to the same duty!" The argument was so plausible that, with the power to back it, he should wonder if it did not succeed, and in that case he must be allowed to put in a plea for the exemption of professional incomes. It would next follow as inevitable that a majority with small incomes from property, seeing that trade interests must not be mulcted, should claim exemption for small incomes, and so lead to an exclusive charge upon property. With small incomes relieved, with trade incomes exempted, with indirect taxation gradually diminishing, what difference would there be between the income tax and the 2 per cent tax upon property in New York? In the progress of democracy when once the movement in that direction has fairly set in, it was not possible to stop—for the invariable tendency was to advance. He had shown what had taken place among men of our own blood and race when they had once started upon this course. The great men who founded the American constitution in 1777 did not take so low a basis as household suffrage even for their House of Assembly; and there was an Upper Chamber composed of freeholders, elected by freeholders; and yet, when once our American brethren set about reforming their constitution by severing property from representation, and giving preponderance to mere numbers, they found it impossible to pull up at any point short of universal suffrage with all its consequences. Surely the risks he had pointed out were sufficient to make any one hesitate upon a measure of this kind. Upon a former occasion the right hon. Baronet the Member for Herts (Sir E. B. Lytton) had finely said that "democracy was like the grave; it never surrendered what was once given to it." But that was little more than half the truth, for not only did democracy not surrender anything once given, but it never allowed anything to be withdrawn that had once been offered. It would be wise then, before the present offer was finally made by this House, to consider whether there should not be some modification. He was surprised to hear it said that this proposition would settle the question for a quarter of a century. What was that period when they were speaking of a constitution? A century was but little in the history of a constitution. He stood by the constitution of 1832, and he never dreamt, notwithstanding the forebodings of its want of permanence, that those who were instrumental in carrying that arrangement should, in his time, after an interval of less than thirty years, come forward and propose another scheme, which they said might probably last for another thirty years. There was little probability of its duration even for that period; but even if there were, to tamper with constitutions in the hope that your amendments may last for thirty years was a terrible fallacy to act upon. It would still be heaping change upon change, and the appetite for change that grew by what it fed upon would urgently require further and greater satisfaction.

Let them proceed in that direction, and universal suffrage must ultimately come despite the monarchy; and the other institutions of the country must stand or fall according to the will of a numerical majority of the people. He might be asked how practically he proposed to deal with the Bill. Personal considerations he had none; party considerations he was free from; he was not cognizant of the course intended to be taken by the party with which he acted, except from what they had to-night heard, although he did not doubt it would be a wise and dignified one; but he objected to the Bill as it now stood upon practical considerations for the country. If the principle of the Bill was calculated and intended to disturb and lower the connection between property and representation, and to give preponderance to numbers merely, then he gave an emphatic nay to the Bill. But for the result of party manœuvres he should not have thought the time had arrived when further change was necessary; but, thanks to the course that had been taken on both sides of the House—although the cry had undoubtedly first and for party purposes arisen from those who were the authors of the last settlement, and who once declared the finality of that settlement—he felt that something must be done. He thought, however, they should adhere to the principles of the Bill of 1832; not by going indefinitely onwards in the same direction, for the House must remember that though a short distance in a certain direction might lead them to pleasant places, yet a further progress in the same direction might lead them into inextricable mire and confusion. The measure of 1832 had fixed the representation of towns and counties, according to their then conditions. Have those conditions changed? Had any of those towns fallen into decay? If that could be shown, then he would be ready to transfer the representatives to other constituencies, or if it could be shown that the people were now better educated, so as to make them competent to understand the principles of government, or that the value of money had changed, and that the class who now live in £6 or £8 houses formerly lived in £10 houses, he would admit the propriety of a change in the franchise. But there was no evidence that any of these things had happened. He did not doubt that those professing extreme opinions approved this measure, and accepted it in its integrity; but how those who affected to regard the constitution as it now exists could upon these facts so support it he could not understand. He believed the effect would be in boroughs, to transfer power from householders of £10 and upwards to householders under £10. It might be said that there had been a great spread of education, and that there was growing enlightenment among the people, but he would again remind the House of the United States. In this country we could never hope, with all our efforts, to do more in the way of education than had been done in America. There they had State schools, and everything that answered the name of popular education, and we could not expect more enlightened constituencies here than in America. There was no reason why we should expect to escape from many of the dangers they had fallen into in America, if we pursued the same course; and the country at large was not prepared to admit the existence of any such misgovernment as called for experimental changes involving such risks. He would urge upon the House to take these things into its serious consideration, and he trusted that in Committee the present measure would be so modified as to remove some of those objections which he had suggested; but as it now stood, he felt it due to himself and due to the constituency which he represented, most unequivocally to protest against it, believing as he did that in its present form it was calculated if not intended to sever the connection which existed between representation and property, and ultimately to place the powers of Government in the hands of a mere majority of the people.

MR. W. F. CAMPBELL said, that as regards the general supporters of the Government, whose boroughs were affected by this measure, in his view their party ties and local obligations formed a balance, and that they were therefore free to criticise the Bill in that sense, which their view of the public interests dictated to them. Acknowledging the theory of party life, which the noble Lord, the Member for the City, and the right hon. Gentleman the Member for Bucks, had frequently explained, and having acted on it strictly ever since the general election, he submitted that it had not any force to restrain the Gentlemen who sat for threatened towns from frank discussions of this measure. At the same time his opinion of the measure was in no way influenced by any local circumstances. Those circumstances would only add to his freedom in expressing that opinion. The first remark which naturally strikes an observer on the Bill has been anticipated to-night by the Member for Huddersfield. The Member for Huddersfield observed that although the Bill is designed to settle the representative arrangements of the country, it contains no protection of the voter against illegal influences, and can hardly therefore meet the approbation of the persons who have all along contended that protection of the voter against illegal influences is the first and most essential change in the Reform Act. If the Bill threw discussions on organic change into abeyance, it obviously retarded that protection, and flung it to a greater distance than it was before. If it did not gain that point, and create a respite of those controversies, its purpose was not answered. It was not, however, necessary to dilate upon this topic. Its force was for those alone who deemed such protection of the voter indispensable. But it might be fairly asked by all sections of the legislature how far the scheme was based upon sufficient information. The returns appear upon the whole to be such as to enable us to ascertain in what boroughs the new electors under the six pound franchise will more than double the old electors under the present law. But there are no returns by which we can calculate the position of freeholders in counties compared with that of the electors about to come in under the Chandos clause, extended to ten pounds. No returns exist to illustrate the present number of the freeholders. In 1853-4 they were computed to be 315,196 in England. The return dated 5th March, 1860, gives, exclusive of the represented boroughs, the number of persons rated at ten pounds and upwards as 567,560, making 252,364 the excess of occupying tenants over freeholders, being eighty per cent. The presumption, therefore, is that the freeholders will be in a minority. In 1851 it was distinctly laid down, and warmly argued by the noble Lord the Member for the City, that they ought to be in a majority, and if in 1859 the House of Commons thought it wiser to overthrow a Government than to reduce the number of the freehold voters, and if they took that step at the advice of the noble Lord, they would pause perhaps in 1860, before weakening the rights and overruling the ascendency of that ancient and invaluable body. The Government appear bound to point out distinctly, whether, and in what counties, the freeholders will be reduced to a subsidiary class, under the pressure of a £10 Chandos clause, as yet unsanctioned by the House and unknown to the country, before they can expect the Bill to be adopted. But passing by this question, whoever concurs in the opinion which the hon. Member for Rochdale laid down before his borough in August last, must view with hesitation, perhaps even with regret, the line of policy upon which the noble Lord has entered. The Member for Rochdale laid down in August last, and that for the instruction of the empire, that looking to the temper of the public mind, looking to the fate of former propositions, looking to the boundless difficulties which attend judicious change in the Reform Act, the true course of a statesman was to renounce extensive schemes, and Session after Session to direct his legislative care to those parts of our system in which some practical redress might be applied to some recognized anomaly. In February, 1857, the noble Lord, the Member for Tiverton, publicly announced the same opinion in his place. The great dissatisfaction which the Bills of 1852, 1854, and 1859 created, and which the present Bill creates, so far as we can at present judge of its reception, are the strongest testimony to the wisdom of that counsel. The ease with which the Irish Franchise Bill of 1850 was discussed and carried through the Houses should also be regarded as a monument to the good sense of that line which the hon. Member for Rochdale and the noble Lord the Member for Tiverton had advocated. The hon. Gentleman then pointed to the prudent and effective manner in which the Member for Rochdale had impressed this view upon the large body of electors and non-electors whom he addressed in August last, so as to bring it home to their minds rather by the force of illustration than of argument. It occurred to him that the policy of the Member for Rochdale was calculated to secure Reform without a dissolution. The policy of the noble Lord had more than once tended to a dissolution without Reform. The policy of the Member for Rochdale was confirmed and sanctioned by experience; the experience of the Irish Franchise Bill of 1850. The policy of the noble Lord was exposed and reprimanded by experience, the experience of 1852, 1854, and 1859. The policy of the Member for Rochdale was likely to avert a complication in our foreign policy. The policy of the noble Lord was likely to create the moment when such a province as Savoy might be annexed by such a power as France with the greatest possible impunity and safety. If this view was just, by far the most interesting point to be discussed about the measure, was how far would it be permanent. Nothing but its permanence can justify departure from the mode of action which the Member for Rochdale and the first minister enforced. Nothing but its permanence can justify the House of Commons in incurring the public evils of a general election in the autumn. The point which agitates all men who look into the subject is not of how many voters will it add, but how many years will it maintain itself? Those who think this measure leads to permanence naturally favour it. Those who have not any faith in its stability are less inclined to do so. These are some of the grounds on which its permanence may be disputed. Mr. Campbell then contended that it took away none of the causes which had led to the disturbance of the system of 1832, such as physical distress among the lower orders, commercial panics in the middle class, and European agitation like that of 1830 and 1848, which produced a general uneasiness among the masses of our people. But these causes, although deep and undeniable, were too remote to be enlarged upon. A far more obvious and effective cause of agitation against the Act of 1832 was the power of the hon. Members below the gangway to overthrow governments, Conservative or Liberal, unless they made a serious departure from that Act. It was perfectly notorious that this power, and this power alone, brought about the Bill of 1852, the Bill of 1854, the Bill of 1859, and the present measure. If the present measure does not extend, it will not at least reduce the power of the hon. Members below the gangway. Neither does it satisfy them, if we may credit their expressions on the 1st March, or remove their wish to exercise in favour of organic change, the power I adverted to. So long as the hon. Members below the gangway had other objects to pursue, they demanded organic changes with comparative indifference. When other objects were exhausted, their activity for these ends would no longer be restrained. For twenty years from the Reform Act the Members below the gangway were united with the Whig party by a long series of legislative purposes which both desired to obtain; when those purposes were reached there was nothing to subdue and cover their vital and essential differences as to the mode in which that House ought to be called into existence by the people. The hon. Members below the gangway had then no choice except to be inactive—and their position shrank from such inaction—or else to agitate for organic changes which the Whig party could not, without a sacrifice of honour and principle, accede to. If this Bill revived slavery in our colonies, corruption in our town councils, abuses in our poor laws—if it re-enacted prohibitory duties upon corn, and reposed restraints upon navigation—if it shut up trade with India and with China—if it took away the self-government of our Colonies, the cheapness of our postage, the extent of our markets—it would then doubtless re-unite the hon. Members below the gangway in their ancient bonds with the Whig party. It would then put an end to the demand for organic changes during a long period. Objectionable as it was it could not be charged with all these tendencies. It left the hon. Members below the gangway under the same necessity to demand organic change as it found them since it withheld the greater part of those which they demanded, and did not give them any pleas for ceasing to demand them. But to come to practical details, was it likely that a ten pound franchise could be defended in the counties, when its instability had just been shown in the boroughs? It would no longer be possible to maintain it on the ground that the advantage of the freeholders required its preservation, as the advantage of the freeholders would already have been sacrificed and their predominance removed. A large party in the State, although not bound by the opinion, have adventured the opinion that uniformity of suffrage in the counties and the boroughs is desirable. After what has taken place they are not bound by such a dogma, but they cannot maintain a ten pound suffrage in the counties against some future Member for East Surrey, who asks you to extend it to six pounds, with as much force as otherwise they would do. As regards the six pound franchise in the boroughs it does not coincide with any natural division of society, it excludes the body of the working classes and it can never have the *prestige* which surrounded the arrangements of 1832. Should a cry be raised against it, that cry would have a good deal of sympathy within the limit, because the limit includes many whose poverty inclines them to favour all kinds of social change. Should a cry be raised against it (and it is certain that there will be one), that cry will not be easily resisted. Men will not stand against the torrent of a popular demand unless they stand behind the shelter of an epoch or a principle, and it is clear that they will not stand behind either of these barriers. But although it cannot be defended as a guarantee for permanent tranquillity, does the Bill or does it not lessen the main defects of the Reform Act. I mean by the main defects of the Reform Act those defects which experience has opened, and which are equally apparent as well as equally repugnant to the party who resisted, and to the party who created it. The first of these defects (and in 1832 it was not possible to calculate it) is that the borough franchise is equal on the one hand, and uniform on the other. From its being uniform it is not easy to uphold, from its being equal it is not easy to reduce it. Being the only door of the Constitution, the excluded classes naturally agitate against it. Being equal, if you lower it to any great extent you expose the boroughs to the sway of a numerical majority. Two remedies are possible. By those auxiliary tests which former Bills contained, you may open other avenues to that elective right of which the people are desirous. Or by giving more votes to men above ten pounds than to men beneath that limit you may extend that limit without injustice to the middle classes of society. The Bill takes neither course. It does nothing to fortify the household test by barriers of a nature to reduce the pressure which encroaches on it. It does nothing to make it safer and more possible directly to extend it. It merely substitutes a six pound for a ten pound limit. And all who reflect will see that a six pound limit is more difficult to guard as it is more dangerous to reduce. The Bill, therefore, aggravates this evil. The next defect in the Reform Act which experience has opened, and which was not anticipated at the time, was the vast corruption of our boroughs. It appeared to arise mainly from the evenness of parties, the severity of contests, and the desire of seats in Parliament which the Bill would leave unaltered. But unfortunately the Bill would give a new incentive to it. Transferring power from the middle classes to the lower classes in a large number of towns (and this was proved by the statistics), it left the former but one mode of recovering the influence it took away from them. Beyond this it made it easy to indulge the desire it created and act upon the view it opened. No man would have the boldness to contend that in represented towns the electors from ten to twenty pounds were less firm and incorruptible than the same class in any part of our country. No man could have the boldness so unjustly to traduce a class which has many virtues in spite of one deficiency. Still less would any one presume to argue that electors from ten to twenty pounds were less firm against pecuniary seduction than electors between ten pounds and six pounds would be found. In a word, therefore, the Bill extended the number of corruptible electors in the boroughs; it created a body of corruptible electors in the counties; it gave new motives to the use of wealth for buying votes, and it withheld protection from illegal influences. It therefore seemed to aggravate corruption, the most fatal blemish which experience has opened in the system of 1832. The only further vice in the Reform Act which he desired to refer to was that since that era much more than in previous times men of Parliamentary position had been excluded from the House of Commons, not by the public voice, but against the public wishes. It might be described in other words, that a concurrence of opinion in the House and in the country on the right of any man to sit in Parliament is no security that such a man will be returned to it. The facts which placed this proposition beyond the scope of doubt were very easy to be stated. Between 1688 and 1833 there were only four great cases of political exclusion. Since 1832, less than thirty years, each section of the House has had almost as many losses of this nature as the whole State incurred during the hundred and forty years preceding. The Gentlemen below the gangway have been deprived of the services of Sir William Molesworth for four Sessions, of the Member for Rochdale for two Sessions, of the Member for Birmingham one Session. The supporters of the late Sir Robert Peel had to lament the absence of the right hon. Gentleman the Chancellor of the Exchequer in 1846 and 1847, besides others in other times who had held important posts under their leader. The present Opposition had been for ten years without the lustre and advantage which the right hon. Baronet the Member for Hertfordshire was able to confer upon them. As regards the Whig party, their losses had been yet more extensive. The present Lord Carlisle, long after he had filled the higher offices of State, was for many years, from 1841, excluded as Lord Morpeth. Far more impressive was the notorious and melancholy fact that Lord Macaulay, thrown out of Parliament in 1847, was forced to retire from the Cabinet by his unmerited exclusion, and that the State for ever lost his talents as a Minister. To crown all, the right hon. Baronet the Secretary for the Home Department was excluded from the House of Commons in 1853 and in 1854, although very soon after a state of affairs arose, in which some distinguished persons having left the Government, a costly war, involving the fate of Europe and the honour of the country, could only be sustained by his financial exertions. No man would be found to say that the greater part of the exclusions he had pointed to were sanctioned by the opinion of the people or of Parliament. No man would be found to say that Parliamentary and national opinion would not have hastened to correct them if they had had the power so to do. The proposition therefore was correct that, under the Reform Act, general elections, although an efficient engine for representing the opinions which prevailed, were an ineffective engine for bringing into the House of Commons all the men who ought to be there. He did not wish to go into the consequences of that remarkable anomaly. He wished to go into the question of how this Bill would influence it. More than one course was open to the noble Lord. The noble Lord might in the first place have profited by the vacant seats of Sudbury and St. Alban's, so far as to construct a plan for giving Parliamentary and national opinion the means of placing in the House, after a general election, those whose exclusion it was not willing to submit to. Or, if he felt unequal to this political achievement, the noble Lord, by leaving the four seats in abeyance, might have left the possibility of afterwards contending with the evil. Or he might remove the chance of future remedy, but yet refuse in any manner to extend a disorder by which public life was weakened and degraded. The Bill does not in any way propose to remedy the evil. As it disposes of the four vacant seats, it does not leave the future possibility of doing so. It does not leave the evil as it is, but, on the contrary, extends it. It removes five-and-twenty seats which are open to political capacity, whatever quarter it may come from. Only five of which will be replaced by seats of such a character. It is not pretended that the counties to which new Members will be added, or the large towns to which new Members will be added, are likely to be open to the generality of candidates. The counties will no doubt be open to those who have property within them, and the large towns to those who are locally connected with them, or who are ready to become their organs in the House. These points will not admit of proof; but they admit an easy illustration. When the right hon. Baronet the Secretary for the Home Department was without a seat in 1853 and 1854—to the scandal of reflecting men and to the loss of the community—would he have ever dreamt of proposing to stand at a vacancy in any of the counties to which the Bill transfers what it takes away from these five-and-twenty boroughs? Would he have felt the slightest interest, or would his friends have felt it, upon hearing that at Birmingham, or Manchester, or Leeds a contest was about to happen. But at which of the five-and-twenty boroughs to be deprived of seats might he not have come forward with at least a reasonable chance of being elected? The noble Lord destroys in the sum total twenty avenues by which Parliamentary ability may reach the House of Commons, as he removes five-and-twenty open seats, and only forms five which come into that class. He adds, therefore, to the evil which of all others he was bound to put an end to, or to mitigate. Mr. Campbell was well aware that to form an adequate opinion of the Bill, other topics should be mentioned. It ought to be compared with the Bills of 1852, 1854, and 1859. It ought to be considered how far it tallies with the recorded judgment of any section in the Cabinet. Its origin in the events of 1851 ought to be scrutinized. The consummation in our history to which it points ought to be weighed. He would not enter into topics so full of moment and of delicacy; not only from a sense of inability to treat them, not only from a wish to spare the House, but because no man would be warranted in touching them unless he intended to oppose the second reading of the Bill. He had not risen to oppose the second reading of the Bill. He rose only to prevent its being read a second time until he had imperfectly submitted to them that i tended to deny protection to the voter, and to overwhelm the forty-shilling freeholders, that it departed from the wise policy which the First Minister and the Member for Rochdale had traced out for our adoption, that it afforded no kind of guarantee for the permanence so anxiously desired, while it palpably enhanced the three well-known defects of the Reform Act. The noble Lord, in spite of all his Parliamentary abilities, was not able on the 1st of March to recommend the scheme as having any tendency to bring about the further elevation of the House. And in the course of the debate, as yet none of those who reflected the opinion of large numbers out of doors had ventured to support it as calculated to ensure the satisfaction of the people.

MR. LIDDELL said, some remarkable features were presented by the debate as far as it had that evening proceeded. Three speeches had been delivered upon the Ministerial side of the House each one of which differed in many essential particulars. The hon. Gentleman, Mr. Campbell, who had just spoken, was evidently disposed to regard the Bill under discussion with a suspicion and dislike which seemed to be not a little prevalent on that side of the House to which the hon. Gentleman belonged, while the hon. Member for Montrose (Mr. Baxter) looked upon the Bill as calculated to settle the question of reform for the next twenty-five years. It was to be hoped that he was right. A different view of the matter had, however, been taken by the hon. Gentleman who opened the debate on the Ministerial benches, for he was of opinion that the work which engaged the House of Commons to-day might to-morrow occupy its attention. Now, the opinion thus expressed he (Mr. Liddell) regarded as presenting a true description of the measure, and, that being so, he deemed it a point well worthy of consideration who the workmen were to be whom we were about to employ. The noble Lord by whom the Bill had been introduced had last year laid it down as a principle that, in attempting the work of Parliamentary reform, endeavour should be made to discover those persons most competent to exercise political power, and, the discovery being made, that on those persons political power ought to be conferred. That he (Mr. Liddell) looked upon as a sound principle; and, with the kind indulgence of the House, he would examine the Bill of the noble Lord with a view of ascertaining how far that principle had been carried into effect. The Bill proposed to extend the borough franchise to occupiers of houses whose rental was £6, and it coupled with that occupancy the payment of rates. Now, that was a basis which he regarded as being at once unsubstantial, unsound, and ill-defined. The occupier of a £6 house ought, no doubt, legally speaking, to pay his own rates; but by custom and convenience the law was in that respect practically set at defiance; for not only in the case of £6, but of £8, £10, and even £15 houses, the rates were frequently and generally, as regards the first class of tenements, compounded for by the landlord. But he might be told that that objection would be obviated, and that after the passing of the Bill the condition of the payment of rates would be complied with in order to secure the advantages which the possession of the franchise was calculated to confer. It was well known that landlords were allowed to compound for the description of property to which he alluded: because in most instances the tenants were so poor that their effects would not cover the expense of a distraint upon them for the amount due in the event of the law being put in force. Were those persons competent to exercise the franchise in the manner the noble Lord desired? He did not deny that there were intelligent artizans among the £6 occupiers who might well be admitted to the franchise, but there was also a vast number of poor dependent persons, such as he had mentioned, who were not qualified to exercise the franchise. Again, when a landlord compounded for the rates, he was allowed to compound at one-half the value of the property; but in the case of a tenant claiming to pay his own rates, he would be assessed upon two-thirds. Therefore there were strong reasons to suppose that many of the classes whose rates were now compounded for and paid by the landlord might not be anxious to exercise the franchise, if coupled with the condition contained in the Bill. The basis of this Bill was unsubstantial; and its probable results had been ably pointed out by an hon. and learned Gentleman (Mr. Rolt), who drew an effective contrast between English and American institutions. He (Mr. Liddell) objected to the Bill, because it was a common mode of dealing with a difficult question. It was easy enough to calculate that there would be so many voters at £6, and so many at £7, but from what point could they start which would not land them by that process in the great numerical difficulty—how, with the adoption of the numerical principle, could they prevent the towns from obtaining an unfair share of the representation? There was another reason why he objected to the Bill, and that was that its tendency would be, by lowering the franchise, virtually to throw the representation of many large and important towns into the hands of the mob. He did not use that term in an invidious or offensive sense; he merely meant the least wealthy, least educated, and least independent portion of the community. Before taking a step of that kind they ought to pause. If it was necessary to reduce the borough franchise to £6 why not base it on direct taxation? This might be done by extending the operation of the present house tax from £20 to £6. A scheme of this kind would have peculiar advantages. It would, in the first place, couple the possession of political power with the payment of Imperial taxation. It would enable them to get rid at once of the whole expense of the registration courts, the receipt given by the tax-gatherer serving as the voter's claim to be registered. The moral effects of the system would also be beneficial. There was reason to believe that very extensive fraud was now perpetrated in order to conceal the real value of a £20 house, and enable the occupier to escape the payment of the tax; but that temptation would in a great measure be removed by the plan he now suggested, namely, by materially lowering the escaping value. This scheme had been received with considerable favour by persons of all shades of political opinion in the part of the country to which he belonged, and it had this additional recommendation,—that by bringing the great mass of inhabited houses within the scope of the house-tax, though at a reduced rate, (for it might be reduced to £6 and £4, instead of £9 and £6, as now), when applied below the present *minimum*, it would become no inconsiderable source of revenue. With reference to the county franchise, he contended that by placing it so low as was contemplated by this Bill they would materially change the whole character of the constituency. He complained that they had not been furnished with any sort of returns from which they could acquire any adequate notion of the extent to which this Bill would lead them. It would be almost madness to adopt the changes introduced by this Bill without more specific information than had yet been laid on the table. The country was apathetic, because contented with the existing Parliamentary system; but, because the country was apathetic, don't let the representatives of the country be so, or legislate in regard to this measure with blinded eyes. The further they proceeded from the landmarks which the sagacity of their forefathers had set up the more uncertain and dangerous became the ground, and in admitting the working classes to the exercise of the suffrage, they ought to take care that the rights at least of our most important interests, those namely, of property and intelligence, should be preserved. They were about, in order to obtain an object, which was a good object in itself, to open a new spring, and they could not tell whether the waters of that spring might turn out sweet or bitter waters. He should not oppose the second reading of the Bill, reserving the full right to adopt in Committee such modifications or alterations as might appear necessary.

MR. BRIGHT said: Mr. Speaker, I am, in one respect, in the same position as the right hon. Gentleman the Member for Buckinghamshire. I do not rise for the purpose of proposing that the House should divide against the second reading of this Bill; but I differ from the right hon. Gentleman very much in another particular. I shall not, in the observations I am about to make, endeavour to convince the House that this Bill is a very dangerous, if not a fatal measure. On the contrary, I wish to discuss it in the spirit of a person who is very anxious for a sound and useful measure of Parliamentary Reform, and willing to make considerable allowances for the difficulties which the Government and the House must feel in dealing with the question. I think the second reading of the Bill, although not to be opposed, offers an occasion which it is very desirable the House should avail itself of, to discuss the question not only in its principles, but in its details, and, in fact, I think that the principle of a Bill of this nature is rather to be found in its general details than in any particular clause. From observing what has been said in the House to-night, and also what is said out of doors upon it, it is quite clear that the Bill is met by two kinds of objectors. The one consists of persons who object to it, because it goes much too far, and there is another class which objects because the Bill does not nearly go so far as they would wish it to go. Now, I shall not oppose it, and shall not even condemn it on either of those grounds, because I regard it as a measure which is in some degree offered to the House as the fulfilment of a pledge which was entered into by the Government at its formation, and which was explained to the House during the existence of Lord Derby's Administration, by the noble Lord the Member for the City of London, when he was sitting on the benches opposite. The noble Lord on that occasion said, that if he should be in a position to deal with this question, he should differ from the scheme of the right hon. Gentleman who was at that time Chancellor of the Exchequer, and that he should also differ from a scheme which I had taken some trouble to explain to the country, and that he would offer to the House a Bill which should propose to extend the county franchise to £10 occupiers, and the borough franchise to £6 occupiers. He further said, with regard to the distribution of seats, that he should not propose to deal with more than twenty-five or thirty seats. Well, they who have seen the Bill, and have heard the noble Lord's explanation of it, must, I think, agree that the pledge which the noble Lord made, and which the Government, I presume, accepted when he joined it, has been in the main fulfilled. With regard to the question of the distribution of seats: I am one of those who for many years have held the opinion that it would be much better to have this question of Reform approached by successive steps. The difficulty—a notorious difficulty—(I am making no admission I may not as well make)—the notorious difficulty is the disfranchising of fifty or sixty small boroughs which ought to be got rid of. I agree with the hon. Gentleman the Member for Inverness in what he said upon the subject to-night. The difficulty is felt to be so great that every Government has for some time past felt itself incompetent to arrange it. I took the liberty of recommending the noble Lord, I suppose one year and a half ago, and have done it since repeatedly and publicly, that the Reform Bill that should be introduced should be a Bill that should only settle the question of the suffrage, and that it should do it simply and generously. And I thought that after that had been done, both this House and the country would be better prepared to give their attention to the question of the small boroughs; and we might perhaps come to a more satisfactory arrangement. I make this explanation more for the sake of showing that I am not bound to throw blame on a Bill because it is not a Bill for a great disfranchisement of boroughs that should not return Members, and a great enfranchisement of others which should return them. I regard the Bill simply as it is—a Bill for the extension of the suffrage in boroughs and counties. It does not touch more than just the outside of the question of disfranchisement. [*Ironical cheers from the Opposition.*] It does not settle it. I am only telling hon. Gentlemen what they are conscious of. It does not settle the question: it rather unsettles it. It adds one more precedent to the precedent of 1832, and suggests the necessity of a further change in reference to Parliamentary Reform, and I need not disguise from the House, what I have frequently stated elsewhere, that I have considered the question of a transfer of Members, or of seats from the little boroughs to large constituencies of counties and boroughs—I consider that to be the very pith and marrow of the question of Parliamentary Reform. With regard to this Bill being too extensive, I find that the hon. Member who spoke last was a little alarmed. The right hon. Gentleman opposite has succeeded in perplexing his followers. He felt the inconvenience of discussing the question, and he then turned to us, and wished to make it appear that, after all, there was something very dreadful in this Bill, as if he really believed that this was a measure beyond that which the Government ought to have proposed, and beyond that which the Government expected Parliament to pass. I am surprised that any man should oppose this Bill on account of the number of persons to whom it gives votes. Parliamentary representation must either be a sham or a reality. What must it be in a country like this, where you have not more than a million voters? You have more on the register it is true, but if you deduct those who have double votes, I believe that you will not find more than a million voters in Great Britain and Ireland, who would on any one given day be entitled to come to the poll and give a vote for Members of this House. If that be so, and if there are seven millions of adult men in the United Kingdom, can it be said that the population is treated with generosity or liberality by this House? Then we must recollect, further, that over a great number of the counties the representation is almost as good as dead. It is not the electors of the counties who elect, but a few large landowners. There are few contests, and there is no bribery. Corruption, as it exists in some boroughs, is hardly known, but coercion has done its work. True, those who pay nothing for their seats must feel it to be a matter of pleasure, in contradistinction to those who have to pay; but there is no doubt that a great bulk of county electors have not even the liberty to sell themselves. If one half of the constituencies of counties be in this position, we all feel that, with regard to pretty nearly half the boroughs in the kingdom, coercion and corruption do their work, and that a real *bonâ fide* honest representation is not obtainable from the population in these small boroughs. If that be so, then, I want to ask hon. Gentlemen who are alarmed at this Bill—I speak as I usually do with great moderation; the House knows that I should be glad of a much more extensive measure, but any advice which I shall give to the House on the subject will be dictated not by any opinion I may have with regard to what I wish if everybody agreed with me, but what I consider at this moment it is possible and wise for Parliament to grant—I say, do hon. Gentlemen opposite generally believe that a million of voters among seven millions of men is a satisfactory state of things? Is it safe or is it wise? The hon. and learned Gentleman who spoke from the Bench opposite a short time ago (Mr. Rolt) really appealed to the House as if the sky were about to fall. He asked you where you were going to. He asked when you intended to pull up—"pull up" was the phrase he used—a phrase which we all understand. I can tell the hon. and learned Gentleman that if he talks of pulling up, there are two can play at that game, and that he will find himself pulled up a great deal sooner than the great bulk of the people of England will be pulled up, when it is proposed to add 300,000 or 400,000 electors to the present limited number you have on the lists. Besides, as the right hon. Gentleman, the Member for Buckinghamshire, in speaking last Session, told the House—he was then rather wild in his statements, it would appear—the Government was *in extremis*, it was necessary to get votes, if he could, on this side the House—he told us that he was going to add at least half a million. The then Chancellor of the Exchequer went so far as to say that his proposition would double the constituencies of the kingdom. I do not say he did not believe this himself—there is no very accurate return, and there is very little information in regard to his "fancy" franchises, and therefore nobody could tell; but I am sure that his speech was so far from the reality that the result would have entirely disappointed him, as it would the House and the country. Now this Bill of the right hon. Gentleman would have given, according to his statement, 500,000 voters. This present Bill promises rather less, but I think it is likely to do considerably more, not than he promised by his Bill, but than what he would have effected by it. Now, we are told by the hon. Member who spoke last (Mr. Liddell) of the great increase that would arise in certain places, and the right hon. Gentleman, with great fidelity, stated certain facts which had appeared in some leading articles of *The Times* during the last few days upon the subject. We all know there is nobody in the world so capable of discerning mares' nests as those who conduct *The Times* newspaper. They make it out that every one who has now a vote is to be put under an extinguisher, that you will never hear any more of them in the large boroughs, and that the new constituencies will be the only constituencies left. Now, what is the case at present with some of the largest towns in England? Take the borough of Liverpool. There you have a borough with 80,000 houses, but you have a constituency of only 18,000 electors. Manchester has 70,000 houses and 19,000 electors. Birmingham has 50,000 houses and 9,000 electors. Do you mean to say that this restriction upon the right of voting is tolerable, or that it will be tolerated? Is it a thing you can justify by any kind of logic? Or can you say it is dangerous to enfranchise a large additional number of them without uttering a most fearful libel upon the great body of your countrymen? If you have a great people whom you have excluded from the franchise, and you open the door by this Bill, you will have a greater number of electors. But have we argued, have we clamoured for the Bill? Have we convinced all the country, and finally Parliament, unless we expect some constituencies are to be greatly enlarged? If you choose to divide the towns as I have elsewhere proposed, the constituencies would be less large; and probably some inconveniencies which arise from large numbers voting for one or two Members might be thus avoided; but that would not be objected to by those who are in favour of reform, and I hardly think it would be objected to by those who are against reform. I find the number of voters that are to be enfranchised by this Bill is really very small. The right hon. Gentleman opposite made several blunders in stating the figures. He said, for example, in speaking of one class, that they were 257,000. That is not the correct number; it is 215,000. Now, taking the whole number of £6 householders in boroughs, and deducting them from the present number of electors in the boroughs, this Bill does not add more than 162,000. The number, as compared with the whole number of the population, is ridiculous and almost contemptible. Throughout the whole of the boroughs you do not increase the franchise more than 40 per cent. If we turn to the counties, the hon. Gentleman (Mr. Liddell) says there are no figures by which he can ascertain the exact number of the electors. He does not know where he can find the exact number of electors. Now, what does it signify whether the number be 20,000 or 50,000, or 100,000 more or less? Is the voter some pestilent creature that you want to put out of existence, or one of your countrymen you ought to take by the hand and ask to be a participator in the great and noble work of administering through Parliament the government of a great empire? Now, taking the whole number of county occupiers from £10 up to £50 a year, the returns show there are about 400,000; but you have to deduct from that number a great many persons, for instance all women who are occupiers, who will make one-fifth, if not one-fourth, of the whole number. [*A laugh.*] The hon. Gentleman who laughs does not know the figures. There are cities in this country in which nearly one-third of the occupiers are women, and if the hon. Gentleman would go into the facts he would find that this is strictly true. Then, if you deduct all the occupiers of £50 a year, and upwards, and all those who are freeholders, and several others whom I need not stop to particularize, in all probability the number qualified in counties would be found to be considerably under 200,000. The right hon. Gentleman opposite estimated them last year at 200,000. My opinion was then, and it is now, that if this Bill passes it will not add to the county franchise in England and Wales more than 150,000 electors. Bear in mind that the Bill of 1832 was—and this was its blot—an absolute exclusion of the working classes. I speak of those persons who live by their daily work, and who receive their wages weekly, fortnightly, or at short periods. If you wish to maintain that system, do so boldly. You say there is no clamour for Reform. But let Lord Derby in the House of Lords, and the right hon. Gentleman in this House, on behalf of their party, declare, like those who were the leaders of that party thirty years ago, that there shall be no Parliamentary Reform, and that the working classes shall not be admitted to the franchise, and I will undertake to say there would be whirlwind enough in a short time, and that they would be glad to have rather less clamour. But if you wish not to exclude them, let us admit them. If you admit them, how many will you admit? Would you admit less than are likely to be admitted by this Bill? I think the whole number of persons admitted to the borough franchise by this Bill, according to my calculations, really does not appear to be more than from 160,000 to 170,000 voters? How many of those are working men? Of those who live in houses of the annual rent of from £6 to £10, my hon. Friend the Member for Huddersfield has shown that one-fourth of the whole number in boroughs pay between £8 and £10. Therefore you should deduct one-fourth from that number, in order to find the number rightly to be classified as working men. Altogether out of the whole number now excluded in the boroughs of England and Wales from the franchise, not more than 100,000 are men who may strictly be considered as working classes according to the definition I have given who will be admitted by this Bill. If that be so, to reject this Bill would be to invite them to the door of this House and to the door of the polling booth, and then to slam it in their faces. That would be a rash and perilous proceeding, and you ought very much rather go with the noble Lord, or even for any more extensive measure than take such a step as that, and so set yourselves in the face of public opinion, and in the face of the claims and the rights of the great body of the people. The right hon. Gentleman and some others have dwelt largely upon the question of swamping the counties. It might be a sufficient answer to that statement to say this, that all those boroughs where you say the present constituencies are going to be swamped are in favour of this Bill. Therefore they do not believe in the peril you describe. If you turn back, and I dare say the right hon. Gentleman has turned back, to the discussions of 1832, you will find that every conceivable argument against reform was then brought forward by Sir Charles Wetherell and Mr. Wilson Croker. It will be found that calculations were then made that the voters between £10 and £25, being more numerous than those above them, would swamp the rest of the constituencies; and that the merchants, bankers, clergy, manufacturers, the principal traders and professional men, being inferior in number to a class much inferior to them in other respects, power would thus be handed over to the humblest and most dependent classes in the constituencies about to be made. But we have never heard of any of those classes being swamped, I have been in a good many boroughs—I have represented three boroughs, and I have never found any complaint on the part of the richest classes there of having been swamped. For example, there is the case of Coventry, the borough represented by my right hon. Friend. There are there 4,300 freemen, and 1,200 electors of £10. I never heard it alleged that the freemen of Coventry swamped the £10 householders, or that my right hon. Friend and my hon. Friend his colleague did not represent as fairly the householders as the freemen of that ancient city. The fact is, the whole of this is a childish fear. There is no foundation for it. It is the offspring of privilege and monopoly. But if you come to the class you are about to admit, you will find opinions differ just as much among them as among the people above them. They differ in their prejudices, in their interests. They are divided into sides upon questions of religion, politics, and municipal affairs, just as the classes above them are divided; and they are subjected, as we know, to the influence of association, to the influence of character, to the influence of wealth and opinion, and to all those powers that direct and influence the course of society and every individual in society. As to swamping, hon. Gentlemen opposite ought not to be much afraid of swamping. Well all know that half-a-dozen landowners will swamp a whole county. That is a notorious and an admitted fact; but we never yet heard that in a large and free constituency there has ever been an instance of a party in it being able to swamp the fair and legitimate influence of the other classes associated with them in the franchise. The other class of arguments against the Bill is that it is not extensive enough. Here I find it much more difficult to argue with them. I think that is a very rational objection after the figures I have stated. In the boroughs of England and Wales the adult men, according to the Parliamentary returns, are about one million and three-quarters. You have now 440,000 electors. You are about to add 160,000, making the number 600,000. You will have therefore in the boroughs of England and Wales about one man in three who has a vote. But looking to the United Kingdom, there are 6,000,000 of families, and only 1,000,000 voters. After this Bill, allowing it will raise the number to a million and a half, and it is much more than the truth, you will still have left four millions and a half of adult men out of the twenty-two and a half millions of population, without any votes whatever. Yet you call yourselves a constitutional Government, governing by means of Parliament; you blame the noble Lord for the course he is taking, when he asks you to come up to a point which will still leave twenty-two and a half millions of men, women, and children, who have no vote in the election of Members of Parliament. Surely that will bring comfort to the hon. Gentleman who spoke from the Opposition side of the House. That parsimony in giving votes is a mistake on the part of the Government; this distrust is unfounded; the character of the population would justify the House in taking a more liberal view, and proceeding further than the noble Lord has proposed that we should proceed. But if this be only a partial act of justice, I think I may say there is a large amount of acquiescence in favour of the measure. I am not able to refuse it, when from 300,000 to 400,000 in boroughs and counties will be admitted by it to the franchise, because the number admitted is not double. With regard to the measure of free trade, we took a considerable step in 1842; again in 1846 we took another step; again in 1853 we took another, and now at length the great work is accomplished. This admission to the franchise will give a large amount of satisfaction, but the time will come when for these twenty-two and a half millions of people you will again have to open your door and admit some further number to a participation in the rights that the constitution would seem to offer far more generously than the House seems to wish to do. With regard to these boroughs, I will tell the House a few facts for the consolation of the right hon. Member for Buckinghamshire, who is sorely afflicted at what is about to take place. They have reference to the influence of those large boroughs and of the large class of voters within them. Hon. Gentlemen seem to think with regard to those boroughs that some great democratic step is about to be taken that would affect the next Parliament. Look to the other side—look at the small boroughs. By the Bill I prepared last year, and which I would have presented to the House, were it not that the right hon. Gentleman opposite and the noble Lord anticipated me, in their anxiety to be first to legislate on this question, I proposed that boroughs with a population under 16,000 should have one Member each, and that boroughs with a population under 8,000 should be disfranchised. The boroughs with a population under 16,000, beginning with Berwick-on-Tweed, are 101, returning 166 Members. At present the whole number of electors in these 101 boroughs amount to 81,000, and the number to be added amounts to 17,000. The present average constituency of all those boroughs is 610; and the average new electors to be added will be 176. Therefore, in these 101 boroughs, the Bill of the noble Lord will not add quite 30 per cent. I now come to a lower class still; the boroughs beginning with Woodstock, of which there are 54. Those 54 boroughs return 85 Members, and the electors are 22,000. The number to be added would be 5,000. The average of the electors in those 54 boroughs is now 420, and the new voters in each will average 102. In those 54 boroughs the Bill will add less than 25 per cent to the electors. Well, I am sorry it is so; but this shows that those boroughs are in such a condition that no extension of the franchise by a Reform Bill of any kind can help them out of that condition which calls for the interposition of the House to disfranchise them and transfer their Members to some larger places. The right hon. Gentleman will see how ill-treated the great boroughs are from this fact, that if you take 101 boroughs, including Berwick-on-Tweed, and those below it, they will return, under this Bill, 141 Members to Parliament—that is within nine Members of one-half of all the Members of the boroughs of England and Wales. If you look to the number of electors they have, and to the number of electors in the other boroughs, you will see how impossible it is that this question should remain permanently in the position you are about to place it by this Bill. From the return of the Poor-law Board it appears that the constituencies of fourteen of the largest boroughs in England and Wales under this Bill would amount to 262,000. Those 101 boroughs of which I have spoken, have a constituency of 79,000. But the fourteen boroughs, with a constituency of 262,000, have only 32 Members, while the 79,000 electors in the 101 boroughs have 141 Members. The 54 boroughs, including Woodstock and those lower than it, have 27,000 constituency, and return 60 Members to the House. So that 101 boroughs, with less than one-third of the electors, have four times the number of Members, and fifty-four boroughs with less than one-ninth of the electors, have double the number of Members. If you want a more minute description than that, you will find that the Tower Hamlets and Liverpool together have more than double the number of electors of those fifty-four small boroughs, and yet they are only to have five Members, while the fifty-four boroughs have sixty Members. We may perhaps know nothing about representation—we may be under a delusion respecting what is meant by the representative system. It may be that property has nothing to do with it, and that men have nothing to do with it; it may be that something which gentlemen call "interests" have to do with it. "Interests" are to be found in abundance in small boroughs where there are no men; but "interests" are not be found in those fourteen large boroughs, the particulars of which I have stated to the House. Having stated this much about the boroughs, the noble Lord will permit me to show that the Bill fails in one of the objects which he and the Government ought to consider themselves pledged to accomplish. I say we may settle any amount of franchise we like, but when we have settled it it should be the rule without question, and should be made so plain and simple that all those should be able to avail themselves of it to whom the Act of Parliament professes to offer it. Now, in respect to the counties, the noble Lord has introduced a proviso that is most objectionable on several grounds. The noble Lord proposes to introduce in regard to that portion of the county electors that are enfranchised by this Bill the rate-paying clause that has given so much trouble in the boroughs throughout the kingdom. If the premises occupied are above the value of £50, the rate-paying clause does not apply at all; but with respect to those premises that are between £50 and £10 in yearly value, the condition is to be introduced. I object altogether, when you are establishing an occupying clause that will range from £10 to the highest amount of rental, that you should draw a line at some point and say, with regard to a portion of the electors, that you will establish a needless, irritating, and embarrassing condition, and that you will not apply the same condition to all the occupiers under the county franchise. Therefore, I hope when we come into Committee that the noble Lord will allow that portion of the Bill to be excluded. I do not think that hon. Gentlemen opposite would wish that the new electors in the counties should be clogged with conditions that Parliament has not thought fit to apply in the cases of occupiers of premises of the value of £50 and upwards. I have now to call attention to another provision with respect to the occupancy in counties. The noble Lord stated in his speech, and has provided in the Bill, that no person shall be entitled to vote at an election for a county in respect of his occupation, jointly with any land, of any building other than a dwelling-house in which he resides, unless such building separately be of the clear yearly value of not less than £5, the object being that a man should not let off to some one else a field nominally, and put up a shed for a donkey or cow, and say that he was an occupier under the Act, and entitled to a vote. What I think the noble Lord should do is this—with respect to those county voters, he should say that no person should have a vote unless the building or the dwelling-house should be of the value of £6 annually. You do not propose in the boroughs to go below £6 rental, and why should you go below it in the counties? If you allow a man to have a vote in a county who lives in a house of £3, or £4, or £5 rental, and to make up a £10 occupation by having two or three fields, you will introduce into the county constituencies a lower class of persons than the persons who live in boroughs in houses of the value of £6 a year. I am not anxious to introduce a lower class of electors than Parliament thinks proper; but I am considering the spirit and objects of the Bill, and I say that a person living in a £6 house in a borough, and having no occupation in land, has necessarily a larger income to maintain his family than a man occupying a house of the value of £2, or £3, or £4, and working as a labourer on a few acres of land. I contend that the £6 householder in a borough is a much more independent man. I do not know whether it is a provision in the Scotch Bill; but, if so, it would admit a class of voters the most dependent in the kingdom, and totally different from the class which the Bill would introduce into the boroughs in Scotland. There is another question—the payment of rates. I ask the House and the noble Lord, when they are giving the franchise to a £6 and £10 occupier, respectively in boroughs and in counties, why not allow it to be sufficient that the man should be on the rate-book, and rated, so that his name should be transferred from the rate-book to the electoral list, without making it necessary to prove that on the 20th of July he paid the rates due on the 5th of January preceding. In the borough in which I live this particular restriction has very little result; the embarrassment is inconsiderable, and therefore I do not speak of it because I have seen in that borough great perplexity or great disfranchisement from it, but from what has taken place in the metropolitan boroughs especially, and others which I could name, there is no doubt whatever that that condition, which, after all, is of little or no avail in making your constituencies more select, is a condition of great embarrassment. It very often puts men off the list, not of the poorest, but others, who from some accident have not their rates paid. It is just one of those irritations which every elector seems to feel rather as a shabby contrivance for depriving him of that which Parliament has professed to give him. There is only one other point to which the noble Lord's attention has been called, and which, I believe, the Bill was not intended really to be defective in, and that is with regard to what is called the compound householders. Now, some years ago—I think in 1851—Sir William Clay, when a Member of this House, passed a Bill to facilitate the claims of persons whose rates were compounded for by their landlords. I proposed to the House a clause at the end of that Bill, which I think was put in on the third reading, to meet a case in the revising barrister's court which had disfranchised very many. It was held that if the landlord paid the compound rate, say 75 per cent, or whatever sum it was the parish authorities had agreed to receive, that was not a payment of the full rate due according to the meaning of the Reform Act; and, therefore, all those tenants were disfranchised. The result of that clause was, that in the borough of Manchester, I believe, 4,000 persons were placed upon the register in the succeeding year; but it has not been acted upon in many boroughs. First of all, many were ignorant of it, and the overseers, like nearly all officials, not wishing to give themselves any unnecessary trouble—disobeyed what I believe to be the law, but I suspect there is no penalty for its neglect—the overseers refused in the majority of cases to put anybody's name upon the register who does not pay his own rates. They put the landlord on who pays the rates of a street, but the tenant's name is not entered; therefore, when they come to make out the list of voters from their rate-books, they find the name of the landlord of course, but do not find the names of the tenants, and the tenants, under those circumstances, are left off the list and actually disfranchised. What I propose is, that the noble Lord should, by some clause to be introduced into this Bill, insist upon it that the names of all tenants shall be upon the rate books. And then, if their rates are paid, or whether paid or not, supposing the rate-paying clause omitted, the rate-payers will find their names transferred from the rate-books to the register, and thus a great number of persons will not be, as hitherto, altogether disfranchised. If that is not done, this extension of the franchise will be in a great number of boroughs, nothing more than a delusion, and when you come to make up your electoral roll, you will find it to be very much what it has been in the past. I will say nothing about a question which I understand will be discussed very soon on the Motion of the hon. Member for Bristol (Mr. Berkeley), except this, let hon. Gentlemen not for a moment deceive themselves with the idea that, because the noble Lord, with that consistency which in some instances is to be admired, but in this case is much to be deplored, has abstained from giving the Ballot in this Bill, yet that that is not a question which is already at the door, and which they will not have to consider seriously in a very short time. I speak now of those boroughs in which these great constituencies are to be made greater, some of which are very much in the same position as your counties, except the rich men have factories, and your rich men have large estates. I can conceive in these boroughs in the north of England, and also many in the south, that political feeling will run very high; there will be the greatest possible endeavour to win on the one side and on the other, and that a great number of the men whom you are now about to enfranchise, as has been the case with great numbers of those already enfranchised, will find their liberty to vote fettered continually by the force of the political contentions of rich and powerful men in those towns and constituencies. I believe you will find yourselves driven, as indeed you are now almost driven, for you are at your wits' end how to put an end to coercion and corruption in constituencies;—I believe when this Bill passes you will be driven to that measure, and you will have, as I hope and believe, a still greater and less resistible power to demand it from the House of Commons, and from Parliament. If we support this Bill as a redemption of the pledge which the noble Lord gave, and a redemption of the pledge which the noble Viscount at the head of the Government, doubtless willingly accepted, when he took office—if we accept this Bill, we have a right to call upon the Government to keep faith with us. When I say us, I mean those men in this House who really want some some honest and extensive measure of reform, and those thousands and millions not in this House who are anxious for the result which this House may come to upon it. If the House be for Reform, and if anything is to be done, do this at least. If this Bill be rejected, I ask the hon, and learned Gentleman (Mr. Rolt) does he think it will come to the House again in a milder form. That is a question worth considering. The right hon. Gentleman the Member for Buckinghamshire, as the leader of your party in this House, and Lord Derby in the other House, have had one trial, and do you wish they should have another? Is it not better, in order to have an adjustment of this question, that you should leave it in the hands of the noble Lord the Member for the City of London, who has no very strong democratic feeling—who looks with veneration to the Throne, and no doubt with affection to the order of which he is so distinguished a member. Do you not think you can leave this matter in his hands? He has given to it far more consideration and examination than the great bulk of hon. Gentlemen opposite, and I say if I was one of you, rather fearful of these changes and wishful to go with very gentle footsteps, and not to go too far, I should say the noble Lord in this measure, has brought forward a Bill, which considering the circumstances of the country and the wishes of the people, it is not only your duty, but your obvious and pressing interest honestly to accept. And I would give it without any reservation. Make the changes which I have suggested, which are not changes in principle, but merely changes which will make it more acceptable to the people, and I believe more beneficial to the country. Are not the people more qualified? The right hon. Gentleman says that in America you have a population so educated that you can never hope the people of this country can reach their point, or at least can exceed it; but I say it is impossible for any man to have lived amongst the people for the last twenty or thirty years. [Mr. Disraeli here made a remark which was inaudible.] The right hon. Gentleman cannot know much about the people in that delightful manor in Buckinghamshire, where he spends so much of the recess, and he can see very little of the class for whom you are now legislating, between Grosvenor Gate and the House of Commons. But I do live amongst them when I am down in Lancashire, for six months of the year, and I know something of what they are. The other day, when in Manchester, I visited the warehouse of Messrs. Samuel and James Watts and Company, a warehouse perhaps the most magnificent in the kingdom. I went through the rooms, and was shown the various articles of manufacture which they had there collected from the looms of the whole kingdom to supply the wants of all who will come in and buy. There was an amazing stock of great variety and beauty. When I came to the end of it I said to the gentleman who had gone round with me, "Is it not an astonishing thing that if we could bring together every man whose hands and skill have produced all this wonderful assortment of goods, in all probability there would not be one man in fifty of the whole of them who, by the law of this country, is permitted to vote for a Member of Parliament." [*Laughter from the Opposition.*] Hon. Gentlemen, of course, may laugh. [*Laughter and cheers from the Ministerial side.*] Surely these men are fitted for something else than being governed and taxed—and if the spirit which the hon. Gentleman exhibits when he laughs at a statement like this be prevalent on his side of the House, I dare to tell him he is taking an infinitely more dangerous course than I am taking in any proposition on this subject I can make. The hon. Gentleman, if he were to speak, would tell us, no doubt, that the people do not want this measure. There is no turbulence. I admit there is no turbulence: but there is something better than that. I have seen and have been in a stormy sea. It is a very grand spectacle, and sometimes very appalling, but there something not less striking to the man who can contemplate the sea, and watch the calm and majestic advance of the tide. The turbulence and passion of 1832 are now passed. Nobody rejoices more than I do that we can discuss this question under circumstances very different from those under which the Bill of 1832 was discussed. There is no howling wind, no imminent convulsion; but there is the steady, the ever growing, the irresistible tide of public opinion; there is the consciousness among millions of your countrymen that Parliament does not adequately represent them, and is not just to them; and silently, but surely and inevitably, this opinion is marching on to its triumph. The very footprints in which these Gentlemen on the Treasury Bench trod not long ago are now swept away, and the point which you occupied not long since on this question is submerged and gone. I ask you not to resist this growing and gathering opinion. By a concession even so small as that which it is the object of this Bill to make, you will show that you have a generous confidence in your countrymen—you will show that you believe in the constitution of your country, that it really means a representation of the people, and you will show further what I hope you will prove by your Votes upon this Bill, that you are willing the institutions you boast of so much, and pretend to love so much, shall repose upon the goodwill, the intelligence, and the virtue of your countrymen.

Mr. KNIGHTLEY said, he objected to this Bill on the ground that it went too far in one direction, and not far enough in another. The hon. Member for Birmingham had just said that disfranchising small boroughs was the marrow of reform. For his own part, he wondered that he did not say to the Bill, "Go! get thee gone: thy bones are marrowless!" The great evil in our present representative system was that as many Members were returned in numerous instances by constituencies numbering only a few hundreds as by the great manufacturing cities, or by the wide extent of county populations. As many Members, for instance, were returned for the small borough of Tavistock, with 400 electors, as by the entire district of North Devonshire, with a constituency of 8,800. Again, the West Riding of York, with a constituency of 36,000, had only two Members, and there were other examples that might be adduced. Did the present Bill seek to remedy these inequalities? On the contrary, it proposed very nearly to double the county constituencies, already overwhelmingly disproportionate in extent, and to leave the little pettifogging boroughs, which were, to a great extent, the centres of corruption, very nearly as they were at present. To the Bill introduced by the Earl of Derby's Government he entertained many of the objections which he felt to the measure now before the House, and, as he had freely given expression to them at the time, he was not guilty of any inconsistency in the course which he was now taking. As compared with former measures, the present Bill exhibited, he believed, a retrograde tendency. The Bill of 1852 proposed to extend the area of the small boroughs by incorporating other places with them; the Bill of 1854 disfranchised many of them, and the Bill of the Earl of Derby's Government, while it did not disfranchise, yet introduced a considerable modification, [by allowing the 40*s.* freeholders to vote for the places in which their property was situated.] But this present Bill did not enlarge the area, it did not enfranchise, and it did not disfranchise. If they kept continually altering their policy in this matter they might eventually find themselves in the position described in the old epitaph, "I was well; I wanted to be better, I took physic, and I died." What he did not understand was that the distinguished statesmen who framed the first Reform Bill, for the purpose of doing away with rotten boroughs, should in the year 1860 come down to the House of Commons and defend that very system of nomination boroughs, and introduce a measure framed for the express purpose, not only of maintaining, but of considerably increasing and aggravating the disproportion between representatives and population. The arguments that the noble Lord used on that occasion were very extraordinary. In a very cynical speech the noble Lord said there were certain men who ought always to be in office, but who, from their great personal unpopularity, or from some other cause, were unable to induce any independent constituency to return them, and these small boroughs were to be retained for the express purpose of having those unpalatable candidates forced down their reluctant throats; and as the noble Lord spoke he could not help fancying that he had cast his eyes involuntarily at the right hon. Gentleman the Member for Calne. If he were disposed to discuss the question of large and small constituencies as a mere party man he should hold precisely the same language as he did now. A very great change had taken place in opinion during the last thirty years, and he believed that it was now the interest of the Conservatives, speaking of them as a political party aspiring to power, that all classes should be fully, fairly, and freely represented in that House. He held in his hand a return of all the large constituencies of above 4000 electors each: they returned 224 Members. He had carefully compared those Members' names with the division list which unseated the Earl of Derby's Government, and it appeared that on the Motion of want of confidence which unseated the Earl of Derby's Government —119 of the 224 representatives sent to Parliament by the large constituencies of the kingdom—more than half the number —voted with the Government; so that, while the Earl of Derby would at this moment be Prime Minister if the wishes of the people had been consulted, the right hon. Gentlemen on the Treasury benches were indebted for their position to the support of the delegates from those boroughs which the provident forethought of the dear old Whig party had retained under the first Reform Bill. He should be told, no doubt, that this was owing to the large number of county Members who sat on the Conservative side of the House. But did not these very county constituencies afford the fairest test of public opinion? They were the most numerous and extended over the largest area; they comprised interests of the most important and diversified character, and he believed they were likewise the most independent in their opinions and the least corrupt in practice. The hon. Member for Birmingham (Mr. Bright) had just attacked their independence; and at a dinner which took place last autumn both the Members for Rochdale, having no one to contradict them, employed the stereotyped phraseology about county Members being returned by tenant farmers driven to the poll by bailiffs. That was pretty platform clap-trap, but it would not bear to be investigated; for the fact was that out of a rural constituency amounting in the aggregate to half a million, fully 420,000 voters exercised their franchise on account of freehold property, and less than one-fifth of the entire number became entitled to it on the ground of occupation. The hon. Member for Birmingham was fond of large constituencies; let him appeal to the verdict of South Lancashire and North Warwickshire. They were told that the Ballot was the universal panacea for all evils, but who was it that required the Ballot? The farmers did not ask for it. They said,

> "Let the galled jade wince,
> Our withers are unwrung."

It was in large towns that, writhing under the influence brought to bear, they called for the Ballot. There was one other observation as to small nomination boroughs. It had been always said, and if he shared in the apprehension, the objection would have great weight with him, that if they abolished all those small constituencies there would be only two interests represented in Parliament—the manufacturing and the landed interests. That would be, no doubt, a very great evil. County Members, he admitted, generally possessed large interest in land; but the constituencies were large and scattered, and nobody but persons of fortune would go to the expense of a contested county election. But how did they account for this, that with the exception of North Leicestershire, where the attempt failed, there had been no petition against an English county Member for several years, although in some instances the contests had been close? This was the state of things; whilst in boroughs, large and small, bribery, most gross and foul, had been systematically practised. It could not be on account of the size of the constituency, for Norwich and Hull were larger than many counties, nor on account of the poverty of the borough voters, because some of the foulest and most flagrant cases exposed by the Committees had taken place in boroughs like Wakefield and Huddersfield — constituencies created by the Reform Bill, and which had no poor freeman voters. But if the counties were divided they would return more Members of the class which now represented small boroughs. He also advocated the use of voting papers. They were calculated to diminish the expense of county elections, and to stop bribery in boroughs, as the of them would prevent the state of the poll being known until all the polling was over. The present Bill, however, did not attempt to deal with that subject. He also wished to touch upon a point of very considerable importance—the extension of the suffrage. He was not now going to say whether £6 were too high or too low; but what he wanted to know was, why they were to declare that which was very good sauce for the borough goose to be not fit for the county gander. Why was this difference between £10 and £6? He admired the self-sacrificing consistency with which the right hon. Members for Oxfordshire and the University of Cambridge (Mr. Henley) adhered to their opinions upon this point; but what could be said for the consistency of hon. Gentlemen opposite, mostly sitting below the gangway, and who assume to themselves the modest title of liberal and enlightened statesmen? Identity of suffrage was their cry for Session after Session; but the moment it was shown that identity of suffrage must lead to a very large increase in the rural representation, and about 130 Members should be taken from the boroughs and given to the counties, "a change came over the spirit of their dream," and they ate up their former words with a voracity that was quite appalling; and when the right hon. Member for Buckinghamshire, speaking last year as the organ of the Government of the Earl of Derby, proposed to place the inhabitants of towns and of the county on perfect equality in every respect, that just and equitable proposition was made the subject of an attack by the noble Lord the Member for London, and who being followed by almost every Member of the Liberal party defeated the Government of the noble Earl and destroyed their Bill. And how did the present measure propose to deal with the question? Supposing three houses were situate in one street just at the edge of the borough—one at £6, one at £8, and one at £10 per annum, the one at £6 being within the precincts of the borough and the other two beyond it. The occupier of the £8 house would find his neighbour occupying the £10 house had got a vote, but he would find his neighbour occupying the £6 house —an inferior house to his own—had a vote also, while he himself had none. He asked the Government, in the name of common sense, on what possible principle it was just that the £8 occupier so situated should be treated as a political Helot and debarred from all share in the election of a representative. It might be said that he was only placed in the same position as an occupier of land between the value of £10 and £50 a year. That was very true, but why should existing institutions be interfered with, if the only result be to alter, but not to amend, and to substitute for one admitted anomaly, another yet more flagrant and more foolish? The Bill, in fact, offered the show and semblance of Reform but denied the substance. Like those juggling old women in Macbeth, the noble Lord and his colleagues had "kept the word of promise to the ear, and broke it to the hope."

Mr. STANSFELD proposed the adjournment of the debate.

Viscount PALMERSTON: If the debate is now adjourned I trust it will be resumed at an early hour to-morrow.

Debate *adjourned* till *to-morrow.*

Mr. DISRAELI said, that as the hon. Member for Bristol had a Motion on the paper with regard to the question of the Ballot, and as that was in some measure connected with the question of Parliamentary Reform, it would be convenient to both sides of the house to know whether a discussion upon that question would be introduced in the debate, or whether the hon. Member would postpone his Motion.

Mr. H. BERKELEY said, as he considered his Bill to be the better of the two he certainly intended to proceed with it.

SUPPLY.—NAVAL AND MILITARY OPERATIONS IN CHINA.—REPORT.

Resolution *reported,*

"That a sum, not exceeding £850,000 be granted to Her Majesty, towards defraying the expenses of the Naval and Military Operations in China, beyond the ordinary Grants for Navy and Army Services for the year 1859-60."

Motion made, and Question proposed,—"That the said Resolution be read a second time."

General PEEL said, that nothing but the circumstances stated by the Chancellor of the Exchequer the other evening, that this Vote was absolutely necessary, could possibly justify the Government in proposing such a Vote, without the slightest explanation as to its object. The unusual course that had been adopted of introducing the Budget before the Estimates was a course which he had no doubt was rendered necessary, and which he did not now intend to impugn; but still it attached an importance to every Vote, not only with reference to the service to which it belonged, but also to the whole financial scheme of the Government, because it was perfectly evident that if the estimate of expenditure was incorrect, then the deficit on which the Chancellor of the Exchequer had calculated was incorrect also, and the provision which he had made for it was necessarily insufficient. It was not his intention to enter into any question of prospective expenditure; he should confine himself, therefore, on the present occasion, entirely to the expenditure taking place in the course of the present financial year, and he should proceed to show the House why he had no hesitation in saying this particular Vote, out of which £500,000 was for the army, would not meet the excess of expenditure that would occur over the Army Estimates by a sum at least equal to that now asked for. He ventured to predict that in February next, or sooner, perhaps, the House would be asked for a further sum of at least £500,000 to meet the excess. His opinion was formed from his experience in framing the Estimates for the army during the two last financial years. At the end of the years 1857-58 the sum required to be voted by Parliament in excess of the original Estimates was no less than £1,050,000. He was not at all responsible for that, for he had not framed those Estimates, and was only in office during the last month of the financial year; but he was called upon to ask for that sum to make up the excess of expenditure required; and during the last month the Secretary of the Treasury moved for £407,000 for the excess of the expenditure during the year 1859-60, for which he was responsible. He was never more astonished, because he had never exceeded the number of men voted by Parliament. He only stated this to point out to his right hon. Friend (Mr. S. Herbert) how impossible it was to tell, until the accounts of the year were made up, what sum would be required. The whole of that excess of £407,000 arose out of the Votes connected with the number of men on the establishment, Votes over which the Secretary at War had no control whatever as to expenditure, further than he had upon the number of men on the establishment. The fair way of comparing it would be to state the Votes entirely dependent on the number of men in the establishment, namely, the Votes 2, 3, 4, 9, and 10. Vote 2 was for pay and allowances to the men; Vote 3, for miscellaneous charges; Vote 4, for the embodied militia; Vote 9, for clothing; and Vote 10, for provision, fuel, and lights. He thought everybody would admit that the expenditure in connection with those Votes must depend on the number of the men on the establishment. The total sum of money that was voted on account of those five Votes during the year 1858-59, amounted to £6,187,772, and the excess upon those Votes amounted to £711,251, making the expenditure on those Votes amount to £6,899,023. The amount voted by Parliament during the present financial year to meet those Votes was £6,391,647. Supposing, then, there were the same number of men effective during the present as during the past year, the excess required to meet the amount would be £507,376, which was exactly the sum now called for to meet the whole expenses of the army during the year. But the question was, whether there was not more than 130,135 men now in active service. The number that he had on the establishment during the time he was in office never exceeded the number voted by Parliament more than by 100 men. Therefore the whole number of men amounted to 130,235. Now if his right hon. Friend (Mr. S. Herbert) had more than that number during the present year he thought the excess would amount to more than that during the last year. He had left on the 1st June in last year, including the embodied militia, 130,417 men; that was about 200 more than he had on the establishment during the previous year; and having the other day asked Mr. S. Herbert for the return of the number of men now on the establishment, he found that on the 1st February last, including the embodied militia, it was 148,417, that is to say, 18,000 more than he (General Peel) had had in the year ending 1859. Therefore he left the House to judge whether the excess on the five Votes he had mentioned would not absorb the £500,000 which the Chancellor of the Exchequer now asked for. He had so far taken them in the aggregate, but he would now proceed to consider them separately, although it would amount to the same thing. The embodied militia during the year 1858-59 had cost £821,254, and they had never equalled, so far as he recollected, the number enrolled during the present year. They were asked to pay during the present year £560,000 only, showing a deficiency of £261,254, or nearly half the Vote asked for. As the embodied militia had more officers for their strength than, comparatively speaking, there were in the line, it would cost more than half the vote. Then he would take the line. He found on the 1st February we had effectives exceeding the number of men for which money had been voted by upwards of 7,000; because, although they had voted 122,000, they deducted from the Vote the pay and allowance of 5,000 men, therefore they had in reality only the bare allowance of 117,000 men, and they had effectives absolutely at present, according to the return he had alluded to, amounting to 123,614. He had no doubt that he should be told that in the early part of the year there was a great deficiency in number, but the deficiency in number of men had never amounted to less than 20,000 in the year 1858-9. The only way to look at it was to see how many men they had at present. He had had only 130,217 men. The present Government had never had less than 130,447, and that number had been increased to 148,000, the present number. He, therefore, left the House to judge whether he might not fairly calculate that the excess of the five Votes he had mentioned would take up more than the money now voted. But this related to those services that were estimated for. During the recess a warrant had been issued authorizing the raising of an army of 120,000 men in reserve, as to which, as yet, the House had not heard one syllable. But if one single man had been raised towards that reserve it would be an excess to add to this Vote. Now he would come to that in respect of which this Vote professed to be taken—namely, the excess of expenditure on account of the Chinese war, or rather the force in China without a war. The House knew that there were three native regiments in China, the expense of which had been placed upon the Indian finances. If this were not so, no provision had been made for them, or for their cost from the time they had first gone to China. It might be asked why he had not put them on the Estimates. His answer was, that they were sent there by the Governor General of India without any communication with him; they had never been placed on the British establishment. It was true that a Vote of credit was taken for the Chinese war, but the navy had monopolized the whole of that Vote—not a shilling had gone to the army. The whole of that expenditure had therefore to be provided for, and must sooner or later be a charge upon the country, and he felt justified in saying that they would require an additional Vote of £500,000 in addition to provide for it. He did not blame the right hon. Gentleman for this excess, but this he said, that if the Government had any idea of this excess they were bound to have stated it to the House when they brought forward their financial measures, because it was impossible to say what the decision of the House would have been if they had known of this excess, with regard to the reduction of the paper duties, or any other of the measures introduced in their Budget. He voted against the Budget, not from any aversion to the principles of free trade, because when hon. Gentlemen opposite talked of recent conversions to the principles of free trade he had only to say that he believed his conversion took place at the same time with that of the right hon. Gentleman the Chancellor of the Exchequer, and he believed he was as earnest a Free-trader, as he was. But then free trade, like other good things, depended on the manner and the time in which you applied it. It was, in short, a thing of time and circumstance, and he repudiated altogether the assertion that in adopting such a financial scheme Parliament was following in the steps of Sir R. Peel. In the first place, the fame of Sir R. Peel as a financier did not rest on the policy of free trade, that belonged to others; and Sir Robert Peel would be the last man to take credit for that which did not belong to him ; his distinction consisted in applying those principles at the right time. He protested therefore, and ever should protest, against the name of Sir Robert Peel being associated with the principles of a Budget the failure of which he (General Peel) confidently predicted. He foresaw that at the end of the present year there would be an enormous financial deficit. The right hon. the Chancellor of the Exchequer was perfectly right in only taking his income tax for one year, because, at the end of that year he would have greatly to alter its proportions. No one could be more opposed than was Sir Robert Peel to an income tax in time of peace. But he had no doubt his right hon. Friend flattered himself he would be able to meet this deficit by a great decrease in the naval and military establishments next year. He said as much in bringing forward his Budget ; but the House ought to pause before making any such reductions. Hon. Gentlemen who fancied that great economy might be practised in this way ought to point out how it was to be effected, and not follow the example of the hon. Member for Birmingham, who some time ago went through the country declaiming against the enormity of the establishments and the abuses connected with them, and the want of control which this House had over the Estimates, while as soon as the Estimates came on for discussion he deliberately walked out of the House without giving any opinion whatever. He hoped they would meet in that House face to face and discuss the character of those Estimates ; and he trusted it would ever be prepared to vote all the necessary means for the defence of this country—that they would allow no treaties of commerce or promises of friendship to induce them to rest the independence or the existence of this country upon the favour of another Power. He had now done his duty. He had no doubt his right hon. Friend would meet him with a very eloquent argument; but he appealed from eloquence to fact. He would leave it to be decided, when the accounts came to be made up for next year, whether he was not correct in saying that a much greater sum than was here asked for would be required. Of course he had no objection to the present Vote, except to say that it did not ask for half the sum that was necessary.

MR. SIDNEY HERBERT said, he could assure his right hon. and gallant Friend that he had not the slightest intention of meeting facts by eloquent argument. He too would appeal to facts — not to estimates, but to formal accounts of the money which had been spent — and the House might rest assured that the Government were running into no excess beyond that met by the present Vote. First with regard to the army of reserve, the fact was, that a small sum had been taken for that service. He had at the time declared his expectation to be that that Estimate would not be absorbed by the number of men actually raised, and that no large body of soldiers would be forthcoming for this army of reserve, at all events for some time, seeing that they were to be the products of the ten years' men who had served their time. Accordingly, the result had been that not 300 men had entered since the publication of the warrant. As to the number of troops taken by his right hon. and gallant Friend, what had been the result up to the present time? In the Estimates of 1859-60, which his right hon. and gallant Friend had moved, provision was made for 121,601 regular troops, in addition to £410,000 for militia, which would maintain 13,000 men during the year. In the Vote of credit for China services for 1859-60, also moved by his right hon. and gallant Friend, £240,000 was taken for pay and allowances, which would maintain 7,000 men for one year, so that provision was made in that year for a total force of 141,600 men. In April of last year the force was less than this number by 14,000, which produced a saving of £43,200. In May there was a saving of 12,400 men, and of £37,000. The amount of saving then went on decreasing until November, the upshot being that if in March all the troops going from India to China had actually gone, there would be 15,000 in excess. In point of fact, however, it was known that the vessels which were to convey those these troops had not sailed from Bombay and Calcutta in time to land the troops in China before the expiration of the financial year, and would not come within the Estimates until they were disembarked. There would thus be an excess of £97,000 for the payment of the men against £192,000 of savings accruing as he had mentioned in the early part of the year. To make all safe £50,000 had been added as the difference between the organization of the militia and the regular force, the militia having a greater number of officers in proportion to the men than the regular army. Again, £40,000 had been added for an increase which might occur upon the miscellaneous items of Vote 3, but with all these additions, which were stated to be more than ample, there was still £192,000 to meet the £187,000 of excess. But this was not all. Upon the Votes taken for buildings, stores, and so on, it invariably happened, he was sorry to say, that the deliveries were not fast enough to allow of the payments being made in the financial year, and there was almost always a saving under this head. Accordingly there was this year a large saving upon the Vote of stores, and he therefore felt confident that unless the Indian Government should fail in some of their payments he should be perfectly safe for the present financial year. As far as he could make out, he thought they were perfectly safe, and that they had taken money enough to cover the expenses of the present financial year. They had taken the money assuming that the troops would go to China earlier than they had done, for it turned out they would not be there within the present financial year. He must decline at that hour of the evening to follow the right hon. and gallant Member in his criticism of the Budget. Including the present Vote and the sums contained in the army and navy Estimates, about two millions and a half had been taken for the China war. No one objected to the amount of the Vote; on the contrary, it was pronounced to be not large enough; and he hoped therefore the House would agree to it. They had not taken into account, he owned, the Native troops belonging to the East India Company at Canton. These would no doubt eventually have to be paid for, and there would be a charge made by the East India Company to the Treasury for that purpose. He was speaking at present, however, only of the sums within the present year's Estimates. He was not disposed to indulge in prophecy with respect to the cost of the Chinese war, though various prophecies had been indulged in. The right hon. Gentleman opposite (Mr. Whiteside) had alluded to something like £10,000,000.

MR. WHITESIDE: No, I said as much would be spent as was expended in the Persian war.

MR. SIDNEY HERBERT said, that more than was spent in the Persian war had already been voted. As he had said, he would only assure the right hon. and gallant Officer that he had looked through the accounts with the greatest possible care, and he was confident that there was not only enough for the troops, but a surplus to provide against any deficiency.

MR. PALK said, he wished to ask the right hon. Gentleman if any estimate had been taken for the depôts of those regiments now quartered in India that were about to return to this country, and which, on their reaching England, would be placed on the English establishment. He wished also to know whether any estimate had been taken for the Portman Street barracks, for which contracts had been entered into in pursuance of the recommendations of the Committee of last year, and also whether any estimate had been taken for the fortifications which had been erected at Plymouth and Devonport within the last year.

SIR HENRY WILLOUGHBY said, he regretted that the good old rule had been departed from of not going into Committee after 12 o'clock, when this Vote was passed the other morning. There never was

Vote he was more inclined to resist, for he believed the money spent in these China wars was not only thrown away, but did positive mischief to the country. Recent accounts received in London by the most eminent houses described China as at the present moment in a state of great danger, and yet that was the very time selected for a joint expedition of the French and English against that unfortunate empire. He looked with the greatest fear and alarm upon the probable results of an attack on that empire, already torn by intestine rebellion and shattered by the repeated assaults of our arms. Nor could he see any advantage to our commerce in these hostile expeditions. He should like to know what particular item of expenditure this £850,000 would cover. Would it cover the extra expenditure of the China war for 1860 and 1861 ? or if not, what portion of the expenditure would it cover ? He should like to know what the expenses of transport were, and what those for the article of coal. He should also like to know if there were any outstanding accounts with the East India Company. He should also like to know whether the East India Company had any pecuniary demand on the British Government, and whether that demand applied to the financial year which expired on the 31st of this month, or to the next year. He should lastly like to know if beyond the £850,000 there would be another Vote for the year 1860-61, and in what way this tremendous expenditure would be met. If he recollected rightly 14,000 men were to go to China and 60 pennants.

Colonel DUNNE said, he should like to know whether any provision had been made in the Estimates for the regiments ordered home from India, for if not, the deficiency must be so much the greater.

Sir JAMES ELPHINSTONE said, he understood the right hon. Gentleman to say that as much money had been spent as was spent in the Persian war.

Mr. SIDNEY HERBERT explained that what he said was, that as much money as the cost of the Persian war would this year or next year be voted.

Sir JAMES ELPHINSTONE said, that, if such an enormous amount was spent before the force was moved, there was ground for alarm as to what would be the expense after the expedition had been twelve or fifteen months in operation. It justified hon. Members on that side of the House in their constant opposition to the Budget. He saw no reason to doubt that there would be a deficiency next year of £15,000,000, and that they would gradually drift into a state of difficulty such as that from which Sir R. Peel extricated the country by means which would no longer be available.

Colonel HERBERT said, he wanted to know how the Indian regiments which had been for some time in China were paid, and what provision was made for those troops which were now being sent there. The expense would probably fall in the first instance on India, but we should have to pay it eventually, or it would come in the shape of a surprise next year, when we were discussing the income tax, and there would be no waifs and estrays like the malt credits, and other contingencies to meet the difficulty.

Sir CHARLES WOOD said, that at that hour of the evening, or rather morning (half-past twelve), he must decline to enter on a discussion of the finances of next year. The Vote before the House was a Vote of credit for the expenditure chargeable to the country for the year ending the 31st inst. The regiments which had been in China for some time were paid out of the Indian revenue. There was a running account between the revenue of India and the revenue of England ; but, sooner or later, a Vote must be brought before Parliament and provision made in the proper way. With regard to the expense of transport of troops to China, the Indian revenue was chargeable with the expense of taking troops from England to India, keeping them in India, and sending them home or to a colony. When, therefore, these troops were sent from India to China the Secretary at War asked the Indian Government whether they would pay for their transport to China or wait to pay a proportion for their transport home. The Indian Government thought short accounts were the best, and preferred to take the charge of transport to China. They would have to pay for the transport of a larger number of men the shorter distance instead of for the transport of a smaller number of men the longer distance, but upon the whole there would not be much difference between the two. The Indian Government had taken upon themselves the payment of the troops until they were fairly disembarked. The state of the expedition was this. Two regiments went from India to China some time ago. A second Queen's regiment, with one Native regiment, sailed from Calcutta. Of the sailing of a fourth regiment from Madras they had received an account. Another regiment, the 31st, had probably sailed from Bombay; but they had no account beyond what he had stated.

SIR MICHAEL SEYMOUR said, with the permission of the House, he wished to make an explanation in reference to some remarks of the Prime Minister on the mission of the American Minister to Pekin. He should be sorry if anything like discredit should be cast upon an eminent man, or that the American nation should be supposed to have submitted to insulting conduct. A distinguished American wrote to him :—

> "You may be interested to know the actual truth as to Mr. Ward's visit to Pekin, for your newspapers, I regret to say, are full of misrepresentations. I have received a full account from him in a private letter, in which he speaks of his visit as in every respect satisfactory. He was treated at Pekin with every mark of respect. He writes in the same tone to the Government, adding further intelligence, which I doubt not will be soon made public. He ascertained that arrangements in the way of houses were made at the capital for the reception and entertainment of the English and French Ministers."

He also wished to call attention to the gallant conduct of the flag officer, Commodore Tatnall, who commanded the American force, and who, seeing the difficulties of the gallant Admiral Hope, offered to bring up reinforcements; and though his boat was sunk by the heavy fire, and some of his men wounded, insisted in conveying his sympathy and desire to give every assistance to the English commander.

Question put, and *agreed to.*

Resolutions read 2° and *agreed to.*

WAYS AND MEANS.—COMMITTEE.

House in Committee according to Order.

Mr. MASSEY in the Chair.

(In the Committee.)

Resolved,

> "That, towards making good the Supply granted to Her Majesty for the Service of the year ending the 31st day of March 1860, the sum of £850,000 be granted, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

House *resumed.*

Resolution to be reported *this day.*

Committee to sit again on *Wednesday.*

CUSTOMS ACTS.—COMMITTEE.

House in Committee according to Order.

Mr. MASSEY in the Chair.

(In the Committee.)

17. *Resolved,*

> "That the following Drawbacks shall be allowed on Exportation to Foreign parts of the several descriptions of Wood and Timber, Foreign and Colonial, hereinafter mentioned, namely—

	s.	d.
Wood and Timber, hewn, and Lathwood, . . the load	1	0
——————— sawn or split, planed or dressed . the load	2	0
Teak and Wood for shipbuilding purposes . . the load	2 1	0 0
Mahogany, Hard Wood, or Furniture Woods . . the ton	1	0
Staves, not exceeding 72 inches in length nor 7 inches in breath nor 3½ inches in thickness (except Staves for Herring Barrels) . the load	1	0

House *resumed.*

Resolution to be reported *this day.*

Committee report Progress; to sit again on *Thursday.*

MUTINY BILL.—COMMITTEE.

House in Committee according to Order.

Mr. MASSEY in the Chair.

(In the Committee.)

MR. SIDNEY HERBERT explained that besides alterations in form, one of the alterations in substance in the Bill referred to deserters from the Militia, and who enlisted into the Line. It was proposed that any man deserting from a militia regiment and enlisting in the Line should be liable to be tried by court-martial, but the Secretary for War, upon the confession of the man, might order him to be placed under stoppage of 1*d.* per diem until he has repaid the sum of 18*s.* 6*d.*, and then the Secretary of War should determine whether the man should be sent back to his Militia regiment or not. The clause also provided that no part of the soldier's time of service should reckon towards a pension until the period for which he had entered the Militia had expired.

COLONEL DUNNE said, he objected to the clause, as applying to disembodied as well as to embodied regiments of Militia. It was wrong to allow a man to desert and then to offer him a pardon at once. At present militia officers were frequently placed in great difficulties, not knowing what had become of their men.

COLONEL GILPIN also objected to the plan as an encouragement and not a punishment for desertion.

In reply to Colonel HERBERT,

MR. SIDNEY HERBERT said, he had no objection to add to the clause a proviso to the following effect,—" That in cases of desertion from regiments within the United

Kingdom the Secretary of State may not make such order without the consent of the Commanding Officer of the Militia Regiment from which the man has deserted." This clause would apply to deserters both from embodied and disembodied regiments.

Bill past through Committee.

House resumed.

Bill *reported*, without Amendment.

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, March 20, 1860.

MILITIA ARTILLERY.

QUESTION.

The Earl of SHAFTESBURY said, it was reported on good authority that the Government intended to issue an order for disembodying the Militia Artillery. The Lords-Lieutenant of counties were naturally anxious on this subject, as they had done their utmost to bring the Artillery into a state of efficiency; now they were told it was to be disembodied. He wished to know if there was any foundation for the rumour?

Earl DE GREY and RIPON replied, that the statement referred to by his noble Friend was not in any degree correct, in the sense in which he made it. No regiment of Militia Artillery had been disembodied up to this time; but following up the general plan of the Government, orders had been issued that certain regiments of Militia should be disembodied, and among them were the Edinburgh, Forfar, Waterford, and another, which were Artillery corps; that was the whole number of Militia Artillery regiments which it was now proposed to disembody. The Government had increased the force of the Royal Artillery by adding a new brigade of 1,000 men to the Garrison Artillery, and 300 men to the Coast Artillery; in short, there was a total increase of 1,330 men, whilst the decrease, by disembodiment, was 1,509. Consequently the House would see that there was no such intention on the part of the Government as that which his noble Friend seemed to imagine. Of course when the Artillery returned from India there would be a further disembodiment of the Militia.

The Earl of ELLENBOROUGH said, he had seen in that day's newspapers that the intention on the part of the Government to increase the Royal Artillery had been abandoned. Some additional brigades which it had been proposed in the first instance to raise were not, it seemed, now to be raised. He earnestly entreated Her Majesty's Government to consider well the state of things which now existed. The state of things which existed when Parliament met had induced the Government to propose very large military and naval Estimates. The state of things now was much more serious than it was then; and whatever reasons then existed for placing the country in a state of thorough defence existed to a much greater extent now; and certainly it was not at this time, with so many threatening appearances, that we had a right to expect that the Government would make any new reductions in the armed force of the country.

The Duke of NEWCASTLE said, he could assure his noble Friend that the report he had heard had no foundation whatever. Since he had entered the House—within the last two minutes—the origin of the report had been explained to him; and he was now able fully to understand what had been stated by his noble Friend. No alteration whatever had taken place; no reduction had been made with a view to make the forces square with the Estimates. But undoubtedly a further disembodiment of the Militia would be somewhat hastened by the arrival of the Artillery from India.

The Earl of MALMESBURY was aware that four regiments of Militia Artillery were to be disbanded; but he did not understand whether the whole force was to be disembodied in the next year. He warned the noble Earl that, in the arrangements which the Government had it in contemplation to make, they ought not to place any dependence on the services of the Volunteer force. Thoroughly as he appreciated the spirit and patriotism which animated the members of that force, he did not believe they could ever compare in efficiency with the Militia. In the first place, it had been found along the coast line that great reluctance existed on the part of Volunteers to become connected with Artillery regiments. It seemed to be thought that there was greater interest and more amusement in becoming riflemen than in being artillerists; though this feeling would cure itself in course of time, for nothing could be more tiresome than the long intervals which men had to wait for their turn of shooting at rifle practice; and if the volunteers had to go any distance from home that service would become much less eligible than the Militia. Even if the Government could be certain of establishing Volunteer corps of Artillery they would never be as useful as Militia regiments of the same kind, which in many places that he could mention had now arrived at great perfection.

EARL GREY expressed a hope that whatever force of Artillery the Government might decide to keep permanently embodied would consist entirely of Royal Artillery. The more he heard on the subject the more he felt satisfied that a great mistake was made in embodying the Militia at all, as by that means it was deprived of its local character, and so far its popularity was injured. Persons who had business of their own to attend to could not afford the time requisite for acting as officers, and the same observation applied to the men. When regiments of Artillery Militia were only called out for a limited time in each year for the purposes of drill a number of artizans earning high wages were very glad to belong to them; but the moment a corps was permanently embodied, men of that description were driven out of it, and the service became a directly competing one with the Royal Artillery. Only those entered who looked forward to a permanent military career, and in the Militia they had all the annoyances without the advantages of continual service. The cost to the country was the same in each case, and the force at command was by no means equally disposable. With regard to Volunteer Artillery Corps, he differed in opinion from his noble Friend. At the mouth of the Tyne a corps had been formed which was taking great pains with its drill, and it was the opinion of officers of the Royal Artillery that, regard being had to the period which had elapsed since its formation, the progress which it had made was highly creditable. He believed that other corps were likewise springing up at different points along the coast.

EARL DE GREY AND RIPON explained that what he had meant to say was that in the course of next year the Act under which the Militia were now embodied would expire; and as the Government were of opinion that the Militia should not be detained in embodiment in time of peace, they would not ask Parliament to renew the Act unless an emergency arose calling for such a step to be taken. He could assure the noble Earl that although his experience did not enable him to form an estimate of the value of the Volunteer Artillery, which must now be some 10,000 or 12,000 strong, the Government never looked upon them at all as a substitute for the regular army. They were to supplement the regular army, not to supersede it.

ANNEXATION OF SAVOY AND NICE TO FRANCE.

NOTICE OF RESOLUTIONS.

THE MARQUESS OF NORMANBY said, it had been his intention to give notice today of certain Resolutions which he intended to move that day week relative to Savoy and Nice. Some doubt had existed as to a fact which was now well established, that certain important communications respecting the probable annexation of Savoy and Nice to France had taken place during the last autumn between the Government of the Emperor of the French and the noble Lord the Secretary of State for Foreign Affairs. It would be in the recollection of their Lordships that on one of the very first discussions on this subject he made an inquiry touching this very matter. To that question he received an evasive answer; but the papers now presented placed the matter beyond all dispute. If now he meant merely to place his Resolutions on the notice-paper, without fixing a specific day for moving them, it was in consequence of the earnest appeal which he understood had been made by the noble Lord at the head of the Foreign Office in "another place," who spoke of the danger to the public service which would arise from introducing general or incidental discussions on the subject while negotiations were pending. Under the circumstances he thought he would be able, in moving his Resolutions, which he intended sooner or later to recommend their Lordships to adopt, to be able to steer entirely clear of any special matters and lay down certain general rules which, in his opinion, ought to guide them in matters of diplomatic negotiation; but he would not press the subject forward whilst there was a chance of its being imputed to him that he had thereby done mischief. He wished merely to lay down certain rules and principles respecting private and official communications, which he felt sure their Lordships would be of opinion were incontrovertible; and he thought a good effect would be produced thereby, not only in this country, but throughout the continent of Europe. His object was that diplomatic services should be conducted here as they were conducted elsewhere. The noble Marquess then gave notice of the Resolutions to which he had referred.

The Duke of NEWCASTLE rose briefly to say one word in respect to an absent friend. His noble Friend made use of an expression which he was sure, upon reconsideration, he would see was not fair to the noble Lord (Earl Granville) even though he were present, but still less so in his absence. The noble Marquess said his noble Friend had given an evasive answer. He (the Duke of Newcastle) must say he considered such a charge to amount to a personal imputation. He did not consider that any Member of their Lordships' House could give an evasive answer, consistently with personal honour. The member of the Government referred to, could only be his noble Friend the Lord President of the Council, who was now absent in consequence of a domestic calamity; but whatever the noble Marquess thought of the answer which had been given, it was certainly not an answer which evaded the question. His noble Friend had given the most direct answer in his power, consistently with his duty as a Minister of the Crown, and had no desire to evade the question in any way.

The Marquess of NORMANBY explained that nothing but a sense of public duty had led him to make the remarks he had troubled their Lordships with; but he had no hesitation in stating that he did not intend any personal imputation on the noble Earl the President of the Council.

House adjourned at a quarter before Six o'clock, till To-morrow, Half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 20, 1860.

REGISTRY OF THE COURT OF PROBATE.

QUESTION.

Mr. EDWIN JAMES said, he wished to ask Mr. Attorney General whether Executors and other persons interested in obtaining grants of Probate and Administration at present obtain them in the Principal Registry of the Court of Probate by

personal application, as they are able to do in the several District Registries; and, if not, what impediment exists to their ability to make such personal application without the intervention of professional assistance.

The ATTORNEY GENERAL said, when he had the honour to introduce to the House, the Testamentary Jurisdiction Bill he stated again and again that it would be competent for any person to go to the Registry of the Court of Probate and apply for Probate or Letters of Administration, without the necessity of employing any professional person. That was, in fact, one of the chief recommendations of the Bill. He was sorry to say that, by one of the rules made under the authority of the Act in the principal Registry were these words: "For the present all applications must be made to the court through a Proctor, Solicitor, or Attorney;" and the reason why, in the London District, parties were compelled to employ some professional person in applying for Probate or Letters of Administration he found, on inquiry, was that the wretched provision made for the Courts and staff necessary for the conduct of the greatly increased business was such that it had been utterly impossible to afford the requisite accommodation for the public, and this accordingly had been the subject of repeated complaint on the part of the principal Registrar, who had addressed a letter, dated the 15th of January last, to the office of the Chief Commissioner of Works, stating that the place appointed for his business was utterly unfitted to give accommodation. There was at that time no Chief Commissioner, but the Secretary wrote on the following day, stating in substance that no time would be lost in bringing the question before the Board. He had since made application himself to his right hon. Friend the Chief Commissioner, and he was assured that the accommodation would be given in a short time.

OFFICERS' COMMISSIONS.

QUESTION.

Captain STACPOOLE said, he would beg to ask the Secretary of State for War what money will an Officer of Infantry receive on retiring from the Service as a Captain, supposing him to have served twelve years, and not purchased any steps; what money will an Officer of Infantry receive on retiring from the Service as a Captain, supposing him to have purchased his Ensigncy and Lieutenancy, but to have been promoted to a Company without purchase; and suppose a Cavalry Officer who has purchased all his steps up to the rank of Captain (under the old regulations), exchanges with a Captain of Infantry, how is he to receive the difference of Commissions, as they are now of equal value?

Mr. SIDNEY HERBERT was understood to say that Captains of Infantry who had served for twelve years without having purchased any step would get £1,200, that was to say £100 for every year they had served; those who had bought the steps of Ensign and Lieutenant would receive £700 for the two steps, and £100 in addition for every year they served. As to his gallant Friend's last question, the matter was not yet definitively arranged.

TOLL GATES.—QUESTION.

Mr. DUNCOMBE said, he rose to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to introduce any measure, during the present Session on the subject of the Toll Gates in the neighbourhood of the Metropolis, in consequence of the Report of the Royal Commission thereon.

Mr. CLIVE said, there was no intention to bring in any such Bill during the present Session.

THE CAPE RIFLES.—QUESTION.

Colonel HERBERT said, he would beg to ask the Secretary of State for War, Whether it is the fact that several hundred Infantry Carbines, muzzle-loaders, without swivels to their ramroads, have been sent to the Cape of Good Hope for the use of the Cape Mounted Rifles; and if so, why such an inconvenient arm has been furnished to a Cavalry Corps, and whether any steps are contemplated to rectify the inconvenience?

Mr. SIDNEY HERBERT said, he was not aware that any change had been made in the arms of the Cape Rifles till he saw this question put upon the Paper. On making inquiries, he found that the military authorities at the Cape had made a requisition for a certain number of the short Enfield rifles which had no swivels to their ramrods. The rifles had been sent accordingly, but he did not know why they had been ordered.

MORTALITY ON BOARD "THE GREAT TASMANIA."—QUESTION.

Colonel HERBERT said, he would now beg to ask the Secretary of State for India, Whether his attention has been drawn to a very painful account of the state of the Soldiers, or discharged Soldiers, on board the hired transport, *The Great Tasmania,* lately arrived from India. He was sure his right hon. Friend had not only paid attention to the subject, but would be glad of the opportunity of making a statement in regard to it?

Mr. J. C. EWART said, he hoped that the right hon. Baronet would at the same time state whether the Stores had been supplied by the Government or by the owners of the vessel.

Sir CHARLES WOOD said, his attention had certainly been called to the melancholy circumstances to which his hon. and gallant Friend alluded. His hon. Friend the Under Secretary for India (Mr. T. G. Baring) had his attention called to the matter by a telegram which reached London on Saturday afternoon, and he immediately put himself into the train and went down to Liverpool the same evening. On Sunday morning he saw the agent of the vessel and the local authorities, and he found that they had shown every possible attention to the sick men, and that nothing had been omitted that could contribute to their comfort or health. His hon. Friend visited the vessel next day, and looked himself into the stores, which he found in such a state that he felt it necessary to direct that a survey should be made of them. He also saw the officer in charge of the troops and the Coroner, and he directed that every facility should be given to the most searching inquiry into all the circumstances of the case. That inquiry was now going on before the Coroner; and that being so, he thought it better that he should abstain from expressing or even indicating any opinion as to the persons whose conduct was implicated in these transactions. In answer to the question of the hon. Member for Liverpool (Mr. J. C. Ewart), he might state that some of the provisions were put on board by the Government and some by the owners of the ship; and he would only add that by the activity and zeal of his hon. Friend the Under Secretary for India nothing was omitted to be done that could contribute either to the comfort of the sick or to a discovery of the persons on whom the responsibility of these disasters might rest.

THE BALLOT.—MOTION FOR LEAVE.

MR. H. BERKELEY, who on rising to address the House from the Opposition benches was received with cheers from the Ministerial side, said, that probably hon. Gentlemen who cheered, because they fancied he had deserted them, felt in their own consciences that they deserved desertion. He was about to make a proposition which he had often made before in vain, and he expected to make it in vain again that night. Nevertheless it was his duty to persevere in keeping the question alive, and he had never felt that duty more imperative than on an occasion, when they had before them a so-called Reform Bill, without that protection to the elector which was doubly essential in any measure extending the franchise to the poorer classes. He must ask the House to permit him to go back to the severely contested general election of 1852, in which both the great parties who played at battledore and shuttlecock with the Government of the State exerted themselves to the utmost to gain or keep possession of Downing Street, and the grossest corruption and electoral abuse was extensively practised. The effect was so sensibly felt that it was scarcely possible for those who encouraged corruption most, to turn away from the complaints which were made, and the Earl of Aberdeen stated that our electoral system was such that no man could be enamoured of it. Something therefore must be done. It was not, however, really sought to amend the system, but only to go through the form of doing so. A Select Committee was accordingly appointed, on which many distinguished Members of that House sat—and among them was his hon. Friend the Member for Birmingham (Mr. Bright). Some time after the appointment of the Committee, he (Mr. Berkeley) met the hon. Member, and asked him what they were doing. He answered they were doing nothing, and he had got sick of the matter and come away. In due time, however, the Committee made its Report, and on that Report was based the Corrupt Practices Prevention Act, in which also was faithfully exemplified the great principle of "How Not to Do It." This Bill met with the approval of the House, more particularly of its legal Members, and, being seen to be worthless, it was likewise received with open arms and passed with great satisfaction in "another place." A very clever analysis of its provisions appeared in *The Times* newspaper, made by the late Mr. Coppock, under the signature of "J. C.;" and Mr. Coppock expressed his belief that all the world must know what the Legislature intended by enacting such a measure. Thereupon the Editor of *The Times*, endorsing Mr. Coppock's opinion, said the Bill was one of those "pompous professions which are meant to be inoperative." The experience of 1857, the first occasion on which the measure came into force, fully justified the character that *The Times* had given of it. In 1859, again, whenever it was used, it was followed by one universal yell of execration, it being proved to deserve the name of the "Corrupt Practices Encouragement Act" rather than that of the Corrupt Practices Prevention Act. When Parliament re-assembled in 1860 an intimation was made that something was to be done with this Act. He was astonished at the rumour, and would not believe it. He thought if anything was really to be done, that the House was going to hold some grand Fetish ceremony over it, that the Sergeant-at-Arms would be instructed to burn the Bill in Palace Yard, and that the bells of St. Margaret's church would be rung in exultation. Nothing of the sort. The hon. and learned Member for Marylebone took it in hand, and when a lawyer got hold of a bad thing he would never leave it; he would tinker it and hammer at it till he made it tenfold worse than ever. Another Select Committee was to sit upon it, but what on earth they were to do with it passed the comprehension of men. Attorney Generals, and Gentlemen who hoped to be Attorney Generals, present Ministers and ex-Ministers, were to congregate round this Act like so many crows over carrion. They were to examine witnesses touching the Ballot; but when he knew the majority of the Committee were dead against the Ballot he had no sort of faith either in them or in the House, should they, contrary to his expectation, report in favour of that measure. He might fairly ask the House to pass the first reading of his Bill that night, and allow it the same chance as the Bills of those two hon. and learned Gentlemen, the Members for Nottingham and Suffolk (Mr. Mellor and Sir F. Kelly). His measure had at its back some 230 Members, the majority of those who kept the noble Lord in power; and the Attorney General, the Solicitor General and two Members of the Cabinet whose votes he hoped to have that night, were also among the supporters of the Ballot. He did not, however, expect that his Bill would be treated with the consideration to which it was entitled. The Bill was founded on a principle calculated to give the electors that protection at the polling booth which they so eminently required and to secure purity of election, the absence of which was so foul a blot on the national escutcheon. When he looked back at the names of those by whom he had been opposed upon this question he experienced mingled feelings of astonishment, satisfaction and regret. He was astonished at the vast amount of talent which had been arrayed against him, and satisfied at the miserably feeble arguments to which it had condescended. When he enumerated the names of noble Lords and hon. Gentlemen who had opposed this question, the House would at once see how fearfully overmatched he (Mr. Berkeley) must be. Among those who had opposed the Ballot were the honoured names of Viscount Palmerston, Lord John Russell, Sir J. Graham, Sir G. Grey, Mr. S. H. Walpole, Mr. S. Estcourt, and Sir G. C. Lewis, men of undoubted talent and great logical powers, and all practised debaters; yet, having looked through their speeches in *Hansard*, he declared on his conscience that he had not found one valid argument in them all. It was with regret that he was obliged to add that he had risen from the perusal of their speeches under the painful impression that they were disingenuous, that the thoughts of these distinguished speakers were apart from their words, and that they were opposed to the protection of the voter for some other reason than that which they alleged in that House. Their arguments reminded him of the attempt made by the hon. and learned Member sitting near him (Sir F. Kelly), who, when defending a poisoner, endeavoured to persuade the jury that the death of the victim had been caused by eating apples, the pips of which had generated prussic acid in the system of the poisoned person, but the jury, of course, scouted the idea out of court. Just that sort of applepip argument was used against the ballot, but those who used it had the advantage of addressing not an unbiassed jury, but an assembly a great part of which was returned to that House by the influence of the aristocracy through the medium of the institution of open voting which they were defending. The speeches of the noble Lord the Member for Tiverton, (Viscount Palmerston) of which he had made ample notes from *Hansard*, contained nothing but the weakest platitudes. He could discover nothing like serious reasoning. The noble Viscount said that open voting was manly and English, and that secret voting was unmanly and un-English. He said it was manly to vote in public, and yet on many occasions he voted in secret himself. Then what did "un-English" mean? Something contrary to the manners and customs of England. How, then, could the Ballot be un-English when it was used in all elections except Parliamentary and municipal ones? [*Cries of* "No, no,"—"Parochial Elections," and "Public Companies."] It is employed at the Bank of England, at the Charter House, also at Dulwich College, and in elections of county constables; and even the proof of some exceptions would not bear out the assertion that it was un-English. The noble Lord also stated that the elective franchise was a trust—a proposition which was entirely refuted in an able speech by the hon. and learned Attorney General, but which the noble Lord rather dictatorially than argumentatively established to his own stisfaction by the assertion, "All the world knows it is a trust." This mode of reasoning reminded him of that adopted by Peter in the *Tale of a Tub*, who in order to prove to John and Martin that a brown loaf was a shoulder of mutton said, "Look, gentlemen, to convince you what a pair of blind and obstinate puppies you are [Query himself and Sir R. Bethell?] I will use but this plain argument:—this is good, natural mutton as ever came out of Leadenhall Market, and eternally confound you both if you venture to say otherwise." The noble Lord's argument and that of Peter might be classed under the same category. Admitting, however, for the sake of argument that the franchise was a trust, the conditions of the trust were that the electors should vote freely and indifferently without fear of punishment and without hope of reward. How did publicity assist the discharge of that trust? Not at all. On the contrary, it impeded it, because it hindered many persons from voting according to their consciences, and prevented tens of thousands of electors from going to the poll, and tens of thousands more from placing their names upon the register. As for equal responsibility, where was it? A rich squire could vote as he pleased, but not so the tenant-at-will or the small tradesman, whose livelihood depended upon his vote. Well might he exclaim

"You take my life,
When you do take the means by which I live"—

and he carried on his shoulders the responsibility of his own ruin. He now came to another of his formidable opponents—Sir George Grey.

Mr. SPEAKER: It is contrary to the rules of the House to mention any Member by name.

Mr. H. BERKELEY said, he would bow with submission to the correction, but he mentioned Sir George Grey as one of the speakers in a Debate which took place fifteen years ago.

Mr. SPEAKER: What the hon. Member said was, "I now come to Sir George Grey." That is not the correct way of referring to a Member of the House.

Mr. H. BERKELEY said, that perhaps he ought to have stated that he alluded to a Debate of fifteen years ago, in which Sir George Grey was one of the principal speakers.

Mr. SPEAKER: I have reminded the hon. Member of what is the rule of the House, and am sure that with his Parliamentary experience and practice he will keep within it.

Mr. H. BERKELEY said, he would refer to the right hon. Gentleman as his right hon. Friend who had been opposed to him some fifteen years ago, when a Motion with regard to the Ballot was brought forward by Sir Henry Ward. The right hon. Gentleman had proviously voted for the Ballot, and then he voted against it, the reason he assigned being that his first constituents were in favour of the Ballot, and his second constituents were opposed to it. That might be a valid reason for his right hon. Friend, but it appeared to be a strange foundation for legislation. Another assertion of the right hon. Gentleman was that the upper classes had become more politically virtuous. Where did that political virtue exist? In 1852 there was no perceptible increase of it, while in 1859 it was nowhere to be seen. Yorkshire did not return a favourable answer, and the view under the walls of Gloucester cathedral was still more unfavourable. He next turned to his right hon. Friend the Member for Carlisle (Sir J. Graham). There was nothing particular in the arguments of that right hon. Gentleman; they were the same as those to which he had already referred; but he was bound to say that his right hon. Friend had done good service to the Ballot, in the first place by the manly manner in which he had stated his belief that the popularity of the Ballot was a growing popularity, and then by his exposure of the intimidation exercised by a Whig Lord Chamberlain over the Royal tradesmen in a Westminster election. One case of that sort was of infinitely more importance than any amount of rhetoric, and he hoped the time was not far distant when his right hon. Friend would be found in the same lobby, on the Ballot question, with his able and popular nephew and Colleague. The next opponent to whom he would refer was the Secretary for War. The speeches of that right hon. Gentleman against the Ballot consisted mainly of the exploded jokes and witticisms of the Rev. Sidney Smith, whose playful fancy nobody could doubt, though nothing could be more unsound than his arguments, which had been confuted over and over again. He cheerfully made the right hon. Gentleman a present of the facetious canon's arguments, retaining to himself a single sentence, to be found in a letter addressed to Lady Grey, who had complimented the rev. gentleman on his writings against the Ballot. "Aye," he replied, "but it will come, let me write never so wisely." Another right hon. Gentleman—in the latter days of the late Administration (Mr. Sotheron Estcourt)—had girded up his loins and charged the Ballot home with original sin; an argument which, if it was not convincing, possessed at least the charm of novelty. He confessed he had nothing to say to it. The present Home Secretary (Sir G. Lewis) had selected America for his battle-field, and sought to establish a case against a secret Ballot in England by proving that the Ballot was open in the United States. The right hon. Baronet made a good speech but built up his edifice on a rotten foundation. He assumed circumstances which were not facts, he assumed that the advocates of the Ballot had relied on the mode of voting in America as the mode they desired to adopt in England. Nothing of the sort; but what the advocates of the Ballot in England wanted was, not the open Ballot of America, but a secret Ballot, such as existed in Australia. He now came to the noble Lord the Member for the City of London (Lord John Russell). The noble Lord had tried all kinds of fence on the subject of the Ballot. He was opposed to the Ballot at one time because it would not keep a secret, and at another because it would keep a secret. His temperature on the Ballot question was as variable as that of our climate; his ballot barometer was never steady, but always moving up and down, from "fair" to "stormy." In a speech to the constituency of Stroud, in 1837, the noble Lord said, "that in 1832 he proposed the plan of the Reform Bill, and the chief heads of that plan were adopted by the Committee of the Government. The plan originally embraced no proposition with respect to the Ballot or the duration of Parliament, but in the course of consideration proposals were made on those subjects and adopted; and in the plan he ultimately submitted to Earl Grey's Government he suggested that the Ballot should be adopted, and that the duration of a Parliament should be five years." This proposition of the noble Lord was defeated, he believed, by the narrow majority of one. At the general election in 1833 the noble Lord, having been in favour of the Ballot in 1832, made the following declaration:—

> "Great as he apprehended would be the inconvenience of the Ballot, yet, if it should be a question that he must either adopt it or see the tenantry made to vote contrary to their opinions, he would at once renounce his former opinions and come round to the Ballot."

It was not for him to say what amount of evidence the noble Lord required for his conviction, but in 1839 the noble Lord stood forward as a witness to the existence of intimidation. The noble Lord seconded the nomination of Mr. Heathcote at the Huntingdonshire election on the 2nd of May, 1859. The noble Lord stated,

> "That the hon. Gentleman proposing Mr. Heathcote said, that the question who was to be the Member must be decided by the opinion of the majority; he should wish nothing better than than the opinion of the majority should prevail, and then Mr. Heathcote would be seated. But had there been no interference with the opinions of the electors, and were there not cases in which, their opinion being one way, foreign dictation had been introduced to bias them to pursue another way?"

Thus the noble Lord the Member for London, who had declared that if he were convinced that intimidation existed he would vote for the Ballot, stood forward and proved the intimidation. Was he not, therefore, justified in saying that the noble Lord's ballot barometer varied very much, and the noble Lord scarcely appeared now to have made up his mind? He had now pointed out the nature of the opposition he had met with in that House, and, with respect to the opposition out of the House and in speeches delivered on hustings, it was not his intention to dilate at any great length. He trusted, however, that he should receive consideration from hon. Gentlemen, as it was an up-hill battle that he had to fight. One of the most bitter opponents to this question had been *The Times* newspaper; but, while he admitted the great power of that journal, and the great ability which it could afford to command, he must at the same time say that the perusal of its writings on the subject of the Ballot was highly satisfactory to the friends of that measure. The other day he was in Yorkshire, and met a Conservative gentleman of great property. That gentleman told him that he was formerly opposed to the Ballot, but was now a convert to it, and the happy change, he said, was effected by *The Times* newspaper of which he was a great admirer, but the stupid articles in *The Times* against the Ballot convinced him that nothing could be urged in opposition to it. He might bring *The Times* into court, and cite it as one of his witnesses. Those who read the imbecile leading articles against the Ballot might remember such passages as these:—"Does Mr. Berkeley put faith in the existence of the screw?" and "Does anybody know anybody whoever required the Ballot for himself?" Then let *The Times* newspaper answer itself. Here was a paragraph which appeared in *The Times* of the 29th of April, 1859, on the North Shropshire election:—

> "Sir Baldwin Leighton, the Liberal-Conservative candidate, has retired from the contest at the eleventh hour, and the Hon. Rowland Clegg Hill, the former member, and Mr. Ralph Ormesby Gore will be returned without opposition. The well-known business habits of Sir Baldwin, as well as his liberal views with regard to reform, church rates, and finance, had secured him a great amount of independent support; but the 'screw' was put on the farmers so ruthlessly by some of the great landowners that the popular candidate had to succumb."

Consequently he ventured to say that (he Mr. Berkeley) did put faith in the screw, and so did the Editor of *The Times*, and that he knew thousands of men who wanted the Ballot, and so did the Editor of *The Times*, and some of these men appeared to live in Shropshire. But would any sane man pretend that there was a doubt about the use of the screw? If any man doubted it, let him examine the canvassing-books of election agents: he had produced their books on a former occasion as used in boroughs and county elections, and there would be found valuable pencil-marks, denoting when and where the screw was to be applied. The evidence before the Wakefield Commission showed the *modus operandi* of an election agent after the model of the late Mr. Coppock, stating that he obtained a list of persons on either side who gave distinct and positive promises, and he then took into consideration the doubtful and those who might require to be influenced by persons having power over them. Astrology, also, was resorted to, and a man was invoked from the moon. The election agent, by dint of his office, became the huntsman of a sharp pack of attorneys, who would run into their game as well as a pack of fox-hounds. These hunting attorneys knew the weak sides of their clients, the difficulties and liabilities under which they laboured, knew how to apply to their tender places that essentially English instrument, the screw. On this subject he would quote an authority to which the House would certainly listen with respect. It was but a short time ago that the Speaker of the House of Commons graced the obsequies of the late Lord Macaulay, when all England appeared to be in mourning, and the opinion of that eminent man, who had been so much honoured by the people of this country, could not fail to have weight upon the subject. Lord Macaulay, addressing the constituency of Edinburgh in 1839, pointed out the necessity for the Ballot, and said that corruption, when proved, rendered the parties liable to severe punishment, and that penalties for it had been awarded to the extent of £500, but they could not punish the intimidation by penal laws, because by doing so they would infringe the most sacred rights of property. "How could they," that eminent authority added, "require a man to deal with a tradesman who had voted against him, or prevent him ejecting a tenant who had done the same?" Lord Macaulay further said, that the only preventive ever suggested for intimidation of that nature was the Ballot, which protected the voter, and left the landlord to do what he liked with his own. It had always been his aim to unite theory with practice, and there could be no more practical evidence in favour of Mr. Grote's theories than was afforded by the fact, that in Her Majesty's Australian dominions secret voting had worked a quiet and bloodless revolution. In those colonies, instead of anarchy and confusion during an election, there was now peace and tranquillity; and intimidation, which did prevail there, could not exist in the atmosphere of the Ballot. He should say little respecting the operation of the Ballot in Australia, preferring to leave this in the hands of the hon. Member for Pontefract (Mr. Childers), who had a practical acquaintance with the subject; but let his hon. Friend beware of one opponent—the hon. Member for Bath (Mr. Way). That hon. Gentleman had made a most remarkable speech at the Bath election. His argument on this subject was ethnological, ichthyological, botanical, and metaphysical. Commencing with a doubt whether the Ballot had succeeded in Australia he continued thus:—If the Ballot succeeded in Australia it would be no argument with him. In that country the laws of nature were completely reversed. The flowers which bespangled the fields, though beautiful to the eye, were devoid of scent. The trees in that country shed their bark, but obstinately refused to shed their leaves. The cherrystones persisted in growing outside the fruit, and the note of the cuckoo, which in this country was the harbinger of spring, was only heard in those regions in the middle of winter and in the dead of night. Nature refused to reproduce herself as she did in this country—the animals were marsupial. The lobsters there came out of the water ready boiled—no, that was not the hon. Member's expression—red before they were boiled, and he added that these were plain facts to which he deposed from personal observation. Then, passing from the lower to the higher species—man—he said, "How many thousands of our countrymen, who have been exiled to Australia for their country's good, have there become virtuous citizens. So that the moral law, as well as the law of nature, being reversed in Australia—*ergo*, if the Ballot works well there I set my face against it here." He must hand the hon. Member over to his hon. Friend (Mr. Childers) as he confessed he was totally unable to cope with these arguments. But if he could show that an Australian colony afforded an excellent precedent for our example, that tranquillity prevailed, the best men were elected to public offices, and that the whole system of the new electoral law worked well, he thought the lesson ought not to be lost upon this country. In order to show the real condition of our Australian colonies he would quote *The Times* newspaper, the words of which were:—

> "The balance-sheet of the colony for 1858 is w lying before us. Its receipts for that year amount, in round numbers, to £3,000,000 sterling; the import duties alone amounted to £1,318,000. The export duty upon gold amounted to £316,000; the sales of public lands to £628,000; the rent of public lands and licences upon trades to £331,000, and postages £89,000. The revenue has been raised by taxation imposed by the vote of a freely elected assembly. It will be appropriated in like manner. We very much doubt, with all reverence be it spoken, whether the Pope would expend the money as well as the Assembly elected by the rude population which has crowded to thas remote quarter of the world. £114,000 for education, £24,000 for scientific purposes, £25,000 for sanitary improvements, £769,000 for useful public works, £25,000 towards the relief of the sufferers by the Sepoy mutiny, and £8,000 for a university purely secular."

Surely, if that state of prosperity existed in Victoria, it was a complete answer to all the forebodings of those who prognosticated woe and ruin as the consequence of the adoption of any republican institution, as the Ballot was said to be. He asked the noble Lord opposite, and the hon. Gentleman who usually opposed the Ballot, to permit his Bill to be read a first time, that he might be allowed to place it side by side with the Bills of the hon. Member for Suffolk and the hon. Member for Nottingham. He was not disposed further to occupy the time of the House. It could not be a topic that was agreeable to hon. Gentlemen on that (the Opposition) side of the House, and neither could it be pleasing to the occupants of the Treasury bench, because the Liberal party, whenever their representatives were in office, were condemned to witness the painful sight of those who were their leaders creeping under the gaberdine of Toryism in order to defeat his Motion. As the poet said, "Misery made men acquainted with strange bedfellows." He, however, felt that he was pleading the cause of all electors upon whom the right of voting had been bestowed, without the means of enabling them to carry out the conditions of the trust which that right implied. It was a fair and abstract act of justice which he asked, and in making that demand he was supported by the Majority of the Liberal party in the House and by the great body of the people throughout the kingdom. The hon. Member concluded by moving for leave to introduce a Bill to cause the Votes at elections in Great Britain and Ireland to be taken by way of Ballot.

Lord HENLEY said, in rising to second the Motion, he would ask the House for that indulgence which was always given to a new Member, and to one who had but rarely addressed them. There were two great and crying evils in the working of the existing electoral system which he believed the Ballot would effectually meet—intimidation and bribery. Bribery was the greater moral evil, but it was confined within narrower limits than intimidation, and would, he believed, before long, if not put an end to entirely, be confined to a few small boroughs; but intimidation, he feared, would continue in a greater or less degree as long as the electoral system existed. The species of intimidation which it was most difficult to cope with was that which was called landlord's influence. He was a landlord himself, and confessed that there was a kind of influence which it appeared to him any landlord might fairly exercise, and which he himself had not hesitated to use. When a tenant said, "My landlord is an excellent and an honourable man, I know he has given up his mind to political affairs and knows more of these matters than I can pretend to do, I will follow him to the poll," that was a feeling which he would not discourage, for he regarded it as honourable to both parties, and it was an influence which the Ballot would in no way affect. But when the influence of the landlord was improperly exercised, see how powerfully it might be brought to bear to coerce the tenant. Take the case of tenants at will. The tenant had perhaps lived all his life in the locality where he held his farm, and could not remove to another part of the country with any hope of success, consequently at every contested election, if the landlord chose to interfere, he was at his mercy. It had been said that the landlords of the present day were so improved in their moral notions that they would not have anything to do with intimidation. He knew that was true with regard to many; but in too many cases the landlords, if they did not interfere, left their agents to do what they would shrink from doing personally. He had in his eye at this moment a case where a clever busy agent ran about among the tenants whenever a contested election arose, directing how they should vote, threatening them if they did not vote according to the views of the landlord, and, in short, using the influence of the landlord in a most improper and tyrannical manner ["Name, name!"]. If he quoted instances in support of his argument they must be taken upon his personal credit, for he had no wish to create ill feeling by mentioning names of persons closely connected perhaps with Members of that House. He believed that in such cases as he mentioned a tenant who voted against the order of the agent, though he might not be actually dispossessed of his farm, would find himself after the election much worse off than the other tenants upon the same estate—for the agent had many ways of annoying and injuring a tenant which it would be difficult, if not impossible, to guard against. Therefore, he held that the landlord's influence, though it might in some degree be mitigated, was still great, and, he feared, was not diminishing. It was notorious that the influence of the landlords was so widely extended, by the possession of estates in various parts of the country, that they were able by their power over the tenants to turn almost all the county elections in their favour. What was the ordinary course of proceeding when a gentleman intended to offer himself as a candidate for a county? The first thing he did was to write letters to all the great landed proprietors in the district, asking whether he might canvass their tenants, and upon the answers he received his chance of success entirely depended. Were the tenants prisoners, or were they children, that a man must ask the permission of their landlord before he might even canvass them for their votes? Yet he could quote a case in which the landlord, having been so applied to, actually refused to allow the candidate to ask his tenants for their votes. He was sorry to say that the landlord to whom he now referred was a nobleman who called himself a liberal. The letter containing the refusal was addressed to an hon. Gentleman now sitting on the other (the Opposition) side of the House, who would confirm him if necessary. The noble Lord to whom he alluded, having been written to, replied that he did not intend to support the intended candidate, because he differed with him in political opinion; and he added, "without intending any personal disrespect to you, I must request that my tenants may not be canvassed in your behalf." And this in the nineteenth century! It would seem that some landlords looked upon the act of canvassing their tenants without permission as almost as great a crime as that which they regarded as next to murder, namely, shooting their pheasants. At all events it was well known that upon the answer to the application to the landlord to canvass his tenants depended the chances of success, and if that answer was unfavourable the candidate must either retire at once or gird up his loins for a contest, his only hope in that case resting upon the votes of those independent freeholders whom the Reform Bill of last year would have shut out from the representation. Such a system could not be considered a good one, and he was sorry to say that it was one that had increased since the Reform Bill of 1832. He believed that until that time this great influence on the part of the landlords was unknown. But that Bill let in a new class of £50 rental voters, who were especially susceptible of such influence, and he thought it a great defect in the Bill of 1860 that it would admit no less than 100,000 more of those dependent electors. In the county with which he was connected it would add about an eighth to the existing constituency. If the evil was unknown until the Reform Bill of 1832, surely they might apply a remedy that was also unknown to the Constitution at present, namely, the Ballot, which would to a great extent, he believed, be effectual. With regard to the influence of the Ballot in putting a stop to bribery in boroughs, he did not think any candidate would be likely to purchase votes that might never be given in his favour, any more than a man would be likely to set up a business upon the principle of buying goods and paying for them when he was not certain that they would ever be delivered. He was told that the Motion was strongly objected to by the Protestant county Members of Ireland, on the ground that the Ballot was not applicable to a country where the Roman Catholic religion obtained. He, on the contrary, thought it was peculiarly applicable. They were told there were two influences at work in Ireland in reference to election matters —the influence of the landlord and the influence of the priest. He could not conceive a more difficult position for a voter to be placed in under the system of open voting, than when the landlord insisted upon his voting one way under the threat of dispossessing him of his holding, and the priest made it a matter of conscience, involving present and future punishment in case of disobedience, that he should vote the other. Against such a state of things he contended the Ballot would be the only safeguard; while its general application he confidently believed would result in placing the dependent voter in a position to respect himself, and in a real and true election in all cases, seeing that the choice of the constituencies would turn wholly upon the consideration of the merits and the fitness of the opposing candidates.

MR. MARSH said, he should not have addressed the House, had it not been that a challenge had been held out for any one to speak who had any knowledge of the working of the Ballot in Australia. In this respect he must give way to his hon. Friend, the Member for Pontefract (Mr. Childers), who had had personal experience of the working of the Ballot in Victoria, while he (Mr. Marsh) had obtained his knowledge of it in New South Wales, which would, perhaps, account for the different views they took of its operation. He held in his hand a pamphlet purporting to be a speech of the hon. Gentleman, in which he said that the Ballot was not in Victoria as in England, exclusively advocated by the Liberal party, and opposed by the Conservatives. He (Mr. Marsh) never could conceive why the Ballot was considered to be peculiarly a liberal measure. On the contrary, it struck him that, on the whole, it might have quite another tendency; for there were not a few persons who spoke loudly in favour of liberal opinions, yet in the inmost recesses of their hearts were very far from being liberal. It was stated that the great evil in Australia was not so much intimidation as bribery. The greatest evil in this country he believed to be intimidation, and not bribery. It was stated by the hon. Gentleman that in Australia, out of 200 elections, there had been two convicted cases of bribery and treating, since the introduction of the Ballot. That was not so very strong a recommendation of the Ballot. The Ballot was a new thing in Australia; and they knew that all new things were said to work well at first. Besides, there was not the same inducement to bribe in Australia, that there was here. The inducement to become a Member of the Legislature of that colony was not so great; the debates were not so interesting, the subjects not so important, and the company not so agreeable. In America they had had the Ballot for a long time, though it was in every case not a secret ballot; and yet the system of bribery was carried on there to an extent which was unknown here. Everything was decided by "caucus," and voting by ticket was the rule. He believed that even if the vote were kept secret, in nine cases out of ten a man would vote as he was bribed. There was that sort of honour among thieves which would cause him to do so. In Australia, he could assure them, that the greatest corruption existed, even after the Ballot was introduced. It was a subject of great debate in the Legislature, and the theme of discussion in every newspaper. It was stated that certain persons had been appointed magistrates entirely because they were election agents of a particular party. He knew an instance where a most illiterate man was made a magistrate, because he was an active electioneering agent, and his friend, whose servant this person was, considered himself rather elevated in society, because he had a justice of the peace to clean his boots. He did not agree with what had been said by the hon. Member for Bristol (Mr. H. Berkeley) about the prosperity of Australia since the introduction of the Ballot. It was true that the country was prosperous; but it was so because it produced annually gold to the amount of £12,000,000, and other articles to the value of £3,000,000. But notwithstanding this, many capitalists had withdrawn their investments on account of the insecurity of the Government. Now, with regard to the secrecy of the Ballot in Australia, the machinery seemed to have been contrived with considerable ingenuity, but at the same time it seemed to be very far from perfect. The tickets were marked on the outside with the number of the vote; they were then unfolded by the returning officer and placed on their back. It seemed to him to be very easy to tamper with the tickets. And he believed that for a trifling sum the way in which votes were given, could readily be got at. Besides, it was necessarily provided that in the case of a petition, the tickets were to be opened so as to ascertain how each voter voted. Consider what a painful position a man must be in who had said he had voted for one person, and who had voted for another. And yet it would be the law which had led to his being placed in that position. So far as secrecy was concerned, the Ballot would certainly be a failure in England, for an Englishman seldom kept a secret, and an Englishwoman still more seldom; and as a man would be sure to tell his wife how he voted, then the secret would be out. It was also stated in the pamphlet he had referred to, that at the last elections in Victoria there was scarcely one case of intimidation. Now, he held in his hand a letter from a candidate to his constituents, who had been successful, and who therefore did not write under angry feeling; and he complained that the servants of his opponent's supporters were driven up like flocks and herds to the poll. Another view of the case was, that where a man felt there was no responsibility, he was too apt to be negligent about giving his vote at all. He was borne out in this by the fact that at the last Sydney election, though it was a contest in which the Prime Minister was a candidate, he believed, though he had not got the numbers or the register, that not more than one out of seven voted. The Ballot might be made the means of doing strange things. Kingdoms had been given away by Ballot, and that almost unanimously. They all knew what had occurred in Italy. He was not surprised at what had happened in Romagna, nor did he mean to find fault with it. On the contrary, he was glad that the Romagnese had joined Sardinia. Any one who had ever passed from Tuscany to the territory of the Pope, would cease to wonder that Romagna wished to get rid of such a Government. But the case was not precisely the same in Tuscany, and he could not help thinking that there must have been one or two strong influences at work to bring about so much unanimity under the Ballot, or, on the other hand, it must have happened that the people, under the Ballot, felt their sense of responsibility weakened, and rushed to give their votes without duly considering the consequences. The secret vote, it was clear, would be no protection to active persons and to Dissenters, because they would be marked men as much as they were now. Until bribery was considered a moral crime, it would never be got rid of. That day would, he hoped, soon arrive. People of character did not now-a-days constrain their tenants in the country, and shopkeepers in towns, as they formerly did, but left it for minor agents to do. Very soon, he believed, they would repudiate even this species of interference, and then the Ballot would not be necessary. If, however, the system of intimidation could not be put an end to, he had no doubt the Ballot would be resorted to, despite the great arguments that existed against its adoption.

MR. CHICHESTER FORTESCUE said, it so happened that for several years he had given but one vote on this subject, and that was for the Ballot. He was enough of a party man to feel great reluctance to sever himself from the friends with whom he generally acted, and this reluctance led him without sufficient examination to give the vote in question. Since that time' however, he had thought much on the Ballot, and the more he had thought of it the less he liked it. These objections had not been lessened but increased by his Australian experience at the Foreign Office. He spoke with a full recollection of the speech of the hon. Member for Pontefract (Mr. Childers), on the operation of the Ballot in Australia, which so deservedly secured the attention of the House; but his strong conviction was that the House of Commons had nothing to learn from Australia in this regard. The facts of the case were, he thought, against the success of the Ballot, even in Australia. From what he had read in the Australian newspapers and heard from other sources he should be disposed to say that at the last general election the scenes that disgraced this country were reproduced in Australia, and that corruption, intimidation, and bribery were at least as rife as they had ever been in the old country. That was the conclusion he had arrived at from all he could learn of the last general election in Australia. Circumstances were, moreover, so different in Australia from the state of things in the old country that no safe conclusion from the one was applicable to the other. It was admitted that the evil to be met by the Ballot in Australia was of a different nature, that the influence to be guarded against was from below and not from above, from the masses and not from individuals. The question was not whether the Ballot was fitted to succeed in Australia or America and he would admit that the Ballot might tend to the orderly conduct of an election in such communities. But England was a country of great social inequalities, and how would the Ballot deal with the influences thence arising? The Ballot succeeded admirably where it was not wanted; but when there was real intimidation, it would either fail, or else the secrecy would be obtained at a cost that it was not worth,—namely, the sacrifice of the voter's honesty and uprightness. He had asked many small farmers in Ireland, whether, in their opinion, the Ballot would put an end to canvassing and pressure on the part of landlords and agents. He had never yet met a man who thought it would. Believing that the Ballot would fail as a protection to the voter, and that when it secured secrecy, it would be at a sacrifice of character and honesty that would be worse than the existing evil, he must, although reluctantly, oppose the Motion of the hon. Member for Bristol.

Mr. LAWSON (who rose amid loud cries for a division) said, he should not have thought it would be necessary for him to appeal to the House for that consideration which was never refused to hon. Members who addressed it for the first time. He could understand the great anxiety of hon. Gentlemen opposite to go to a division as speedily as possible, for he was told it was the dinner hour. The House and the country ought to be much obliged to his hon. Friend the Member for Bristol for having brought forward this question, and he agreed very much in the sentiment expressed by the hon. Member last night, that his Bill was more important than that of the noble Lord. He was a supporter of the noble Lord (Lord J. Russell) but he believed that if the choice were offered to the determined Reformers of this country, whether they would prefer the passing of the measure of the hon. Member for Bristol or that of the noble Lord, the verdict of the majority would be, "Give us the Ballot without the Bill, rather than the Bill without the Ballot." A great deal had been said about the merits and demerits of the Reform Bill of 1832. He thought that measure had conferred a great boon on the country, but he did not believe that even yet it had ever had a fair chance. By that Bill vast numbers of the people were admitted to the franchise, but they had never had a fair opportunity of exercising it, in proof of which he referred to the fact that at the end of every general election the table of the House was loaded with complaints of undue returns. He believed that had the machinery for voting instituted in 1832 been better devised, the cry for reform would not have been heard so loudly throughout the country as at the present time. Bribery and intimidation had certainly not decreased since the Reform Bill, and he believed were as prevalent at the last as at any previous general election. The House had always expressed great anxiety to put an end to such practices, and all sorts of expedients had been proposed. But the House had the matter in their own hands, for by enacting that votes should be taken in secret, bribers would be deprived of the means of knowing whether they received value for their money, and prevention would soon be proved better than cure. The Ballot was said to be unfit for small boroughs, and it was certainly not so applicable to them as the larger ones; but he hoped that in the supplementary Reform Bill which must sooner or later follow that of the noble Lord, the small boroughs would be totally extinguished. The Ballot excited deeper interest throughout the country than any other part of the reform programme, and two-thirds of the Liberal party in the House were in favour of it, although the Ministers had unfortunately sided with their natural enemies in regard to it. He thought that the time when they were setting free the trade of the country was an appropriate time for setting free also the constituencies, and thus wiping off the blot which disfigured our representative system, and greatly enhancing its value.

Viscount PALMERSTON:—I have more respect for the House than at this hour

> "to go on refining,
> "And think of convincing when they think of dining."

I wish to assure the hon. Gentleman opposite (Mr. Berkeley) that his speech of this evening, which I cannot say was more argumentative than those he has addressed to us on former occasions, has not at all altered my opinion on the measure he proposes. I was in hopes when my hon. Friend began to quote the speech I made on a former occasion he would have had the goodness to go through that speech, and though I had not convinced him, I was in hopes that the arguments, sound as I believe them to be, which I then used, would have convinced other persons who heard them read. But my hon. Friend, having told us his mind was impenetrable to any arguments directed against the proposition which is the hobby-horse on which he is riding to fame, omitted to quote them. My hon. Friend found fault with an assertion which I had made, that the franchise was not a right but a trust, and with me for arguing that, as it was a trust, and not a right, it ought to be exercised in the public view, and under a sense of responsibility. My hon. Friend treats that doctrine with great contempt. I only wish him to consider a little the consequence of the opposite doctrine. If the franchise is a right, the man is entitled to do what he likes with it. That doctrine goes in fact to legalize bribery. The voter may justly say, "This is my right, and I am entitled to dispose of it as I please, and to make any profit out of it which I can." But, as long as it is a trust, it is clear that a man is guilty not only of a moral but of a political offence when he barters away for profit to himself that function which is only given to him in trust for the benefit of his country. I say that even in the case of universal suffrage it is a trust. If every man of age and sanity were entitled to vote, he would still be exercising a trust on behalf of women and children, whose interests are deeply affected, though they are not entitled to exercise that function. I say that every political function which is vested in any man should be exercised in the eye of the public. My hon. Friend has himself instanced municipal elections. Those and all other political acts are done in public. Then my hon. Friend, and those who agree with him, say it is untrue that secret voting is un-English, because in clubs they vote by ballot. But does he mean to say that in clubs voting is ever secret? Did it never happen to my hon. Friend to be canvassed to go down to a club and vote for the admission of a man because he was a good fellow? Has he never known of a whole party dining together and going down to the club between 10 and 11 o'clock to bring a Friend in? Or was he never canvassed to go down to keep a disagreeable bore out? White balls and black balls are generally given with perfect knowledge of the way in which the vote will be given to a circle of friends, and, in truth, there is not that secrecy which the hon. Gentleman alleges. Therefore I say the case of clubs is no proof that secret voting is not antagonistic to English practice. I maintain that if the Bill were carried, and if the Ballot were enjoined by law, it would be degrading and demoralizing to the people of this country. You would turn your electors into law-breakers or hypocrites. They would be law-breakers if they made known their votes; but you could not punish that breach of the law. They would be hypocrites if they kept their votes secret, because they would have been asked to promise their votes. Men would have promised, and of those who promised ten to one would vote in violation of their promise. At all events, if they kept their votes secret they would be exposed to exactly the same results from which it is the object of secret voting to secure them. The measure would entirely fail of its purpose. We have heard this evening that in Australia secret voting does not prevent bribery and intimidation, the two things to guard against which the Ballot is advocated. And it is somewhat singular that the advocates of the Ballot, who for a long time have vaunted the example of America, are obliged to quit the shores of the Atlantic and are now compelled to take refuge in the Antipodes. My hon. Friend said that in Australia everything is the reverse of what it is in England. I think he has caught the infection from Australia. In this country it has been the custom to inculcate on children the desirability of following the example shown them by the wisdom of their parents. But my hon. Friend calls on the parent to follow the errors of the child, and instances Australia as a reason why this country should depart from its old, time-honoured, and long-established custom. Now, Sir, I do not think the House of Commons is likely to listen to those arguments. I shall not intrude on the House by repeating the speech to which my hon. Friend has referred. I believe that by the vote of this night time will be given to hon. Members who still entertain doubts to turn to the pages of *Hansard*, and to see the arguments, which I think are very good. I compliment my hon. Friend on his devotion to this particular subject. He has persevered through good report and bad report, through evil success, sometimes greater and sometimes less. It does great honour to his perseverance, and I only hope that when the day comes—long may it be deferred—in which a public memorial is to be raised to his memory the monument which he will so well deserve may be erected in the shape of a ballot-box.

Mr. H. BERKELEY, in reply, pointed out the inconsistency of the arguments which had been adduced with regard to the case of Australia; it being urged by the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) as an objection to the Ballot on a former debate that bribery could not be detected, whereas it was maintained by others, as an objection that evening that it was both detected and punished. He had never heard speeches with bolder assertions and less argument than those which had been delivered against the Ballot that night. His noble Friend, who really took away his breath, said, in a tone of indignant virtue, that by the Ballot men would be degraded into slaves and made liars; but the noble Lord did not seem to care how many slaves were tied to the wheels of country gentlemen's chariots and dragged to the poll, or to see any degradation in their being forced at the poll to tell a lie to God and to vote against their consciences. His noble Friend complained that he (Mr. Berkeley) had not read his speech to the House; and he hinted that if he had done so his own Attorney General would have disappeared as our American friends have it into a grease spot. The noble Lord's speech was, in fact, totally opposite to that of his Attorney General; and he would read both. [*Cries of* "No!"] Well, the two speeches were as different as possible; the one being replete with argument, and the other containing nothing but delightful audacity. If the House had had its dinner he would have read extracts from those speeches, and it would be seen whether it was the Attorney General or the noble Lord that would have the worst if it. The hon. Member for Pontefract (Mr. Childers) was looking wide awake, to answer anything that might have been said against the precedent of Australia, but there had been nothing to answer. Australia had, in fact, proved the case of the Ballot, for it had demonstrated the possibility of detecting and punishing bribery, even if secret voting were adopted. The noble Lord sneered at the Ballot as his (Mr. Berkeley's) hobby. Let the noble Lord take care the time did not come when he would be glad to get up behind him. He ventured, notwithstanding the bold manner of his noble Friend, to predict that the division list of the following morning would present to him no pleasant object of contemplation, for there he would find his name separated from the majority of that very party by whose support he was enabled to retain the reins of power.

Motion made, and Question put,—

"That leave be given to bring in a Bill to cause the Votes of the Electors of Great Britain and Ireland to be taken by way of Ballot."

The House *divided* :—Ayes 147; Noes 254: Majority 107.

List of the AYES.

Adair H. E.
Adam, W. P.
Alcock, T.
Atherton, Sir W.
Ayrton, A. S.
Baines, E.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Bellew, R. M.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Black, A.
Blake, J.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowyer, G.
Brady, J.
Bright, J.
Bristow, A. R.
Brocklehurst, J.
Buller, Sir A. W.
Butler, C. S.
Caird, J.
Campbell, hon. W. F.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Cobbett, J. M.
Coningham, W.
Craufurd, E. H. J.
Crook, J.
Dalglish, R.
Davie, Sir H. R. F.
Davie, Col. F.
Deasy, rt. hon. R.
Dent, J. D.
Dillwyn, L. L.
Douglas, Sir C.
Duke, Sir J.
Duncombe, T.
Ennis, J.
Evans, Sir De L.
Ewart, W.
Ewing, H. E. C.
Fenwick, H.
Fermoy, Lord
Forster, C.
Freeland, H. W.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Goldsmid, Sir F. H.
Greene, J.
Greville, Col. F.
Hadfield, G.
Hardcastle, J. A.
Headlam, rt. hon. T. E.
Hennessy, J. P.
Hodgkinson, G.
Hutt, rt. hon. W.
Ingham, R.
Ingram, H.
Jackson, W.
James, E.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinnaird, hon. A. F.
Langston, J. H.
Langton, W. H. G.
Lanigan, J.
Lawson, W.
Leatham, E. A.
Lee, W.
Levinge, Sir R.
Lindsay, W. S.
Locke, John
MacEvoy, E.
Maguire, J. F.
Massey, W. N.
Merry, J.
Mills, T.
Mitchell, T. A.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Napier, Sir C.
O'Donoghue, The
Onslow, G.
Osborne, R. B.
Padmore, R.
Paget, C.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peto, Sir S. M.
Pilkington, J.
Pollard-Urquhart, W.
Potts, G.
Pryse, E. L.
Redmond, J. E.
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, A.
Salomons, Mr. Ald.
Salt, Titus
Scholefield, W.
Seymour, Sir M.
Seymour, W. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Smith, A.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Tite, W.
Trelawny, Sir J. S.
Tynte, Col. K.
Vivian, H. H.
Waldron, L.
Wemyss, J. H. E.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, Col.
Willcox, B. M'G.
Williams, W.
Woods, H.
Wyld, J.

TELLERS.

Berkeley, H.
Henley, Lord

List of the NOES.

Adderley, rt. hon. C. B.
Agnew, Sir A.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Astell, J. H.
Ball, E.
Baring, H. B.
Baring, rt. hn. Sir F. T
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beaumont, W. B.

Beecroft, G. S.
Bentinck, G. C.
Beresford, rt. hon. W.
Bernard, hon. Col.
Bond, J. W. M'G.
Botfield, B.
Bovill, W.
Bramston, T. W.
Brooks, R.
Browne, Lord J. T.
Bruce, Major C.
Buller, J. W.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cave, S.
Cayley, E. S.
Cecil, Lord R.
Churchill, Lord A. S.
Clinton, Lord R.
Close, M. C.
Cobbold, J. C.
Coke, hon. Col.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Cowper, rt. hon. W. F.
Cross, R. A.
Cubitt, Mr. Ald.
Cubitt, G.
Curzon, Visc.
Damer, S. D.
Davey, R.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dundas, F.
Dunlop, A. M.
Dunn, J.
Dunne, Col.
Du Pre, C. G.
Egerton, hon. A. F.
Egerton, hon. W.
Elmley, Visct.
Estcourt, rt. hn. T.H.S.
Euston, Earl of
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Finlay, A. S.
Forde, Col.
Forester, rt. hon. Col.
Foster, W. O.
Fortescue, C. S.
Gallwey, Sir W. P.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, Capt.
Gladstone, rt. hon. W.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Gregory, W. H.
Gray, Capt.
Grey, rt. hon. Sir G.
Griffith, C. D.
Grosvenor, Earl
Gurdon, B.
Haliburton, T. C.
Hamilton, Major
Hanbury, hon. Capt.
Hartington, Marq. of
Hartopp, E. B.
Hassard, M.
Heathcote, hon. G. H.
Heneage, G. F.
Henniker, Lord
Herbert, rt. hon. H. A.
Herbert, rt. hon. S.
Herbert, Col. P.
Hervey, Lord A
Heygate, Sir F. W.
Hill, Lord E.
Hill, hon. R. C.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howes, E.
Humberston, P. S.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Capt.
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, Sir J.
Jolliffe, rt. hon. Sir W. G. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knatchbull-Hugessen, E.
Knight, F. W.
Knightley, R.
Lacon, Sir E.
Laing, S.
Leeke, Sir H.
Lefroy, A.
Legh, Major C.
Legh, W. J.
Lennox, Lord H. G.
Lever, J. O.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowe, rt. hon. R.
Lyall, G.
Lygon, hon. F.
Lysley, W. J.
Lytton, rt. hon. Sir G. E. L. B.
Mackie, J.
Mackinnon, Wm. Alex. (Rye)
Mainwaring, T.
Malins, R.
Manners, rt. hn. Lord J.
March, Earl of
Martin, J.
Mildmay, H. F.
Miles, Sir W.
Miller, T. J.
Miller, W.
Mills, A.
Mitford, W. T.
Moncreiff rt. hon. J.
Moody, C. A.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Naas, Lord
Newdegate, C. N.
Nicol, W.
North, Col.
Owen, Sir J.
Packe, C. W.
Packe, G. H.
Pakenham, Col.
Pakington, right. hon. Sir J.
Palk, L.
Palmer, R. W.
Palmerston, Visct.
Papillon, P. O.
Parker, Major W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. Gen.
Peel, rt. hon. F.
Pevensey, Visct.
Philipps, J. H.
Powys, P. L.
Pritchard, J.
Pugh, D. (Carmarthen)
Pugh, D. (Montgomery)
Puller, C. W. G.
Repton, G. W. J.
Richardson, J.
Ridley, Sir M. W.
Rolt, J.
St. Aubyn, J.
Sclater-Booth, G.
Scott, Sir W.
Selwyn, C. J.
Shirley, E. P.
Sibthorp, Major
Slaney, R. A.
Smith, S. G.
Smollett, P. B.
Somerset, Col.
Somes, J.
Spooner, R.
Stafford, Marq. of
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, N.
Talbot, hon. W. C.
Taylor, Col.
Taylor, H.
Thompson, H. S.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Upton, hon. Gen.
Vance, J.
Vandeleur, Col.
Vane, Lord H.
Vansittart, W.
Verner, Sir W.
Vernon, L. V.
Walcott, Admiral
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Walter, J.
Watlington, J. W. P.
Whiteside, rt. hon. J.
Wise, J. A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wyndham, Sir H.
Wyndham, hon. H.
Wynn, Col.
Wynne, C. G.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Denman, G.
Marsh, M. H.

JEWS ACT AMENDMENT.—LEAVE.

Order for Committee read.

MR. T. DUNCOMBE, in rising to bring forward the Motion, of which he had given notice, for leave to introduce a Bill to amend the Act 21 & 22 *Vict.* cap. 49, entitled "An Act to provide for the relief of Her Majesty's subjects professing the Jewish Religion," said that, as he understood there would be no objection to the introduction of his Bill, which was substantially the same as that he had brought forward the last Session, he would not occupy the attention of the House with many observations. He thought it right, however, to state that he did not bring forward the question as the organ of the Committee which sat on the subject, but on his own account, thinking that the time had arrived when an alteration of the law should take place, and when it could be made in a deliberate and proper manner. It would be in the recollection of the House that when the Bill came down from the House of Lords it was determined to admit gentlemen of the Jewish persuasion by a Resolution, and the Resolution was to be renewed if necessary, from year to year. The Earl of Derby, being then Minister, stated that a general election being pending, the sense of the country should be taken as to the policy of continuing that system by which the doors of that House should be opened to gentlemen of the Jewish persuasion. Now, he wanted to know what answer the country had given to this appeal at that general election. He did not believe that the question had been canvassed at a single election; the only answer, so far as he knew, that had been given was this—that they had now four distinguished and hon. Gentlemen of the Jewish persuasion returned to that House by four large constituencies. Those Gentleman sat there honoured and respected by all, and there ought no longer to be any distinction in the oaths to be administered to the Members of the Jewish persuasion. The words "On the true faith of a Christian" should be left out of the Parliamentary oath, and the Jew ought to come to the table and take the oath in such a manner as was most consistent with the dictates of his own conscience. The object of his Bill was to remove these words from the oath and thus leave the Jew in precisely the same position in which other Members of that House stood. At the same time he confined the matter entirely to that House, leaving the other House of Parliament to indulge any prejudice they wished. The Bill would not interfere with them in any way. He begged leave now to move that the House do resolve into Committee in order to permit him to bring in the Bill.

Lord ROBERT CECIL said, he did not intend to oppose the Motion before the House as he did not think this matter of any very great importance; but the Motion of the hon. Gentleman certainly served to throw some light on what he might call the philosophy of Parliamentary settlements. They were told that the Act now sought to be altered was a final settlement of the question. Yet that Act was scarcely passed when an attempt was made to unsettle it. If, however, the matter were reopened it would form but a bad precedent, and henceforth no sooner would a question be settled than a movement would be made to unsettle it.

Sir GEORGE GREY said, there might be a question as to whether the matter should be disturbed; but he certainly had no objection to the introduction of the Bill. The noble Lord, however, was quite wrong in saying that any compromise had been made on the subject to which those who advocated the Jewish claims were parties when the House of Lords adopted the mode by which the main object was practically gained. They availed themselves of what the House of Lords did; but nobody who ever advocated the Jewish claims thought it a good arrangement, or became party to an understanding that the question should not be revived.

Mr. NEWDEGATE said, he fully agreed with the noble Lord in the understanding he had expressed, that a compromise had been come to, but it was a compromise between the two Houses, and indeed was exactly what the hon. Member for Finsbury had stated he desired, namely, that each House should pursue the course it preferred. He thought with the noble Lord, that they had a right to insist upon that settlement being carried out. He would not, however, enter into the subject at that time further than to say that he remembered being on a Committee with the hon. Member for Finsbury when the hon. Member was in a minority in his desire to alter the law which had worked satisfactorily hitherto. He gave notice that when the Motion for the second reading should be made, he should move as an Amendment that the Bill be read a second time this day six months.

Mr. ROEBUCK said, he had only a word or two to offer on the observations which had fallen from the noble Lord the Member for Stamford (Lord R. Cecil). He complained that a settlement had been disturbed. He (Mr. Roebuck) affirmed that there could be no settlement of a question, relating to the onward progress of mankind. The noble Lord was a Conservative, but he (Mr. Roebuck) begged to assure him that he was doomed to disappointment; the world was going on, but the noble Lord was lagging behind, and would see questions change, altered, and improved day by day, but never settled.

Mr. T. DUNCOMBE, in reply, observed, that, to show there was no compromise, the Earl of Derby had stated in the House of Lords when a dissolution of Parliament took place, that he did not object to the Resolutions because the constituencies would be appealed to, and would express their opinion whether the Resolutions should be confirmed or rescinded.

House in Committee.

(In the Committee.)

Resolved,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Act of the twenty-first and twenty-second years of Victoria, chapter forty-nine, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion."

Resolution *reported.*

Bill *ordered* to be brought in by Mr. THOMAS DUNCOMBE, Mr. BYNG, and Mr. LOCKE KING.

PORTPATRICK AND DONAGHADEE HARBOURS.

COMMITTEE MOVED FOR.

GENERAL UPTON, in rising to move for a select Committee to inquire into the truth of the allegations contained in the petition of the Ayr and Maybole Junction Railway Company, presented in August lsst, and printed in the 11th Report of the select Committee on Public Petitions, Appendix 202, relative to the application of the grant for Partpatrick and Donaghadee Harbours, said it was desirable that the grant in question should not be made until the condition upon which it was granted, namely, the formation of a line of railway, was assured.

Notice taken that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Eight o'clock.

HOUSE OF LORDS,

Wednesday, March 21, 1860.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned at Four o'clock, till To-morrow, half-past Ten o'clock.

Mr. T. Duncombe

HOUSE OF COMMONS,

Wednesday, March 21, 1860.

MINUTES.] PUBLIC BILLS. — 1° Consolidated Fund (£850,000); Attorneys, Solicitors, Proctors, Certificated Conveyancers.
2° Bleaching and Dyeing Works.
3° Mutiny; Marine Mutiny; Municipal Corporation Mortgages, &c.; Inclosure.

PREVENTIVE SERVCE (SCOTLAND).

QUESTION.

Mr. BLACK said, he wished to ask the Secretary to the Treasury if the men in the Preventive Service in Scotland have any printed or written regulations, or instructions, delivered to them for their guidance; and, if so, whether one of these rules is that the offence of marrying shall be visited with dismissal from the service? and does the prohibition against marriage apply equally to the officers and to the men?

MR. LAING stated, that in the above-mentioned service it was found that unmarried men were more efficient than married men in the performance of patrolling and other duties of that description, which required their absence during four nights in the week from their homes. The Inland Revenue Department had, in consequence, found it necessary to inform those who entered the service that so long as they continued in it they must remain unmarried. The prohibition did not, however, apply to the same extent to the officers as to the men in the service, inasmuch as when the former married they were transferred to some other post as soon as their places could be supplied by gentlemen who were unmarried and who possessed the necessary qualification to discharge the duties which the officers who married had previously performed.

DUTY ON RAGS.—QUESTION.

MR. PULLER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether any information had yet been received as to the amount of Duty which the French Government intended to impose on the export of Rags?

LORD JOHN RUSSELL said, that the Government had received no further information than that which he had communicated to the House in his statement on a previous occasion. The French Government intended to propose some modification of the prohibition, but that at that time they had not made up their minds as to the amount of the duty to be levied.

BUSINESS OF THE HOUSE.

STATEMENT.

LORD JOHN RUSSELL said, it might be convenient if he were now to state what the Government proposed to do with respect to those Orders of the Day which they wished to bring on before others. It was not expected the Government would be able to bring forward any of their Bills that day, but they thought it of great importance to bring on as soon as possible the Resolution with regard to the income tax in Committee of Ways and Means. He therefore wished to have that Order read, with the view of bringing it on to-morrow, and if the Resolution were disposed of he should hope the adjourned debate on the Representation of the People Bill might also be proceeded with to-morrow.

SIR FITZROY KELLY asked whether if those two subjects were not brought under the consideration of the House to-morrow they would take precedence of other business on Friday?

LORD JOHN RUSSELL: I cannot say positively. There is, I believe, some money Vote which it is desirable should be taken on that day.

MR. SPEAKER was understood to inform the noble Lord that, in accordance with the Orders of the House, the Income Tax Resolution could not be brought on in Committee of Ways and Means on a Thursday, unless it had been fixed that Orders of the Day had precedence of Notices of Motions.

MR. BRIGHT said, he thought it a pity to interject, as it were, the income tax in the middle of the adjourned debate on the Representation of the People Bill.

LORD JOHN RUSSELL said, that he found by the Rules and Orders of the House that the Resolution on the Income Tax in Committee of Ways and Means could not be brought on to-morrow. The adjourned debate on the Representation of the People Bill could, however, be proceeded with, and the Resolution might be brought on the first thing on Friday.

ENDOWED SCHOOLS BILL.

SECOND READING.

Order for Second Reading read.

MR. DILLWYN, in rising to move the Second Reading of this Bill—the object of which was to open endowed schools to the children of Dissenters, and to enable Dissenters to act as trustees, in those cases where no intention was specifically expressed respecting the religious character of the trust, such as would make the application of his principle in direct opposition to the founder's wishes—said, he had carefully considered the objections which had been raised against a similar measure which he had introduced last Session, and which had received the assent of the majority of the House. That measure was sent to a Select Committee; but, to his great surprise, the Committee under the guidance of the hon. and learned Member for Belfast (Sir H. Cairns) introduced such Amendments as completely changed the principle of the Bill. He (Mr. Dillwyn) accordingly abandoned the charge of the Bill, and it dropped. The same Bill—or very nearly the same—was reintroduced in the House of Lords by a noble and learned Lord (Lord Cranworth) who approved generally of the principles he advocated. By their Lordships, however, the measure was contemptuously thrown overboard. Since last Session he (Mr. Dillwyn) had carefully considered the objections which were made to his Bill, with a view to meet his opponents as far as possible, and he believed the measure he now proposed would be found not liable to many of the charges which were formerly urged against it. In the meanwhile, the hon. and learned Member for Belfast had again proposed a Bill, which was substantially the same as his (Mr. Dillwyn's), as it had come out from the Committee of last year. The House of Lords had also sent down a measure of their own; and all three stood for the Second Reading that day. This was at least a proof of the great importance and great interest taken in the question. He considered that this last Bill, if it been carried as Lord Cranworth introduced it, would have been a material improvement in the law; but it had been greatly contracted in its operation, and though he did not say that still it was not calculated to do good, he contended it was a very homœopathic remedy, and did not so much as touch the grievance of which he complained. That grievance was this—that, while Dissenters were admitted to the rights of citizens, they were excluded from the management of schools, which, so far as the intentions of the founders were expressed, were entirely Catholic and unsectarian. Lord Cranworth's Bill absolutely ignored the grievance. It made no mention whatever of the disqualification of Dissenters to act as trustees. It merely took the matter out of the hands of the Court of Chancery, and gave power to church trustees, whose exclusive privileges were to be continued, to make such rules for the education of Dissenters' children as they might see fit. The Bill was very loosely worded; and he very much doubted whether better rules would not be got for these schools by reference to the Court of Chancery rather than to the trustees. He thought, in fact, it would be better to leave the matter in the hands of the Court of Chancery, merely making provision that the Court should not be governed by the precedents they now felt bound to follow in the decision of these cases. Then, as to the Bill of the hon. and learned Member for Belfast, he should perhaps apologize for presuming to criticise the production of so eminent a Member, so acute a logician, and so experienced a Parliamentary tactician as the hon. and learned Gentleman; but, if he ventured to do so, it was because he felt the most perfect conviction that his own measure was preferable, sound in principle, and could not be controverted. He particularly objected to the 7th clause of the hon. and learned Gentleman's Bill, which adopted the principle of usage as giving an exclusive title to the schools proposed to be dealt with. It prescribed that in the case of any such schools where it had been for twenty-five years the practice to appoint Dissenters as trustees, they should not for the future be deemed ineligible as such. This sounds all very well; but inferentially the effect would be, that where it could be proved that those who had acted as trustees belonged to the Church of England, the schools would be handed over to the exclusive control of that Church. In fact, the operation of this clause would make the position of the Church of England much stronger than it was at present with regard to these endowed schools. The principle of allowing usage for a certain number of years to give a good title was all very well as applied to private rights, but altogether bad as regarded public rights. In this case it would operate as a usurpation—not using that word in an offensive sense—and would stamp schools founded for general national purposes with a narrow and sectarian character:—he (Mr. Dillwyn) held that for centuries past the Church had usurped rights in this matter that did not strictly or fairly belong to her. The Dissenters' Chapels Act had been quoted as justifying the principle of usage to give a title, of which Dissenters had taken advantage; but this case was not at all applicable in the present instance, where they had to deal with endowments, which were supposed to be made not for sectarian but for general purposes. The doctrine of usage which had sprung up in regard to Dissenters' chapels had sprung up against the law, and had been found to work beneficially, and the law only stepped in to legalize the principle so applied. The usage which had sprung up in the cases of endowed schools had sprung up under the law, and had worked badly as in the exclusion of Dissenters from their trusts, and he therefore sought to alter the law. He would now pass to the consideration of the special provisions of his own measure. The Bill, which he hoped the House would now read a second time, in the first place declared that of the endowed schools founded before the first Elizabeth, none should be deemed founded for religious instruction according to the Church of England, except such as might have been founded during the short reign of Edward VI.—and they were, for the most part, founded by the Crown from the spoils of the suppressed monasteries—the original wishes of the founders were rather for Roman Catholic instruction. He had no desire to touch any schools founded by private individuals expressly with the view to the promulgation and teaching of the doctrines of the Church of England. If it were wished he would specifically except such from the operation of his Bill; he did, however, desire that schools founded by the Crown should hold their endowments as national property, and for general purposes. The second clause was limited to schools founded subsequently to the 1st of Elizabeth, and before the passing of the Toleration Act; with those founded after that date he did not interfere, as it had been urged with some force that since the passing of that Act Dissenters might, if they wished it, have founded schools for their own particular religious teaching. It had been stated as an objection to his former Bill that it might possibly ignore religious teaching in all the schools throughout the country; and in the third clause of the present Bill he therefore expressly provided that the religious teaching of any endowed school to which this Act applied should be determined by a majority of the trustees for the time being. He did not in any shape or form interfere with the mode in which these trustees should be appointed. All he did was to remove the disqualification so justly complained of in regard to the trustees; and that being removed as regarded trustees, he would also remove the disqualification as to schoolmasters, which the 4th clause provided for. This Bill was by no means intended as an attack on the Church of England, although it had been much opposed and many hard words used in regard to it by members of that body; but he did not, nevertheless, think that the Established Church had a right to exercise the exclusive control over the education of the people, or that it was expedient that they should be allowed to do so. It had been described as an attempted usurpation of property which belonged to the Church of England; but these endowments were the property of the public, and the nation had a right to deal with them through Parliament. The same power which gave the Church these endowments could undoubtedly resume them or alter the trusts on which they were held. The charge of usurpation could only be maintained on the ground that the Church had corporate rights for the beneficial use of its own members, and with which the nation at large had nothing to do, and had no right to interfere. He, however, maintained that this was not the case, but that the Church held her possessions, powers, and revenues only as a trustee for national purposes, to be used for the national welfare at the will of and according to the direction and judgment of the nation. The Church had not shown itself properly qualified to take the exclusive management of the education of the country. Assuming the population of England and Wales to be 15,000,000, it was calculated that there were only 5,000,000 who attended places of worship belonging to the Church of England; then there were 5,000,000 who were Dissenters and Roman Catholics, and 5,000,000 who went to no place of worship. Besides, there was a formidable schism in the Church itself which eminently disqualified it for this function. The Church was being torn to pieces by internal dissension, it was evident neither party was disposed to yield, and whichever party gained the upper hand it behoved the House not to leave the education of the nation under their exclusive control. He belonged to what, he supposed, would be called the Low Church, but it appeared to him the High Church party had the advantage in point of law, and they were likely to maintain the ascendancy, and it must also be evident to all, especially those who had read the debates in the Upper House of Convocation, that there was no disposition on the part of the Bishops and High Church to make any material concessions as to discipline or teaching. On the other hand, there could be no doubt the overwhelming majority in the country were of the opposite way of thinking. As he had said, he was himself a member of the Low Church party; and, without meaning to speak offensively to those who differed from him, he felt that the doctrines of the Church of England, as taught by the High Church party, were not consistent with the spirit of Protestantism. He believed in the existence of a priesthood forming a privileged class, claiming to be possessed of some superior spiritual power apart from the rest of the community, and that this was not consistent with the spirit of Protestantism, which recognized the same spiritual rights in all men. In support of this opinion he quoted the case of Canon Wodehouse, an eminent and respected divine of the Church of England, who, if he rightly understood his letter, which had lately appeared in the papers, had taken this view of the matter, and conceiving the claim put forth by the Church to confer superior spiritual power to be unjustifiable and dangerous has, rather than identify himself with it, or in any way sanction it, resigned the offices and preferments which he held in that Church. This Church, such as it is, however, claims to have, and, as he thought, under the law as it stands, soon would obtain, the entire and exclusive management of nearly all the great educational establishments throughout the country, and this he for one openly avowed he did not think it wise or right to entrust to it, both on account of the teaching and doctrine, which he thought dangerous, but which are gaining ground in its high places, and as he sincerely believed it to represent only a small minority of the whole nation. He disavowed any intention to attack the rights of the Church, the true danger to which arose from its own resistance to reform and to the prevalence of schism among its members.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. LOWE said, as this important subject had now become one of considerable complexity, it was only reasonable that at the earliest period some one should rise on behalf of the Government, in answer to the appeal that had been made to them, and state the course which they would respectfully advise the House to take in dealing with this Bill. He regretted that the hon. Gentleman who introduced this measure had not stopped at the end of the very candid and moderate portion of his speech in which he explained and advocated its provisions; and he must entirely decline, in the discharge of his duty, to follow the hon. Member into a discussion of the doctrines, the general character, or the policy of maintaining the Church of England. This question might be decided in a manner satisfactory to the House and the country on principles totally free from topics of irritation and sectarian animosity; and he should endeavour with calmness and temper to state the reasons why this measure ought not to be allowed to pass a second reading. The hon. Member for Swansea had laid down with great fairness the principles which might guide them in judging of his own Bill. The preamble itself stated that it was expedient to amend the law relating to the Government and religious teaching of many endowed schools and educational charities, so that the same should, unless otherwise intended by the founders, be open to all subjects of the realm without distinction. Now, he was quite willing to adopt that principle, and to say that those schools should be opened as widely as possible, subject only to the observance of the will of their founders. The hon. Gentleman further disclaimed any desire to touch the property which really belonged to the Church of England. Taking these two principles, then, to guide them, they might arrive at a sound conclusion as to this measure. Controversies respecting the religious intsrution of endowed schools had been often brought before the Courts of Equity; and the rule adopted by those tribunals had been, not to find out what might be recommended as best for the general policy of the country, or for the particular religious persuasion of the Judges or of the Government of the day, but to ascertain in the best manner they could what was the intention of the founders. For this purpose they perused the instrument of foundation, and where the will of the founder was expressly declared, whether in favour of the Established Church, as happened in some cases, or in favour of some Dissenting body, as in the case of Lady Hewley's charity, the Courts had not hesitated to give effect to it. But in the majority of instances the intention of the founders was not expressed, and then the Courts of Equity had acted in a way which seemed both reasonable and judicious. They assumed, and most justly, that the man who left money for educational purposes, particularly in the ages preceding the reign of Charles I., did not mean, any more than we should, to exclude that most important part of education, religion; and therefore they endeavoured to determine what that religion should be. That presumption in favour of religious teaching had, of course, been greatly strengthened when they found, as they frequently did, words implying that the children were to be educated in "the fear of God," in "a godly manner," or "by godly and discreet persons." The next question that had arisen was, what the religious teaching in the schools should be, and there again the Courts had carefully availed themselves of all the light afforded by the instrument of foundation. In many cases they found that the Bishop of the diocese was the visitor of the school; in others, that the Bishop or some of his subordinates had a power of regulation over it; and in others, again, that the schoolmaster was to be a member of the Church of England. In these instances there was no difficulty in deciding, on reasonable grounds, that it was the founder's intention that the school should belong to the Church of England. When, however, these *criteria* were wanting, the Courts had looked to the date at which the school was founded, and the state of legislation and opinion in the country at that time, not in order to see what the schools ought to have been, but what, according to the best evidence before them, they could infer that the founder intended they should be. Therefore they had held that schools founded by the first Protestant Kings—by Edward VI., for example—for instruction in "godly learning," and so forth, were designed to give education in the doctrines of the Church of which that Monarch was the head, and was known to be the most devoted supporter, and which in his day was the only legal Church that could exist in these realms. In regard to the schools founded in later times, they had also construed monuments of foundation in the same way, not at all, as he thought, with the view of giving the Church of England what was not her own, but merely as guides and means to ascertain what were the founders' intentions. He yielded to no man in his hearty and steadfast attachment to the principles of toleration, but he should not be serving the cause of religious liberty, or any liberty at all, if he were to denounce the line of proceeding thus followed by the Courts of Equity—a course at once reasonable, sensible, and moderate, and every way worthy of the great and enlightened Judges by whom it had been adopted. Had those tribunals fastened on particular expressions in the deeds of foundation, giving them an arbitrary construction of their own, not based on the common use of language, or on good sense,—had they excluded from their view what any man of sound judgment would take into consideration—namely, the collateral circumstances of the time in which the instrument was executed, they would have been rightly accused of discharging their duty ill. But having availed themselves of all the sources of information open to them, and come to a conclusion which, allowing for human fallibility, had almost universally conformed to the will of the founders, however much some might regret that conclusion, the Courts could neither be blamed for it, nor in consistency with the preamble of that Bill, which expressly avowed respect for the founders' intentions, ought the House to abrogate their decision, on the ground that it was not based on sound principles. Now, a measure on this subject was introduced last Session by the hon. Member for Swansea, and was referred to a Select Committee. Of that Committee he had himself the honour to be a Member. The effect of that Bill was this—that the religious teaching in endowed schools should not be exclusively that of the Church of England; while it did not state what that teaching should be. It was found difficult to interpret this, and gather what was really meant. But that difficulty, if not removed, was entirely superseded by the second clause, which provided that the will of the founder should be respected. The second part of the Bill, in fact, wholly overrode and neutralized the first; because these schools having one and all been adjudged Church of England schools on the ground that it was the intention of the founders that they should be so, the clause, setting up for the future a rule in no way different from that which had hitherto guided the Courts in thei decisions, necessarily swept away the basis laid by the other provisions of the measure. Another hon. Member (Sir Hugh Cairns), however, much to his credit for liberality, came to the rescue of the Committee and proposed a Bill to them like one of the measures which appeared on that day's Votes, and the Bill introduced into the House of Lords by Lord Cranworth, founded on the proposal of Sir Hugh Cairns, had now come down in the shape of the Endowed Schools (No. 3) Bill. Now, the grievances out of which this controversy had arisen were two in number; one of them exceedingly serious; the other, while it involved no substantial injury, naturally caused some irritated feeling. It had been conceived by no less an authority than Lord St. Leonards—who also deserved great praise for his liberality of sentiment—that it would be lawful for the Courts of Equity to add what were called "conscience clauses" to the instruments of foundation for endowed schools—that is, clauses by which the children of Dissenters might be admitted to secular instruction without being required to conform to the worship or to learn the catechism of the Established Church. But the result of the matter, as stated by Lord Cranworth, and acquiesced in by all the other learned Lords in "another place," was, that the decision of Lord St. Leonards was virtually overruled, and it was held not to be in the power of the Court of Equity to exercise the salutary interference which was exercised under Lord St. Leonards in 1852. So that the school trustees, although, if they desired it, they might of their own motion show their tolerance towards the children of Dissenters by admitting them, yet if they refused to admit them, however great the emergency, there was no legal power of compelling them to do so. That was the first and great grievance. The second grievance arose out of the Ilminster case, where it had been the practice to appoint Dissenters as trustees of the school, and where for a long period no quarrel or difficulty ensued from their acting in that capacity. But at length an objection was taken to the appointment of a Dissenter, and the Lords Justices, reversing the judgment of the Master of the Rolls, decided that Dissenters could not be appointed trustees of Church of England schools. It certainly seems natural enough that they should not be allowed to act in that capacity; but the decision produced a strong feeling among the Dissenting body, because, though a Dissenter might not seem a person particularly suited to act as a trustee of a Church of England school, and though, as the hon. Member for Swansea stated last Session, unless the Dissenters had some share in the instruction given, they would not covet the office of trustee in schools to which Noncomformist children were not admitted, still their exclusion from that office was regarded as a badge of social inferiority, and not in consonance with the liberal notions of modern society. These were the two mischiefs which had to be remedied. But the manner in which the hon. Member for Swanswea sought to accomplish his object was open to much criticism. The provisions of his Bill were entirely different from anything that had been laid on the table before. Notwithstanding the hon. Member for Swansea's disclaimer, this measure would not only touch the property of the Church of England, and touch it in the most vital manner, bnt after establishing a most objectionable precedent it would entirely undo its own work and leave the Dissenters in a position very little better than they now occupied, and certainly not as good as the one they would be placed in by another Bill on the table. The hon. Gentleman's Bill made a division between two historical periods. The first clause applied to endowed schools founded before the first year of Queen Elizabeth's reign, and the second clause to schools founded between that year and the passing of the Toleration Act in the first year of William and Mary. Beyond that period the measure did not attempt to go. Without cavilling about points of chronology, it was very important in this matter that the date of the Reformation should not be carried down to the first year of Elizabeth, so as to exclude the seven years of Edward VI.'s reign, because it was well known that the Reformed religion was the established creed of that period, and that the most valuable and wealthy foundations were established during that epoch, and if by altering that date they shut out these endowments from a particular class of considerations which were to be extended to schools founded after the Reformation, a most unfair advantage would be taken. The schools established before the first year of Elizabeth were to have no quarter given them, while those subsequently established were to be treated with a little more gentleness. The first clause dealt with two classes of schools, the first of which were originally Roman Catholic foundations, and afterwards transferred by Act of Parliament to the Church of England. It was now proposed that these endowments should be taken way from the Established Church, and handed over to whatever denomination the majority of the trustees might determine. That was hardly consistent with the hon. Gentleman's declaration that he did not mean to touch the property of the Church. If an Act of Parliament was not a title to property, what was? The Established Church held these schools, rightly or wrongly, by Act of Parliament. But the hon. Member went behind the Act of Parliament, and required them to look at the origin of these things. This property, it was said, was plundered from the Roman Catholics and transferred to the Church of England. That might be a question to be argued *in foro conscientiæ;* but here they had to deal with a legal title, and the Church of England certainly had no property to which she could show a clearer right than this. Moreover, if these endowments were to be resumed, it was not the Dissenters who could set up a claim to them. That claim ought rather to come from a different quarter. The second class of schools of which the clause would deprive the Church are the grammar schools of Edward VI., the founders of which undoubtedly intended to give religious education according to the tenets of the Church of England, the only Church then tolerated. The Church of England also held the schools of King Edward VI., by the very right which the hon. Gentleman admitted—namely, the intention of the founders, as declared by the decisions of the Courts of Equity. Next to an Act of Parliament there could be no better title to property than a tenure of 300 years, traced up to the will of the founder perfectly ascertained, and over and over again adjudicated upon on the principles of reason and common sense by the most enlightened Judges who had ever adorned the judgment seat. The second clause, applicable to schools established between the first year of Elizabeth and the first year of William and Mary, declared that these endowments should not be deemed to have been established to afford instruction according to the doctrines of the Church of England, unless it appeared from the language of the deed of endowment that such was the intention of the founder. Then followed these words, "And in ascertaining such intention no regard shall be paid to any decision of any Court of civil judicature pronounced before the passing of this Act and relating to religion or instruction." That was a provision of a very unusual character. Under its operation the intention of the founder must be sought solely in the language of the deed of endowment. Now, the 23rd of Elizabeth required all schoolmasters to attend the services of the Church of England. Supposing after that Act a man had founded a school without expressly saying that the master should belong to the Church of England, would it be just to declare that if a Court had decided, on no narrow and technical grounds, but on the widest common sense, that the founder's intention was that the schoolmaster should be a member of the Established Church, no notice whatever should be taken of that circumstance? Was it to be held that, with such an enactment in operation, the founder did mean that his institution was not to be in connection with the Church merely because he had not thought it necessary to make any special allusion to that subject? Were they to exclude all the light and evidence by which the best lawyers, from the days of the great Lord Ellesmere downwards, had been guided in discerning the intention of founders? What would that be but to wilfully blind their eyes, and wantonly throw away the spectacles by which alone they could discover that intention? Thus this Bill asked them not only to take from the Church that to which she could show the best of titles, but to deprive themselves and all future Judges of the accumulated learning and wisdom of ages. The two clauses of the Bill amounted to this—that under the pretence of carrying out more exactly the will of the founders, they would deprive the Church of England of all the rights she now possessed in these schools, whether founded upon Acts of Parliament, upon prescription, or upon judicial decision. When they had given this great shock to the institutions of the country, what did they do next? The majority of the school trustees for the time being were, by the third clause, to determine the nature and extent of the religious teaching. Now, these charities were almost universally in the hands of members of the Church of England, who would infallibly adhere, after the passing of this measure, to the existing system of instruction. If a majority of the trustees were henceforth to decide virtually whether the school should continue or cease to belong to the Established Church, would it be possible ever again to induce any board of trustees, who were self-elected, to appoint a Dissenter to a vacancy in their body? When it was seen that the prescription of 300 years might be overthrown, and that even the barest majority of the trustees might put an end to the teaching according to the tenets of the Established Church, it would become a maxim with trustees never to introduce a man of whom they were not absolutely sure. So that if this Bill passed it would operate practically as a ban upon Dissenters holding any office whatever connected with these schools. For these reasons he thought the House ought not to assent to the second reading. He would remind the House that another Bill had been sent down from the other House, which substantially required school trustees to make provision for the children of Dissenters without interference with their religious belief. That Bill had the sanction of the right rev. Bench, and was a considerable exemplification of the fair and tolerant spirit in which they were disposed to deal with this question. With the framing of that measure he had had nothing to do, but, if passed, he should look upon it as a kind of Magna Charta of education, laying down principles not only most valuable in themselves, but calculated to be a guide in all future controversies on this subject. Unfortunately, however, that Bill had no clause permitting Dissenters to act as trustees. That point was, indeed, not overlooked in the measure of the hon. Member for Swansea; but it was there mixed up with the other matters of enormous consequence and most questionable expediency to which he had just referred. It was, therefore, to be hoped that some hon. Gentleman would bring in a measure dealing separately with that part of the question. The Bill approved by the House of Lords was marked by great good sense. It did not run counter to the will of the founders, but, accepting it as interpreted by the Courts, it nevertheless said that if there was nothing to show that the founder meant to exclude from the secular benefits of the school the children of Dissenters, the instrument of foundation ought not to be nicely or curiously strained to their prejudice. That was a wise and tolerant mode of reconciling existing exigencies with a due regard to the will of the beneficent founders of these institutions. As the present Bill conformed neither to its own preamble nor to the candid and fair speech of the hon. Mover, and seeing that, instead of remedying the grievances of which Dissenters had a right to complain, it really put them aside to raise questions of infinite danger and importance, and tended to excite angry passions and endless disputes, he hoped the hon. Gentleman would consent to withdraw his measure, and allow the House to deal with this question on principles which, though not aiming at anything so unspeakably important as the transfer from the Established Church of the property which it held on the most ancient and most indubitable tenure, were still commensurate to the just demands of all the interests involved.

Mr. SELWYN said, that the principles involved in this Bill were not only deeply interesting to his constituents but to the whole religious public. As the question appeared to him to be one which admitted of no compromise, and as he understood that the hon. Member who had charge of the measure declined to accede to the request which had been made to him by the right hon. Gentleman to withdraw the measure, he felt it his duty to move that the Bill should be read a second time that day six months. The hon. Member for Swansea commenced his speech with great moderation; but it could not be denied that a spirit antagonistic to the Church had animated the framing of the Bill. It was essential to keep distinct two matters which had been mixed together in the Bill, and still more in the speech of the hon. Member for Swansea, namely, first, the question upon what principles and by what rules of evidence you should decide to what Church, sect, or denomination an endowed school belongs; and, secondly, in what manner the school should be managed after that point had been decided. The first was a question which involved the rights of property not only in the Church of England, but in all religious and educational institutions; and with respect to the second, he appealed to the House whether it had not ever been the practice of the Church of England to extend the blessings of education to all classes. In the University which he had the honour to represent there existed no sectarian practice of exclusion; and at that very moment the son of a gentleman of the Jewish persuasion, who possessed a seat in that House, was being educated at the University. With respect to the first question—upon what principles and rules of evidence the Courts should decide to what Church, sect, or denomination an endowed school belonged—it had been assumed on former occasions that there had been some difference of opinion among the Judges as to the principle to be laid down in dealing with endowed schools. But he (Mr. Selwyn), denied that there was any conflict of opinion whatever among Judges or lawyers. The rule, which would be disputed by no Member of the bar, from the Attorney General down to the gentleman who was just hoping for his first brief, and which was clearly laid down by the hon. Member for Hertfordshire, in the course of the debate last year, was that the Court should first look to the instrument of foundation to see if the will of the founder was clearly expressed there, and if, as in most cases that came before the Courts, the language of that instrument was ambiguous, it should then consider the circumstances under which the instrument was executed and the usage which had since prevailed. Now, first, as regarded the original intention of the founder; secondly, as regarded the surrounding circumstances; and thirdly, as regarded subsequent usage, there were potent objections to the Bill, for it proposed to introduce one rule for one class of Her Majesty's subjects, and another rule for another class. It was but justice to the hon. Member for Swansea to say that he had repudiated such a notion, but no one who had read the Bill could fail to see that in fact it did establish one law for members of the Church of England and another law with reference to all other religious sects and denominations. He would not stop to point out the obvious inconvenience of establishing different laws with respect to different historical periods, and the litigation and expense which would inevitably arise from the adoption of such a system; but he might remind the House that they could not introduce different rules for the regulation of the endowed schools, and afterwards endeavour to establish a general rule for their regulation. But he might suggest that the real reason why the first year of the reign of Elizabeth had been selected as the date beyond which no attention was to be paid even to the language of the instruments creating these endowments was that it had been discovered, not by the hon. Member for Swansea, but by those who were the real authors of this Measure, that in the case of all the foundations by King Edward

VI., which were the most valuable and most important in the country, the instruments of foundation contained clauses which attached the schools to the Church of England, and therefore it was necessary to seek to effect a change in the very terms of the foundations themselves, and consequently with regard to foundations established before the first year of the reign of Elizabeth the Bill proposed to reject not only the surrounding circumstances and usage, but even the instrument of foundation itself, as evidence of the intention of the founder; and this the hon. Member defended by a reference to the source from which was obtained the bulk of the property which was employed in endowments previous to the reign of that sovereign. Could any principle be imagined more dangerous to the rights of property than that, in the case of foundations established before the reign of Queen Elizabeth, you should examine into the sources from which the King or the private individual creating the endowment derived his property, and that if it came from the Roman Catholic Church the endowment should be thrown open to all classes? Such a principle would apply to the disposition by the King or by private individuals of all property which had been derived from the suppression of the religious foundations at the time of the Reformation. It was also urged that when these endowments were created there was but one Church; that they were, therefore, intended for the benefit of the whole population; that Parliament ought to legislate to carry into effect that intention, and that as the property was incapable of being divided it was right that it should be applied in a manner conformable to the existing state of things. If the hon. Gentleman did not intend to make one law for the Church and another for Dissent, let Dissenters consider to what the application of this principle to their own bodies would lead. The hon. Gentleman had talked about schisms in the Church of England. Were there no other religious bodies in which schisms were to be found? Were there not schisms among the Presbyterians, among the Wesleyans, among the Baptists, and among other Dissenting denominations, and, according to this principle, all the property acquired by those bodies before the occurrence of these schisms ought to have been divided between the two sections into which they were split, and to be re-divided and subdivided as often as future schisms should occur. The application of this principle would be as dangerous to the foundations possessed by Dissenters as to those of the Church; and he did not believe that for the sake of the principle involved in this Bill any religious Dissenters would be willing to jeopardise their own educational institutions. The question before the House was, in truth, one between the friends of religious education, of whatever denomination, on the one side, and the political Dissenters on the other. The existing law most wisely said that you must look in the first place to the will of the founder; in the second to the surrounding circumstances and usage; and that law had been applied most impartially, and sometimes (as in the case of Lady Hewley's charities) to the loss of the Church, and to the signal benefit of Dissenters. The second section of the Bill, directing how endowments made subsequent to the first of Elizabeth were to be interpreted, was open to the same objection as the first—namely, that it established for the Church of England a rule of law which it was not intended to apply to the property of any other religious body. Having established one rule for the older institutions, they were to adopt another rule with respect to foundations established after the first year of the reign of Elizabeth. Here they were to take words of the founder in the instrument of foundation as their guide, and to exclude the surrounding circumstances and subsequent usage. He was quite at a loss to know how, if they acted on these principles they could avoid opening and disturbing many educational institutions which had always been managed in accordance with the known intentions of the founders, and which, according to the existing laws of toleration, must be thrown so entirely open as to render impracticable any religious education at all. Of the third clause, which gave to the majority of the trustees, for the time being, the power to decide upon the nature and extent of the religious teaching, he would only say that it would lead to perpetual contests, vexation, and annoyance, and would seriously detract from the value of these schools. He denied that there was any question of principle involved in the decision of the Ilminster case. That decision turned entirely upon a question of fact as to whether or not the trust for the repair of the roads and bridges was a principal and substantial part of the charity; and that question, and that only, was what the House of Lords had to decide upon the appeal which was now before them. The hon. Member for Swansea had exaggerated the differences which now existed in the Church of England; but if his views of those differences were a correct one, it would not justify the conclusion which he drew from them. If the Church of England was in a failing condition, was that a reason why it should be deprived of this property? He would not repeat the objections to the Bill which had been so ably urged by the right hon. Gentleman opposite, but he entreated the House to consider on what principles the measure was founded, and how dangerous those principles were, not merely to the rights of property, but to the cause of religious education generally; and he asked all the friends of such education, both Churchmen and Dissenters, to pause before they supported a measure so opposed as this was to the rights of property and so injurious to real religious instruction.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. LONGFIELD seconded the Amendment. His objection to the Bill was that it would disturb the rights of property, and create larger and greater evils than it intended to remedy. He would go as far as any Member of that House in removing grievances affecting Catholics and Dissenters, but he did not consider it a grievance that those bodies did not possess property which had belonged to the Church of England for 300 years, by repeated legislation and repeated judicial decisions. Nor did he consider it a grievance that the trustees should not profess any religion which whim or accident might dictate; nor that the decisions of wise and learned Judges should not be annulled. The Bill would inflict a far greater wrong than it professed to remedy. The Dissenters were, according to Mr. Morley's evidence, of opinion that Church property was national property; and ought to be dealt with according to the will of the nation. Were they really prepared to act upon this, and mould such property as they pleased, contrary to all prescription? By rules now in force the Courts of law had adopted certain decisions in order to carry out the wills of the founders; but this the advocates of the Bill thought an intolerable evil. He did not agree with those gentlemen, but thought, on the contrary, that the greatest hardship and confusion would arise from having no certain rules for their guidance in deciding upon the construction of those ancient instruments. In every clause of the Bill there was a distinct principle, and each was in his opinion most objectionable and most unworthy of the adoption of that House.

Lord FERMOY said, that, although the speech of the Vice-President of the Council of Education (Mr. Lowe) might be a very able one, it was not a very Protestant speech; on the contrary, he thought it might be termed a Jesuitical speech. The right hon. Gentleman told them that in these cases they ought to recognize the original intention of the donors. Well, the right hon. Gentleman followed this rule very religiously as far back as to the reign of Edward VI., but when he got as far back as that, instead of continuing its application and showing, as according to it he must have done, that the bulk of the property of the Church of England ought to be restored to the Roman Catholics, the right hon. Gentleman took his stand upon the acts of the Legislature and the wisdom of Parliament. Well, if it was right in the reign of King Edward VI. to pass an Act of Parliament contravening the intentions of donors, why might they not in the reign of Queen Victoria pass an Act of Parliament contravening the intentions of donors since the reign of Edward VI.? Why might they not nowadays have regard to surrounding circumstances, and ask themselves what those donors would have done if they could have known that, after a lapse of 300 years, the Church of England would become more High Church, and approach the Church of Rome? Would they not, if they had, been actuated by good, sound, Low Church Protestant principles, and have thrown open the portals of the church to Dissenters? In the days of Papal aggression, who protected England against the attack made upon her? Why, not that miserable Ecclesiastical Titles Bill, but the good, sound, honest Protestant feeling of the Dissenters. The right hon. Gentleman must keep to either one principle or the other. He could not be allowed to blow hot and cold, in one case to say that he would go back to first principles, and in another to stand upon an Act of Parliament. He thought that the promoters of this Bill were acting for the interests of Protestantism in calling upon the House to pass a measure which would widen the portals of the Church, and therefore he should give it his hearty support.

MR. A. MILLS expressed his regret that the hon. Member for Swansea had not adopted the suggestions of the Select Committee which sat upon this subject last year, and made them the basis of his Bill. The arguments of the right hon. Gentleman the Vice-President of the Council had carried conviction with them, and it would be very difficult, if not impossible, to answer them. He felt there was a wrong which required a remedy. The Ilminster decision was a most unfortunate one, and he believed was not properly decided; it created a greater disposition to legislate in spirit adverse to the Church than had existed before. But he believed that the Bill introduced by the hon. and learned Member for Belfast would meet every difficulty, remove the scruples of conscientious Dissenters, and open the endowed schools to all classes of the community. He should therefore vote for the Amendment.

MR. BAINES said, it was a mistake to suppose that the object of the Bill now before the House was to deprive the Church of England of some large property which at present belonged to it. The hon. Member for Swansea was simply and solely endeavouring to extend the benefits of great and valuable institutions to the whole community. A great deal had been said of those principles of law and equity which having been acted upon for 300 years, ought to be held sacred; but the fact was that the Bill of the hon. and learned Member for Belfast proceeded upon the presumption that the *dicta* of our courts of law and equity were wrong, inasmuch as it provided that where Dissenters had been trustees of twenty-five years they should be confirmed in that privilege for all time to come. This was opposed to the doctrines of the courts of law, and in consequence of their decisions this Bill had become necessary. In the parish of Leeds there was an endowed school which was founded in 1677. There was no indication in the trust-deed that any religious instruction was intended to be given, or that the school was to be connected with any religious body. From the foundation of the school up to the present time Dissenters had been trustees along with Churchmen. It so happened that at the present moment there was only one trustee, and an application was about to be made for a new scheme. He understood, indeed, that a memorial had been presented to the Court of Chancery in favour of a new body of trustees, the whole of whom were Churchmen. That was not only contrary to usage, but in the circumstances of the locality, where the great majority of the inhabitants were Dissenters, it would operate as a great practical hardship. He admitted that the scheme in question would be defeated under the Bill of the hon. and learned Member for Belfast. That Bill, indeed, was a considerable step in the right direction, which was more than could be said of the measure that had come down from the House of Lords; but he thought that a full measure of justice would be obtained only by the passing of the Bill now before the House, declaring that all endowed schools which were not exclusively confined by the trust deeds to the Church of England should be thrown open to the entire community.

MR. ROEBUCK wished to put a question to the Vice-President of the Education Committee, whose speech had afforded him uncommon delight, as well as produced a considerable impression upon his mind. He had understood the right hon. Gentleman to say that he wished Dissenters to be admitted as trustees of endowed schools, and the children of Dissenters to be allowed to participate in the advantages of those institutions. The right hon. Gentleman had added that neither of those two objects would be attained under the Bill which had come down from the House of Lords. [Mr. LOWE: One will, the other will not.] He wanted to know whether, if a proposition should be made to introduce clauses carrying out both objects into the Bill from the House of Lords, the right hon. Gentleman would give it his support. If he received an affirmative answer he should vote against the present Bill; if not, he should vote for it.

MR. LOWE said, it was not in his power to answer for the Government. For his own part he should be quite willing to support such clauses as those referred to by the hon. and learned Gentleman; but he should prefer in the interest of Dissenters themselves, that they should be brought forward in the shape of a separate Bill, and not sent up to the House of Lords as Amendments upon the measure which had come down from that House. The House of Lords had already struck one of the two clauses out of their Bill, and he was afraid that if the Bill were returned with that clause added to it the only result would be the loss of the other clause, to which he attached great value on account of its having received the unanimous assent of the Bench of Bishops.

MR. BEECROFT said, his hon. Friend and Colleague had referred to the free school at Wortley, in the borough of Leeds. He had been requested by some of his constituents to put the House in possession of the facts of the case. The original number of trustees was five, and when two only were left they were to elect three new ones. At present only one trustee survived, and he could not fill up the trust except through the intervention of the Vice-Chancellor's Court. He had submitted the names of four highly eligible Churchmen for the approval of the Judge. The Dissenters, however, wanted the names of two of their co-religionists to be substituted; but the sole surviving trustee objected to this, because the school was endowed exclusively by Churchmen, and the inference was inevitable that the donors intended the management to be in the hands of Churchmen only. In confirmation of this view he would, with the permission of the House, read an extract relating to one of the benefactions. The donor, Langdale Sunderland, was thus described :—

> "He was captain of a troop of horse, in the service of King Charles I., and Oliver Cromwell's harpyes made him pay £878 to preserve his estate from being plundered. Langdale Sunderland, of Aikton, Esq., headed and maintained 500 men at his own private expense, against the usurper Cromwell, whose men he drove into Pomfret Castle and harassed them many times, in which loyalty he actually spent £1,500 a year in supporting the just cause of King Charles I., without the least reward for himself or his progeny."

He appealed to the House whether there could be a shadow of a doubt as to what were the intentions of this benefactor. He might observe that the children of Dissenters had hitherto been admitted to the school, and there was no desire whatever to disturb this arrangement.

MR. WALTER said the junior Member for Leeds had assumed that the only object of the promoters of the present Bill was to extend to Dissenters the benefits of endowed schools, and that, consequently, those who opposed it were obviously disinclined to grant to Dissenters that which they were fairly and justly entitled to demand. That, he apprehended, was not a correct statement of the case; at all events, it did not accurately represent the view

which he took of it. What he maintained was, not that Dissenters should be excluded from the advantages of endowed schools, but that they should not be allowed to control the religious management of them. He believed that Dissenters might obtain all the benefits to which they were fairly and equitably entitled without such a strong and sweeping measure as the present. The benefits to which Dissenters were entitled appeared to him to be, first, that their children should be allowed to attend endowed schools without being compelled to receive religious instruction to which they objected; and, secondly, that they should be admitted as joint trustees with Churchmen, as far as might be consistent with the religious teaching of the schools in accordance with the doctrines of the Church of England. But he could not agree with the hon. Member for Swansea, that because the founders of endowed schools did not do that which it would have been contrary to common sense that they should do,—namely, declare their schools to be Church of England schools, when they could not be otherwise—therefore Parliament should override the decisions of the Courts of law and alter the established character of the schools. Let the House consider for a moment how the principle laid down by the hon. Member would work. If men belonging to all religious denominations were permitted to act as trustees, with powers to determine not only the secular but the religious instruction to be given in the schools intrusted to their care, upon the principles embodied in the singular definition of Protestantism which had been given by the hon. Member for Swansea, he should like to know what kind of religious teaching would be provided. The noble Lord the Member for Marylebone had told the House how important it was that the portals of the Church of England should be widened so as to admit Dissenters, and had defended the present Bill expressly upon that ground. He (Mr. Walter) thought that the noble Lord in using that argument had put the cart before the horse. He had no objection, any more than the noble Lord, to open the portals of the Church; but until they were so opened, and until Dissenters were admitted to the Church itself, they ought not to be allowed to participate in the management of Church schools. He regarded the Bill in its present shape as the second of two serious attacks upon the Church. The first — he referred to the movement for the abolition of church rates

—had been going on for some years; and he confessed that in consequence of the decision of the House of Lords in the Braintree case—a decision to which he paid more respect than the hon. Member for Swansea, and his friends seemed disposed to pay to the decisions of the Courts of law—he had felt it impossible to resist the Bill for the abolition of church rates. The present measure, as he had said, was the second serious attack upon the Church. It was acknowledged to be such by some Dissenters, and he had himself no doubt whatever as to its object. Probably the next attack would be made in the shape of a demand for a share of other property which the Church now exclusively enjoyed; and it was a question which Parliament ought well to consider, how the Church was to maintain an exclusive hold of its possessions in the event of any material change in its numerical proportion to the population. His own opinion was that in a very few years the question of Church and Dissent would assume the form to which he had alluded. How was it to be met and dealt with? Two modes might be suggested. One was a partition of the property of the Church, which he thought would be an injudicious and mischievous proceeding; the other, which he believed to be the better and more beneficial arrangement, was the adoption by the Church of some measure for conciliating a great number of persons who were at present in the position of Dissenters, not so much because they differed from the Church on points of doctrine, but because they differed from her with respect to some trifling matter of discipline or government. The statesman, whoever he might be, who should succeed in bringing about so happy a reconciliation would accomplish a greater and more beneficent work than almost any that had been achieved in the course of the present century.

MR. WHITESIDE asked the hon. Member for Swansea whether he was prepared to exclude Ireland from the operation of his Bill? He concurred with the hon. Member for Berkshire in the hope that the differences between the Church and Dissent in England might soon cease to exist; and if those differences were, as the hon. Member said, confined to points of trifling importance, surely the sooner those who dissented from the Church on trifling grounds joined her communion the better.

MR. NEWDEGATE said, he wished to address himself to those Gentlemen who represented dissenting interests, and to ask them whether this Bill had not been drawn to aid an object which most of them would disown—whether, taking advantage of their objection to the domination of the Church of England, there had not been principles introduced equally dangerous to the Dissenting bodies as they were to the Church of England? They might find a parallel in the history of a neighbouring country, if they looked to the Roman Catholic Church in France, and the proceedings of the Abbe Lamennais and Comte Montalembert. He warned the House that this Bill included principles which, he believed, were not agreeable even to the political Dissenters, and which were adverse to the opinion of religious Dissenters, who were willing to admit that the legitimate authority of the Church of England was a great bulwark of religious freedom in this country.

MR. DILLWYN replied. He should have no objection, when the Bill got into Committee, to consider whether the Bill could be made applicable to Ireland. The hon. Member for Berkshire had made a statement about him and his friends which was perfectly unjustifiable, and even contrary to the rules of the House. It was that they did not seem disposed to pay respect to the law. The promoters of the present Bill wished to abide by the law, but the hon. Member ought to know that it was the duty of the House of Commons to alter laws. If the hon. Gentleman had understood his own position as a Member of the Legislature he would never have taunted any portion of his brother Members for endeavouring to discharge the first and most imperative duty they owed to their constituents and the country at large. The plan he proposed was in practical operation in several parts of the country, in Swansea for instance, and was found to be perfectly satisfactory. He distinguished between Church property, and property handed over to the Church in trust for certain general purposes; the former his Bill would not touch; the latter only he proposed to deal with in this measure. The question at issue was a large one, namely, whether the education of this country was to be handed over to one particular religious sect, embracing only one-third of its population. He would have no objection to refer back his first clause to the reign of Henry VIII., excepting in respect of schools founded by the Crown, which, he thought, ought in all cases to be devoted to national purposes.

Schools, founded by private individuals, for special purposes, he did not propose to interfere with in any respect.

Question put, "That the word 'now' stand part of the Question:"

The House *divided* :—Ayes 120; Noes 190: Majority 70.

List of the AYES.

Adair, H. E.
Agnew, Sir A.
Alcock, T.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.
Ball, E.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Berkeley, hon. H. F.
Biddulph, Colonel
Biggs, J.
Black, A.
Bright, J.
Bristow, A. R.
Brocklehurst, J.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buller, Sir A. W.
Butler, C. S.
Byng, hon. G.
Caird, J.
Campbell, hon. W. F.
Carnegie, hon. C.
Cavendish, hon. W.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Cobbett, J. M.
Coningham, W.
Craufurd, E. H. J.
Crook, J.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Douglas, Sir C.
Dunbar Sir W.
Duncombe, T.
Dunlop, A. M.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Gavin, Major
Gifford, Earl of
Gilpin, C.
Goldsmid, Sir F. H.
Greene, J.
Gregory, W. H.
Grenfell, C. P.
Hadfield, G.
Hanbury, R.
Handley, J.
Hardcastle, J. A.
Henley, Lord
Jackson, W.
James, E.
Jervoise, Sir J. C.
Kershaw, J.
Kinglake, A. W.
Knatchbull-Hugessen, E
Langton, W. H. G.
Lanigan, J.
Lawson, W.
Leatham, E. A.
Lee, W.
Lindsay, W. S.
Locke, Joseph
Lysley, W. J.
Mackie, J.
Martin, J.
Massey, W. N.
Merry, J.
Monson, hon. W. J.
Morris, D.
Norris, J. T.
North, F.
Onslow, G.
Padmore, R.
Paget, C.
Paxton, Sir J.
Pease, H.
Peto, Sir S. M.
Pilkington, J.
Pollard-Urquhart, W.
Pryse, E. L.
Raynham, Visct.
Ricardo, J. L.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Russell, F. W.
Salt, Titus
Scholefield, W.
Seymour, Sir M.
Seymour, W. D.
Shelley, Sir J. V.
Smith, Augustus
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Staniland, M.
Stanley, hon. W. O.
Stansfeld, J.
Stuart, Col.
Taylor, H.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Turner, J. A.
Tynte, Col. K.
Waldron, L.
Watkins, Col. L.
Westhead, J. P. B.
Whalley, G. H.
Wickham, H. W.
Willcox, B. M'Ghie

TELLERS.
Dillwyn, L. L.
Fermoy, Lord

List of the NOES.

Adderley, rt. hon. C. B.
Arbuthnott, hon. Gen.
Astell, J. H.
Atherton, Sir W.
Baring, A. H.
Bathurst, A. A.
Beach, W. W. B.
Beaumont, W. B.
Beecroft, G. S.
Beresford, rt. hon. W.
Bernard, hon. Col.
Blackburn, P.
Bond, J. W. M'G.
Botfield, B.
Brady, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Buckley, Gen.
Buller, J. W.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cave, S.
Cavendish, Lord G.
Cayley, E. S.
Churchill, Lord A. S.
Clifford, Col.
Close, M. C.
Cole, hon. H.
Colebrooke, Sir T. E.
Collins, T.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, Mr. Alderman
Cubitt, G.
Dent, J. D.
Dickson, Col.
Dodson, J. G.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunn, J.
Dunne, Col.
Du Pre, C. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Estcourt, rt. hon. T. H. S.
Evans, T. W.
Farquhar, Sir M.
Farrer, J.
Filmer, Sir E.
Finlay, A. S.
Forde, Col.
Forester, rt. hon. Col.
Foster, W. O.
Fortescue, hon. F. D.
Gard, R. S.
Garnett, W. J.
George, J.
Gladstone, Capt.
Gore, J. R. O.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Greaves, E.
Greenall, G.
Gray, Capt.
Griffith, C. D.
Grogan, Sir E.
Hamilton, Major
Hardy, G.
Hartington, Marq. of
Hassard, M.
Heneage, G. F.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, Col. P.
Hervey, Lord A.
Heygate, Sir F. W.
Hill, Lord E.
Hill, hon. R. C.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Humberston, P. S.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Capt.
Jones, D.
Kekewich, S. T.
Kendall, N.
Kennard, R. W.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Lacon, Sir E.
Langston, J. H.
Lefroy, A.
Legh, Major C.
Legh, W. J.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lockhart, A. E.
Lovaine, Lord
Lowe, rt. hon. R.
Lyall, G.
Lygon, hon. F.
Mainwaring, T.
Manners, rt. hn. Lord J.
March, Earl of
Miles, Sir W.
Miller, T. J.
Mills, A.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Murray, W.
Naas, Lord
Newdegate, C. N.
Nicol, W.
Noel, hon. G. J.

North, Col.
Northcote, Sir S. H.
Packe, C. W.
Pakenham, Col.
Palmer, R. W.
Papillon, P. O.
Parker, Major W.
Patten, Col. W.
Pevensey, Visct.
Philipps, J. H.
Potts, G.
Powys, P. L.
Pritchard, J.
Pugh, D. (Carmarthenshire)
Puller, C. W. G.
Richardson, J.
Ridley, Sir M. W.
Rogers, J. J.
Sclater-Booth, G.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Major
Smith, Abel
Smith, S. G.
Smyth, Col.
Smollett, P. B.
Somerset, Col.
Somes, J.
Spooner, R.
Stanhope, J. B.
Stewart, Sir M. R. S.
Stracey, Sir H.
Taylor, Col.
Thynne, Lord E.
Thynne, Lord H.
Torrens, R.
Trefusis, hon. C. H. R.
Upton, hon. Gen.
Vance, J.
Vandeleur, Col.
Vane, Lord H.
Vansittart, W.
Verner, Sir W.
Verney, Sir H.
Vernon, L. V.
Walcott, Admiral
Walker, J. R.
Walpole, rt. hon. S. H.
Walter, J.
Watlington, J. W. P.
Whiteside, rt. hon. J.
Winnington, Sir T. E.
Woodd, B. T.
Wyndham, Sir H.
Wyndham, hon. H.
Wynn, Col.
Wynne, C. G.

TELLERS.
Selwyn, C. J.
Longfield, R.

Words *added:* — Main Question, as amended, put, and *agreed to.*

Second reading *put off* for six months.

BLEACHING AND DYEING WORKS BILL.

SECOND READING.

Order for Second Reading read.

MR. CROOK moved the second reading of this Bill.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. TURNER thought that any hon. Member who proposed to introduce a measure materially interfering with the operations of an important branch of industry, and who sought to meddle with the relations between masters and operatives in any particular trade, was bound to show a clear case for the necessity of legislation; but he had not heard such a case made out in the present instance. The subject had been referred to a Select Committee, who reported against any legislation on the subject. He contended that if the circumstances which caused the Committee in 1858 to report against legislation had in any way changed, the change had been in the direction to render it still less expedient now that any legislation should take place. The Bill proposed to place bleaching and dyeing works under the operation of the Factories Act; but he maintained that there was no analogy between the operations carried on in those works and the operations carried on in factories. The owners of factories had a very great advantage not possessed by the owners of bleaching works in the circumstance that they worked with their own property, whereas the bleacher or dyer did not work with his own property, but was merely the servant of the public, and employed himself on such work as was committed to his charge. The factory owner could go into the market and obtain as much of his raw material as he desired, and work every minute of the time allowed by law; but the bleacher or dyer depended for the supply of his raw material on fluctuating circumstances, such as orders from home or foreign correspondents, and his capability to work depended on seasons and a proper supply of water. Consequently, the work was slack occasionally, and at times, when vessels sailed for distant markets, there was a push of work. [The hon. Member here quoted evidence given to this effect before the Committee of 1858 by Mr. Barbour, Mr. Scott of the firm of Jones Brothers, and Mr. Hardcastle.] He would mention another circumstance, showing that the owners of factories and the owners of bleaching and dyeing works were very differently situated. In cotton mills the machinery could at any moment be stopped, and operations resumed next day at the very point at which the work stopped; but in bleaching and dyeing works very critical chemical operations had to be performed, the favourable result of which depended on a certain amount of time being continuously occupied in them. If the hon. Member for Bolton (Mr. Crook) succeeded in his legislative attempt he would disarrange very seriously the operations of an important trade without accomplishing his object. Women and children, with few exceptions, were not employed in bleaching and dyeing, but only adult men; women and children were employed to a limited extent only in the operations of finishing, making up, and sorting the goods after the bleaching and dyeing were completed. The hon. Member in consistency ought to extend the operation of his Bill to calendering and packing establishments, and must not stop even there, but go on until he included within the measure laundresses and washerwomen. The hon. Member for Bolton, when he gave his evidence before the Committee, did not appear to be aware of the notorious fact that the leading bleachers and dyers took especial care for the education of their workpeople, and accordingly the preamble of the present Bill stated that legislation was necessary in order that the children might be educated. The Report of the Committee recommended that some amicable arrangement should be come to between masters and workmen, in order as far as possible to lessen the hours of work. He had made inquiries with respect to nearly all the large bleaching establishments in Lancashire, and one owner with whom he communicated stated that he employed 127 persons, but only nine under thirteen years of age; that the earnings of the men were 4*s.* 6*d.* a day, and of the women 1*s.* 10*d.* a day; and that during the year 1859 the average daily duration of employment was less than eight hours and a half. Messrs. Brideson, of Bolton, stated that they had made all practicable exertions in conformity with the Report of the Committee. In Messrs. Ridgeway's establishment the hours during 1859 had not exceeded ten hours and a half. Messrs. Sykes and Co., of Stockport, employed 121 persons in bleaching, finishing, and making up, of whom 37 were men, whose hours in 1859 averaged nine; 46 boys whose average was the same; and 38 women and girls, who worked on the average eight hours a day. The hon. Gentleman quoted other instances to the same effect, the longest day's work which he had on record being one of fourteen hours, and the lowest three, four, and five hours. If an hon. Member were making his hay he would occasionally want his hands to work rather longer than usual, and so it was in the bleaching trade. In the immediate neighbourhood of bleaching works cotton mills existed, where the hours of work were limited to 10½ per day; but, while the factory operatives were desirous of exchanging their employment for the clean and pleasant labour of bleaching, there was not a single instance in which those employed in bleaching establishments wished to go into factories. Surely, the operatives must be the best judges of their own comfort and advantage. Much had been said about the health of those employed in bleaching. Now, he had obtained from the Halliwell Church Sunday School Sick Fund Society a return, which showed that they had in the school 68 bleaching operatives, of whom 27 were boys and 41 girls, and the number of these who had become chargeable to the sick fund during 1859 was only five, or rather more than 7 per cent; while out of 211 operatives employed in cotton mills, who were also upon the school list, comprising 48 boys and 163 girls, there had been 59 sick during the year, or 27 per cent. From personal experience he could say that he never saw a more healthy and thriving set of operatives than those in the bleaching works of Lancashire. The men were strong and athletic, the boys hardy, and the women generally robust and healthy, looking very different from the wan sempstresses and milliners' assistants of London, respecting whom no appeal had been made to Parliament to limit their hours of labour or improve their condition. Believing the Bill to be a piece of meddling and of useless legislation, he should move as an Amendment that it be read a second time that day six months.

MR. RICHARDSON seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. ROEBUCK: Sir, I am about to speak on this question under somewhat peculiar circumstances. Very early in my Parliamentary career Lord Ashley, now the Earl of Shaftesbury, introduced a Bill of this description. I, being an ardent political economist, as I am now, opposed the measure, and drew a distinction, which I draw now, between women and children and men. Women and children I hold not to be *sui juris;* they are not masters of themselves, but are under the control of other people. I would not interfere between men and those with whom they make contracts for employment, but I would certainly interfere between women and children and their employers. However, I opposed Lord Ashley at that time, and was very much influenced in my opposition by what the gentlemen of Lancashire said. They declared then that it was the last half-hour of the work performed by their operatives which made all their profits, and that if we took away that last half-hour we should ruin the manufacturers of England. I listened to that statement, and trembled for the manufacturers of England. But Lord Ashley persevered; Parliament listened to him and passed the Bill which he brought in; and from that time down to the present the factories of this country have been under State control, and I appeal to this House whether the manufacturers of England have suffered by this legislation? But the hon. Member for Manchester still, I find, makes the same objection. He gets up and prophecies all sorts of evil if we interfere now; but he has kept out of view the evils for the prevention of which we are now about to interfere. He has not told us what was laid before the Committee, and what Mr. Tremenheere describes in the course of his investigation. But I will read some facts from Mr. Tremenheere's Report, and will then appeal to the House of Commons, to the fathers and the brothers of English women and children, if they will not interfere to put down this tremendous evil. There are some sentences in the book now in my hand which make my blood creep, and when the hon. Member gets up and tells me that the Manchester manufacturers are likely to suffer, I say, let them suffer. I, at least, will not be a party to the perpetuation of any such atrocities as I find recorded, and I do hope that the gentlemen of England will not be parties to them either. Says the hon. Member, "The bleachers are servants to the public; the demand for work comes upon them at uncertain times, and there is no analogy between the case of factories and of bleaching and dyeing works." Now, I do not care a straw whether or not there is any analogy in this respect, but I am sure there is an analogy in the suffering; and, if so, the interference of the House is as necessary now as it was then, whether the bleachers are servants of the public or their own masters. They inflict misery upon the people they employ. That is the question; and having prevented this misery in the one case, let us interfere to prevent it in the other. I will now quote a few passages from Mr. Tremenheere's Report. Here is the statement of John Hamer, finisher:—

"I have been fourteen years in the bleaching trade. I was employed at Messrs. Hollins's, Tootle-bridge, Bolton. . . . One morning we went to work at five o'clock and worked till six the morning after (twenty-five hours). All the sets were working the same hours (the young with the adults). . . . I have been so tired, though I am a strong and healthy man, that I have often to sit at my bed-side when I get up of a morning, and my fingers are so stiff and sore that I cannot dress myself. If I feel thus tired, what must the young girls and boys feel?"

Let hon. Gentlemen remember that this is an inquiry made only a year and a half ago. Here is the statement of Ann Simpson, fourteen years old, Elizabeth Hilton, fifteen, and Sarah Higson, sixteen:—

"We came to work last Friday morning at half-past six (at Mr. Ridgway Bridson's bleach-works, Bolton). We worked all Friday night till half-past five on Saturday morning (twenty-three hours). We did not sleep any time in the night, except on Saturday morning at half-past five we laid down to sleep on the hooking-box, and slept till a little after seven (less than two hours' sleep, and with the clothes still on, after twenty-three hours' work); then we went to breakfast for half an hour, and then came and worked till ten minutes past eleven."

We complain bitterly of the hours of this House, and if we come at four with liberty to go away and dine at seven, and then do not go home till two in the morning, we say, "What a terrible night's work we have had!" Well, then, think of the poor child between thirteen and fourteen, or between ten and eleven, not able to go away and get a good dinner, not sitting while at work upon these soft cushions, but standing upon her poor, tired, little legs for hours and hours together. Think of her, and compare her work with ours! We complain of the labours which we undergo, but, as compared with our life, hers is the life of the damned. Phithian Monks says:—

"I am foreman of the dyeing and making-up room. I worked last Friday till Saturday morning with those three girls, and what they have said is correct."

"William Crompton.—I am seventeen. I have been four years and a-half (that is, since he was twelve and a-half years old) in the dressing shop. We go on till different hours, sometimes early, sometimes late. I worked once three days and three nights, and not long since I began work on Friday morning at four and worked till five on Saturday night (thirty-seven hours). I mostly slept at meal-times, and only stopped one hour for meals; the rest I ate while I was working."

Now, I ask you, the gentlemen of England, if you will bear this. I hear great talk of humanity—lip humanity!—about the American slave. No man can view with more indignation than I do the horrible condition of the black in America; but I cannot help regarding with at least equal indignation the condition of the white slave in England. I recollect hearing a story which to me appeared a touching one, and fraught with a pregnant lesson. Mr. Oastler was walking with the late Sir Robert Peel up his splendid picture gallery. Mr. Oastler, as we know, strongly advocated the shortening of the hours of labour in factories. Sir Robert Peel, on the other hand, as we also know, was a great political economist, and was arguing with his companion upon the impolicy of State interference. In passing along the gallery they came to a beautiful picture, I think by Landseer, which most of us probably have seen—a portrait of one of the daughters of Sir Robert Peel; and Mr. Oastler, stopping suddenly, said, "My God, Sir Robert! and she might have been a factory girl!" Yes, any one of our daughters might have been a factory girl, and is there a man present with any feeling for his child who could think of her working almost without cessation for thirty-seven hours? Think of her tender years, think of her delicate little hands! I have it in this book that childrens' hands are often blistered, and the skin torn off their feet, and yet they are thus obliged to work, the persons who overlook them being sometimes forced to keep them awake by beating on the table with large boards. For God's sake, then, I say, do not let us listen to the hon. Gentleman! I do not want to weary the House, but I appeal to you as men, I appeal to you as fathers, I appeal to you as brothers, and I ask you for God's sake not to be participants in this horrible cruelty. The hon. Member says he is sure you will not go into Committee on this Bill. I, on the contrary, feel certain that if I know anything of my countrymen we shall go into Committee; that the measure will be carried by a triumphant majority, and that we shall not lay our heads upon our pillows to-night, saying, "We have deserted those whom God has placed under our charge—the weak, the helpless, the distressed; we think only of ourselves, of the wealthy, and of the great." The weak and the miserable appeal to you now for compassion and for aid, and I, their humble advocate, also appeal to you in perfect confidence that you will listen to their prayer, and will pass this measure for their relief.

Mr. COBBETT said, that as he had been identified with this question from the first moment he had the honour of a seat in the House, he trusted he should be allowed to make a few observations. In 1853 he moved for a Committee of inquiry into the condition of bleachers and dyers. His Motion was met by considerable opposition, and instead of a Committee, a Commission was issued. The Report of that Commission made in 1855, contrary to the expectation of its advocates, was in favour of the proposition now made by the hon. Member for Bolton. The hon. Member for Youghal (Mr. Butt) subsequently brought in a Bill to deal with the evils complained of. That Bill was opposed and the result was the appointment of a Select Committee to inquire into the subject. Of this Committee the hon. Member for Youghal, the hon. Member for Leicestershire (Mr. Packe), and he (Mr. Cobbett) were members. The hon. Member for Youghal was obliged to absent himself from the Committee, and he (Mr. Cobbett) was also compelled to retire from its sittings in consequence of having to serve upon a private Committee. A similar reason subsequently compelled the withdrawal from it of the hon. Member for Leicestershire. The consequence was that ultimately the Committee consisted of the opponents of all legislation upon the matter — the Committee in fact resolved itself into a Bleachers' and Manufacturers' Committee. He was requested as a point of form to draw up the Report. He accordingly framed a report in brief terms, anticipating the manner in which the subject would be treated by the remainder of the Committee. The very first Resolution taken by those Gentlemen was that the Report of the Chairman should not be taken into consideration, and another Report, framed by the Manchester bleachers, was adopted instead. The hon. Member for Bolton afterwards brought in his Bill, but the Report of the Committee had its due weight with the House. That Report stated that it was not advisable to enact any legislation upon the subject, it was compelled to admit that it was desirable the masters should adopt a shorter scale of daily labour for those in their employment. It was now clearly shown that no alteration of the time of labour had been made by the masters notwithstanding that suggestion of the Report. Under such circumstances, he hoped that the House would assent to the second reading of this Bill, in order to compel the adoption of a more humane arrangement. He admitted that the House ought to be very cautious in this matter; but who would say now that the Ten Hours Factory Act ought not to be the law of the land? He could assure the House, from a personal knowledge of those establishments in his part of the country, that an immense improvement had taken place both in the health, the morals, and the education of the operatives in those factories where the Ten Hours Bill had been enacted. It was no doubt said that if they shortened the hours of labour they would strike off the Chancellor of the Exchequer's right arm, and England would be gone. He would allow that was very poetical, but it had not proved to be true. He would just observe that the hon. Member for Manchester and himself had recently waited upon the Secretary for the Home Department for the purpose of asking him to appoint more Inspectors of factories in consequence of the immense increase in the factory population, and therefore why should the hon. Member object so strongly to Inspectors being appointed for bleaching and dyeing works? He held in his hand a memorial which he intended to present to-morrow to the Secretary of State, which was signed by a number both of employers and employed, praying the appointment of a gentleman as Inspector in the room of the late Mr. Leonard Horner, and they were in favour of the appointment of the gentleman in question because he had done so much to see that the Factories Act was obeyed. Twelve years ago the masters and the operatives did not approach each other, but now they were acting in concert on this question. The hon. Member for Manchester said that bleaching and dye works stood upon a different footing from the cotton and woollen manufacture, and he said that the bleacher was a person who worked material which he had to get from some one else, and he was not therefore his own master in that respect. The master bleacher received his goods to bleach and dye from a merchant or a manufacturer, who had either bought them or made them, and they were often sent to the bleacher in great haste, with instructions that they must be got ready to be sent by a ship which was to sail in a few days. The consequence was that the bleacher was obliged to keep his workpeople at work long hours in order to get the work done by the stated time. He (Mr. Cobbett) went to Glasgow on purpose to hear what the masters and operatives had to say on this matter. He did not confine his inquiries to the operatives, but he attended meetings at which masters presided, and those masters told him that they wanted a Bleachers' Bill as much as the operatives. In the Report on the employment of women and children in 1853, it was stated "that many of these gentlemen would gladly welcome some restriction as to the hours of work, which would furnish them with a valid plea for resisting the pressure of their employers without the fear of giving offence." If hon. Members were to go among them they would find that to be the case. He had not the slightest doubt that a large portion of the Scotch bleachers were in favour of the Bill, on the ground that it would compel the merchants to come to them sooner with the work, so that they would not have to do it in so short a time. Another point made by the hon. Member for Manchester was the processes. He said the Inspector might interrupt the cotton spinner without doing harm to his goods, but that was not the case with the bleacher. Now, bleaching and dyeing consisted of various processes. He went into some bleaching works at Salford belonging to Mr. Hayward. It was a large establishment, and the foreman went with him through the whole of the works. He spent a considerable time there, and noted down every one of the processes, and when he got to the end of one, he said to the foreman, "Could you leave off here, and begin again to-morrow?" and the foreman replied, "Yes, at any time." And that he said of all the processes. If it were really true that they would spoil any of the processes, that was a matter for consideration, but he did not believe that that was so. The hon. Member for Manchester would have the House suppose that although long hours for work were formerly used, yet that was a state of things that had passed long ago. Now he (Mr. Cobbett) wrote to Scotland for information to place before the House respecting this point, and he had received a reply that morning, containing a note of the time of females and young persons, for the fortnight ending the 17th March, 1860, at the works of John Sandieman, Esq., in the dyeing department:—Monday, the 5th March, 17½ hours; Tuesday, the 6th, 15½ hours; Wednesday, the 7th, 15½ hours; Thursday, the 8th, 15½ hours; Friday the 9th, 15 hours; and Saturday, the 10th, 7 hours. The next week the hours of work were as follow:—Monday, the 12th, 17½ hours; Tuesday, the 13th, 15½ hours; Wednesday, the 14th, 13 hours; Thursday, the 15th, 15½ hours; Friday, the 16th, 15½ hours; and Saturday, the 17th, 7½ hours. There were also notes of the work at several other establishments, but he would not detain the House by reading them. This showed that the recommendation of the Committee of 1857 had not been attended to by the masters. The hon. Member for Manchester said he took the average of the whole year, and found that hours of labour were ten and a half; and a manufacturer who came before the Committee said they were acting unfairly in taking the worst times, and that they should take the whole year. But who would work his horse twenty hours a day, and then let him rest a day, and then work him twenty hours a day for two or three days? The horse would die of exhaustion; and it would be no answer to say that he had only been worked an average of eleven or twelve hours a day. He prayed the House to read this Bill a second time, and if it could be shown that there was anything impracticable in its provisions it could be amended in Committee. Let not the House suffer this anomaly to continue — let them not suffer women and children to be worked in a manner that any man on earth would be ashamed to work his horse.

LORD JOHN MANNERS said, the speech they had just heard from the hon. and learned Member for Oldham would, he thought, convince the House that they might safely read this Bill a second time. He sat on the Committee, and he felt so far bound by the Report that he thought it only proper that a certain time should elapse to enable the manufacturers to adopt the recommendations of the Committee. Three years had now elapsed, and there was no reason to believe that any of these recommendations had been carried into effect. He, therefore, thought the Committee were absolved, and he for one should heartily support the second reading of the Bill.

SIR HUGH CAIRNS was bound to say that, so far as the bleaching works in England were concerned, the facts stated in the Report were of the most startling description, and warranted the observations made by the hon. and learned Member for Sheffield; but there was another kind of bleaching works—he meant those for the bleaching for linen, a process which was carried on mainly, if not exclusively, in the north of Ireland, and which was as different as possible from that used in the bleaching of cotton. Mr. Tremenheere visited the works in the north of Ireland, and admitted that he could not specify one heart-rending case such as were stated in reference to England and Scotland, but he reported that he did not think it right to except Ireland, because they differed only in degree from the works in England, and that cases of hardship might occur any day in Ireland. He (Sir H. Cairns) had gone through several bleaching works, in order to ascertain whether there was any foundation for such charges against them, and he believed there was only one process as to the wholesomeness of which there was any doubt, and that was in one particular room, called the finishing room, in which a small number of persons were employed, and it was kept up to a high heat in order to finish cambric handkerchiefs; but there was hardly any exertion required from the persons employed, and the ventilation was carefully attended to. The other processes were carried on out of doors, and the hours from six to six, with two, or two and a half hours off for meals. This Bill proposed to bring all these works under inspectors, and required that returns should be made and books kept of the most irksome kind, and unless there was some fair reason for it this ought not to be required. The proprietors of bleaching works told them they were quite ready to do without women and children, and would do so rather than be brought under inspection. The consequence of passing this Bill would, therefore, be to deprive women and children of that employment which was the most agreeable to them next to domestic employment. He deprecated such a result for the sake of those persons. If the Bill passed it would throw out of employment in the north of Ireland at least 1,500 women and young persons. He asked the promoters of the Bill whether they would exempt Ireland? If they would he would support the second reading, otherwise he should vote against it.

MR. RICHARDSON contended that it was most unreasonable that an attempt should be made to bring Ireland, against which no charge had been made, within the scope of this measure. The Irish bleaching operations were known to be of the most healthy character; they were principally located in the country; and neither the masters nor operatives connected with them had expressed any desire for the proposed legislation.

MR. CONOLLY said he was sorry to oppose a Bill of this kind, but it was impossible for any hon. Member representing a constituency in the north of Ireland to give any other vote than a decided negative to it, for the whole population engaged in the bleaching works there were opposed to any interference with the freedom of their labour.

MR. A. F. EGERTON said, after hearing the speech of the hon. and learned Member for Oldham (Mr. Cobbett), he could not in his conscience take any other course than to vote for the Motion for the second reading of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 226; Noes 39: Majority 187.

Main Question put, and *agreed to;* Bill read 2°, and *committed* for *Wednesday,* 9th May.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 22, 1860.

MINUTES.] PUBLIC BILLS.—1ª Mutiny; Marine Mutiny; Municipal Corporation Mortgages, &c.; Inclosure.

3ª Medical Acts Amendment; Packet Service (Transfer of Contracts); Consolidated Fund (£4,500,000).

THE "GREAT TASMANIA."—THE CHINESE EXPEDITION.

THE EARL OF ELLENBOROUGH said, he wished to ask a question of the First Lord of the Admiralty. He was sure that the accounts which had appeared in the public press of the state of the greater part of the provisions on board the *Great Tasmania* must have excited in the minds of their Lordships, as they had done in his own, very great anxiety as to what was likely to be the state of the provisions embarked on board the transports which were conveying at least six or seven infantry regiments, as well as some cavalry and artillery, from Calcutta to China. It was quite evident that at the time of the despatch of the *Great Tasmania,* the means of supply in the possession of the Government were at the lowest possible ebb, and that it was impossible by almost any endeavour to obtain better provisions. No doubt the vessel sailed at the commencement of that season when it was impossible to salt beef in India, and when it was most difficult to obtain a supply of European biscuits. Under any circumstances the meat salted in India was inferior to that salted at home; and the same remark applied to the bread. But what very much increased his anxiety was the absence of the Governor General from Calcutta. He knew by experience that it was of essential importance that the Governor General should be on the spot in order to expedite business, as great delay arose, under ordinary circumstances, in communicating through the different Departments, and great embarrassments arose when any questions of importance occurred. Lord Auckland, his predecessor, heard the circumstances under which it became necessary to despatch troops from Calcutta to China when he was up the country, and he at once left his camp and came down in order that he might be at the spot whilst those preparations were going forward, knowing that no one but himself could effectually forward those preparations. It was possible that Lord Canning might have made arrangements before he left Calcutta, giving entire authority to his military colleague, Sir James Outram, by which any difficulties that he apprehended might arise would be averted. But what he wanted to know from the noble Duke was, whether he could state that adequate provision had been made for the supply of the troops going to China, and for keeping them supplied when there. In 1842, as far as he could remember, provision was made for supplying 10,000 men for twelve months.

THE DUKE OF SOMERSET replied, that he had read with much pain the sufferings of the troops on board the *Great Tasmania;* but he begged to say that the Admiralty were in no degree responsible for the state of the provisions on board that vessel. [The Earl of ELLENBOROUGH: I did not say they were responsible.] The noble Earl had referred to what had been done in 1841 and 1842, when provisions were sent out to Hong Kong for the troops sent there from India. Provisions were in the first instance sent to Hong Kong for 7,000 men, and afterwards for 12,000. Subsequently provisions followed from time to time to meet the growing requirements of the troops. What had been done in the present case was this. As his noble Friend had said, there was great difficulty in obtaining supplies in India for long voyages. The best meat salted in India would not keep for a long voyage, and the biscuit made in India was also very inferior. For the vessels sent from India with discharged soldiers sufficient European provisions could not be obtained, as these had been previously purchased for the use of other ships, and therefore the *Great Tasmania* was obliged to have recourse to provisions which were undoubtedly of inferior quality. As to sending out provisions for the supply of the troops in China, he might state, in the first instance, that the navy were amply provided for, and had supplies which would last them till December next, and enough had been sent out to meet any casualty; therefore, as regarded the naval force, the House would probably be satisfied that there would be ample provision. As regarded the army, provisions had been sent out from this country to Hong Kong, enough for the whole force for three months; and care would be taken to have a stock of provisions always on hand. The Admiralty were sending out supplies every three months, so as to meet the consumption. He begged their Lordships to remember that the distance from Calcutta to Singapore was only 1,500 miles, while the distance from Calcutta to England was 15,000, and the provisions which would not keep for the long voyage home might be quite available for the shorter distance, not only from Calcutta to Singapore, but from Singapore to Hong Kong, which was about 1,600 miles. As considerable anxiety prevailed with regard to the course of events in China, the Admiralty had ordered every vessel to touch at Singapore, to which place a proportion of the supplies had been forwarded. In the month of January large supplies of salt provisions were sent out by way of Suez for the use of the troops who were expected to go from Bombay, so that they should have European cured meat; and not only had a large part been sent out by way of Suez, but another large quantity had gone round by the Cape for the troops both at Bombay and Madras. The army, therefore, would, under those arrangements, be secured an ample supply of good food; and arrangements had been made at Hong Kong which would place the matter beyond all doubt. Their Lordships, therefore, he was happy to say, had no reason whatever for disquietude.

THE EARL OF ELLENBOROUGH expressed himself generally satisfied with the statement of the noble Duke; but would suggest the establishment of a permanent depôt at Singapore, and also that means should be taken for ensuring a supply of fresh meat and vegetables, of which the troops sometimes stood much in need. The noble Duke had not stated for what amount of force provisions had been sent.

THE DUKE OF SOMERSET replied, that the provisions at Hong Kong, with those which were now being despatched, were calculated for 10,000 men.

QUALIFICATION FOR OFFICES ABOLITION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Duke of Somerset

LORD TEYNHAM, in moving the second reading of the Qualification for Offices Abolition Bill, the object of which was to render unnecessary the subscribing of certain declarations as qualifications for office, said that a similar measure, with one clause omitted from the present Bill, passed the other House last Session, but came up to their Lordships at so late a period that it could not be passed for want of time. The clause, to the omission of which he had referred, he by no means regretted. Its object was to permit corporations as such to attend Dissenting places of worship; and although by its omission a slight political humiliation might seem to be inflicted on Dissenters, he thought that it removed some temptations to religious imperfections. The Test Act of 1828 contained a declaration which he proposed by this Bill to do away with. When it passed its second reading it did not contain this declaration, and it was supported by the noble Lord opposite (the Earl of Derby). The Bill had hardly been passed before a public dinner was given in commemoration of the event, at which the late Duke of Sussex presided; and Lord John Russell then expressed his regret that the declaration had ever been required, but he had yielded to it because it was a declaration applying to the functions of civil life, and not to religious opinions. The declaration was framed with very little thought as to the component parts of the community. The consequence was, that the Act had not been long enforced before two other Acts were found necessary—one to soften down the force of the declaration in favour of the Quakers, Moravians, and Separatists, the other to confer the like favour upon the Jews. But, notwithstanding these ameliorations, their Lordships had been made aware, by a petition which he had lately had the honour to present to the House, that men highly esteemed, and in other respects well qualified, were, by this declaration prevented from becoming members of corporations, and so their fellow-citizens lost the benefit of their services. The excuse which existed at the time the Act was passed no longer existed; for when the declaration was first required the corporations possessed ecclesiastical property; but by the Corporation Act of 1835 they were dispossessed of such patronage. The declaration ran in these words:—

> "I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare,

> upon the true faith of a Christian, that I will never exercise any power, authority, or influence which I may possess by virtue of the office of [ ] to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the Bishops and Clergy of the said Church, in the possession of any rights or privileges to which such Church or the said Bishops and Clergy are or may be by law entitled."

Now, some Dissenters objected to the needless introduction of the words "in the presence of God," as profane; but the great objection to it was that, the words were ambiguous and ensnaring to the conscience; and some doubted whether, having taken such an oath, they could with an easy conscience petition for the abolition of church rates, on the ground that such abolition might be considered as tending to injure and weaken the Established Church and others who could enter a corporation with a good conscience, and petition against church rates, thinking that their abolition would be an addition to the strength of the Establishment, might have it unjustly imputed to them that they had violated their oaths. In conclusion he would say that, on the ground put they should not exclude from office those who were qualified for it, and in the interests of morality and religion, he asked their Lordships to agree to the second reading.

Moved, That the Bill be now read 2ª.

LORD CHELMSFORD said, that the noble Lord who had moved the second reading of this Bill stated, as a recommendation of the measure to their Lordships, that it had passed through the Commons without any dissent. That, to his (Lord Chelmsford's) mind, was not a strong argument in its favour. It would have been more satisfactory to him if there had been a difference of opinion on and a discussion of the Bill in the other House. In fact, he had spoken to one or two Members of Parliament on the subject, and he was disposed to think that the Bill had slipped through the Commons without observation. Under these circumstances, he thought their Lordships ought to consider the Bill on its merits alone. It would have been more satisfactory, too, if the noble Lord had entered into some explanation of the circumstances which had rendered this Bill necessary. It was not desirable to legislate except on a pressing occasion; either there ought to be some grievance, which called for a remedy, or the proposer of a measure ought to show that some substantial benefit would result from it, in order to justify the interference of the House; but he ventured to think that there were no circumstances whatever to recommend this Bill to their Lordships. In 1828, when it was proposed to repeal the Corporation and Test Acts, very considerable alarm was excited in the country. Sir Robert Peel—at that time Mr. Peel—who was Secretary of State for the Home Department, in order to allay apprehensions and smooth the passage of the Bill through Parliament, proposed the declaration in question. The clause in which it was contained began by a recital, which was inserted in the Roman Catholic Relief Bill, and then proceeded to exact from all persons admitted to any office of magistracy or place, trust or employment, in the government of any corporation, a declaration to this effect:—

> "I do solemnly and sincerely, in the presence of God, profess, testify, and declare on the true faith of a Christian, that I will never exercise any power, authority, or influence, which I may possess by virtue of the office of [ ], to injure or weaken the Protestant Church, as it is by law established in England, or to disturb said Church, or the Bishops and Clergy of the said Church, in the possession of any rights or privileges to which said Church or the Bishops and Clergy of said Church are or may be by law entitled."

The object which Sir Robert Peel had in view was not to guard against aggression so much as to obtain from every Dissenter, on his admission to office, a record and acknowledgment of the predominance of the Established Church. The declaration was accepted by Lord John Russell, who moved the Bill in the House of Commons after careful consideration;—that noble Lord stating that in his opinion the declaration did not impose any restrictions on religious liberty. The declaration was considered very essential at the time it was introduced into the Act. Sir Robert Peel was of opinion, that if the measure of 1828 had proposed the simple repeal of the Test and Corporation Acts, there would have been an overwhelming majority against it; but he thought that the insertion of this declaration would induce many persons to waive their objections. The Dissenters, therefore, having obtained privileges under certain conditions, now sought to retain the privileges, and to get rid of the conditions. If their Lordships consented to such a proposition, they would create an evil precedent which might be used on future occasions to disturb national settlements of still greater importance. What were the grievances of the Dissenters? What were the reasons which should induce their Lordships to pass this Bill? He had listened in vain to hear them. The noble Lord had said, that in consequence of this declaration some Dissenters were scrupulous in taking part in questions in which the Church was concerned. That might be; but the question for their Lordships was, as to whether the declaration itself was of such a nature as that any Dissenter, who really meant honestly and fairly, and did not propose to weaken or injure the Established Church, ought to have any objection whatever to take it. It was singular that those objections, founded on the scrupulosity of Dissenters, were not urged by the parties themselves when the declaration was introduced. Now, after an acquiescence of thirty years objections were brought forward. If these persons recognized the predominance of the Established Church, they would not object to make this harmless declaration; and if it were an impediment in the way of those who wished to injure the Established Church, Parliament ought to adhere to it. He was opposed to the Bill on these grounds:—first, because it was calculated to disturb a settlement in such a way as to deprive one of the parties to that settlement of a condition which it was agreed they should have the benefit of; secondly, because the noble Lord who moved it had not been able to point to the existence of any grievance for which a remedy was required; and, thirdly, because by passing the Bill their Lordships would be removing a stumbling-block out of the way of some Dissenters who might be disposed to injure and weaken the Established Church. He, therefore, begged to move as an Amendment, that the Bill be read a second time that day six months.

Moved, To leave out ("now") for the purpose of inserting ("this day six months.")

The Duke of NEWCASTLE said, he should undoubtedly support the second reading of this Bill. If the noble and learned Lord who had just sat down complained that the noble Lord who moved the second reading of the Bill had adduced no arguments in its favour, he (the Duke of Newcastle) must retort that he had heard from the noble and learned Lord no arguments in favour of the Amendment. The noble and learned Lord's representation of what took place in the House of Commons was not accurate. The Bill did not slip through without observation. On the contrary, when the second reading was moved at a late hour, it was objected to, and the debate adjourned for three weeks, and a day was expressly fixed for the discussion. On that day the hon. Member for Warwickshire (Mr. Newdegate) stated again his objections to the Bill. He was not supported by any Member either on his own or on the other side of the House, and the Bill was read a second time without a division. His noble and learned Friend said he could not see what object was to be gained by passing the Bill. He admitted that it might not seem to them a very great or important object; but there might be many individuals differing from the Established Church to whom the declaration might be a stumbling block, not in the way of any disposition to injure the Church, but in the way of conscience. He himself knew the case of a highly respectable gentleman who refused to take municipal office on account of this declaration, and yet he was incapable of making use of any influence which that office might give him against the Established Church whether he took the declaration or not. The law at present was in an anomalous state. Every officer under the Crown was bound to take this declaration, but not one-tenth did take it, and a Bill was annually passed exempting them from the pains and penalties. But it happened that those who held municipal offices were bound to go before a magistrate, and there was no exemption in their case. It was absurd that those who held important offices under the Crown, and had the power to exercise their influence prejudicially, should be exempted by an Act of Indemnity, and that common councillors in small boroughs, who had no power of supporting or injuring the Established Church, should be compelled to go before a magistrate and make the declaration. No one who had witnessed the scenes when the declaration was taken could help noticing that it was taken with irreverence, because the general feeling was that it was a remnant of the times when Dissenters were excluded from municipal offices, and it was not effectual for the object in view. His noble and learned Friend submitted that passing this Bill might be a formidable precedent bearing upon other national engagements; but, unless he could show that any settlement once made was never to be altered, he did not see the force of his argument. At the time the Test and Corporation Acts were repealed there was great apprehension that the introduction of Dissenters would be very injurious to the Established Church; but those fears had been entirely dissipated, and the experience of thirty-two years proved that, apart from the declaration, no such danger existed; and that fact ought to operate in removing the conditions and restrictions that were imposed at that time. This Bill was carried through the House of Commons last year against an adverse minority, and was brought up to this House with a clause for repealing the provision by which it was forbidden to carry the insignia of municipal offices to places other than the Established Church. That involved a matter of feeling which he could well understand, and he thought the promoters of the present Bill had done well to omit that clause. The omission having been made, the Bill had obtained the unanimous sanction of the other House, as no division was taken upon it; and he confessed he had hoped that no such objection would have been taken as had now been offered by the Amendment of his noble and learned Friend.

THE EARL OF DERBY: My Lords, I agree with the noble Duke in thinking that the immediate practical effect of this Bill would not be very considerable; but I do not consider the question involved in it is of that trifling importance which he deems it to be. There is no doubt about it; the declaration which this Bill seeks to repeal was intended at the time the Act was passed, and has ever since been considered as a positive and formal declaration from all parties taking office under the Crown, in whatever capacity, that they looked, and that the Legislature looked, upon the Established Church of the country as a national establishment. The noble Lord who introduced this Bill has failed to mention any particular grievance under the operation of the present law or any particular hardship arising from the existing system. The noble Duke who has just sat down founded his argument mainly on two considerations. First, he stated that, however incredible it might appear, there were certain persons among Dissenters who felt the operation of the Act as a great grievance, and as a stumbling-block in the way of conscience; and he says that he himself knows personally an individual who had been deterred from accepting a municipal office in consequence of an objection which he entertained to making the declaration required of him on that occasion. The noble Duke added that that person was not disposed to make any attack or encroachment on the Church Establishment. Now, if that be the case, I cannot conceive what possible objection he could have to say, in accordance with the requirements of the law, that he had no such disposition or intention. While, on the other hand, if the noble Duke were mistaken, and the individual in question, and other conscientious Dissenters, could not make such a declaration, that was a good reason why the declaration should not be unnecessarily or carelessly repealed. But, my Lords, it is impossible that Parliament can be called upon to legislate for the abandonment of an enactment which, though small in extent, is, nevertheless, not unimportant in principle, merely because certain gentlemen, having no intention to do a certain act, refuse to declare that they have no intention to do it. The noble Duke supplies another argument against the Bill; he says we know that practically the annual Act of Indemnity covers the case of a large portion of those now subject to this declaration. If it do so all persons who would object to make it are entirely relieved from the difficulty which is supposed to be thrown in the way by their declaration. But the fact is, that the annual Act of Indemnity applies to certain offices and not to others, but the noble Duke makes no distinction between those cases. The declaration is in certain cases required to be taken within a period of four or five months after entering into the office; and, in the meantime, the annual Act of Indemnity may be passed for the relief of the persons concerned, for Parliament may pass or withhold it as it may think fit, and in that case these parties would be covered by the Act. But there are other cases in which persons are not able to enter upon the discharge of the duties of their office without having first made the declaration. Now, I observe that the framers of the Bill have carefully inserted a proviso that the declaration shall be repealed in all cases, whether the declaration is to be made previously or subsequently to the commencement of the execution of the duties of the office, and, therefore, the passing of the annual Indemnity Act would have no operation. My Lords, I will not argue the question at any length, because it is not, I think, one of great practical importance. But my objection to the Bill is this—I consider it to be one of a series of measures which are being industriously brought forward and actively supported by parties who are avowedly desirous of destroying the influence and authority of the Established Church; who are anxious to place that Church in every respect upon the same footing as that of the Dissenting sects of this country. This Bill is promoted mainly by the persons who are most active in the pursuit of that object. They bring it forward, not, of course, with the avowed intention of injuring the Established Church, but with the perfect knowledge that if Parliament, upon such arguments as have been used, should assent to a measure of this description, there would be an apparent sanction of the Legislature to the principle which they seek to introduce; so that they feel that by weakening, if not the power at all events the authority of the Church as a national establishment, Parliament would lend a colour to the argument of those who said there ought to be perfect equality between the Established Church and the Dissenting sects. Such persons would regard this Bill, supposing it be passed, not as in the slightest degree valuable in itself, but as a step, and not an immaterial one, to the authorizing and sanctioning by Parliament of those principles which they seek to carry out, but which I hope your Lordships will never assent to.

THE BISHOP OF CHICHESTER said, he regretted there was only one other Prelate (the Bishop of Bangor) to take part in that discussion. He had had no conversation on the subject with any of his right rev. Friends, but he could not refrain from declaring that he himself could not assent to the second reading of this Bill. The consideration that had the greatest weight with him in opposing it was that which the noble Earl (the Earl of Derby) had dwelt upon at the conclusion of his speech, when he referred to the avowed intention of certain of their Dissenting brethren to use all the opportunities which might present themselves to alter the state and condition of the Established Church, so as to place it simply on a level with the Dissenting sects. He trusted that there had been nothing in his conduct since he was first placed in the responsible position of a Bishop of the Church of England which could justify any one in imputing to him an unfriendly feeling towards his Dissenting brethren; but he must say that the design which many of them avowed was in reality a design against the entire constitution of this kingdom as by law established in Church and State. If the matter were pressed to a division he should certainly vote in favour of the Amendment.

THE LORD CHANCELLOR thought the emptiness of the right rev. Bench spoke very strongly on the other side from that which the right rev. Bishop had espoused. If there were any danger to the Church from this Bill their Lordships might be sure that the most rev. Prelates the Archbishop of Canterbury, the Bishops of Oxford and Exeter, and other of the right rev. Prelates, would have been present to support the interests of the Church of which they were the distinguished representatives. At one time such a declaration might have been necessary; but the case was quite altered now; and in his opinion all declarations which were not necessary were to be condemned, and he thought the one now in question belonged to that category; he thought their Lordships should pass this Bill. The Established Church never stood higher in the affections of the people than at this moment, and this had mainly arisen from the liberality of the Church, and the removal of the disabilities under which the Dissenters formerly laboured. Some years ago he had himself brought in a Bill which obtained the sanction of Parliament, allowing the sheriffs of municipal corporations to serve without making this declaration. Lord Lyndhurst subsequently extended the exemption to the holders of all municipal offices, as far as members of the Jewish persuasion were concerned. The declaration was, under present circumstances, totally unnecessary. There was, perhaps, no great grievance in its being required, but, as it was unnecessary, it ought to be formally repealed.

After a few words from Lord REDESDALE, Lord TEYNHAM replied.

On Question, That ("now") stand part of the Motion, their Lordships *divided*:—Contents 21; Not-contents 44: Majority 23.

CONTENTS.

Campbell, L. *(L. Chancellor.)*

Newcastle, D.
Somerset, D.

Camperdown, E.
De Grey, E.
Saint Germans, E.

Sydney, V.
Belper, L.
Cranworth, L.
Dartrey, L. *(L. Cremorne.)*
Foley, L. [*Teller.*]
Lyveden, L.
Methuen, L.
Ponsonby, L. *(E. Bessborough.)*
Somerhill, L. *(M. Clanricarde.)*
Stanley of Alderley, L.
Strafford, L. *(V. Enfield.)*

Sundridge, L. *(D. Argyll.)*
Teynham, L. [*Teller.*]
Truro, L.
Wodehouse, L.

NOT-CONTENTS.

Marlborough, D.

Bath, M. [*Teller.*]
Bristol, M.
Salisbury, M.
Westmeath, M.
Amherst, E.

Carnarvon, E.
Cathcart, E.
De La Warr, E.
Derby, E.
Ellenborough, E.
Erne, E.
Hardwicke, E.
Home, E.
Lucan, E.
Portarlington, E.
Romney, E.
Stanhope, E.
Winchilsea and Nottingham, E.

Canterbury, V.
Dungannon, V.
Hardinge, V.
Hood, V.

Bangor, Bp.
Chichester, Bp.

Brodrick, L. *(V. Midleton,)*
Chelmsford, L.
Churston, L.
Colchester, L.
De L'Isle and Dudley, L.
Denman, L.
Digby, L.
Dinevor, L.
Egerton, L.
Feversham, L.
Kingsdown, L.
Northwick, L.
Redesdale, L.
Saltoun, L.
Sheffield, L. *(E. Sheffield.)*
Stewart of Stewart's Court, L. *(M. Londerry.)*
Tenterden, L.
Wensleydale, L.
Wynford, L. [*Teller.*]

Resolved in the *Negative;* and Bill to be read 2ª *on this Day Six Months.*

DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee on this Bill read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

The Marquess of WESTMEATH moved an Amendment that it be read a second time that day six months. The interests of individuals might be unfairly affected by this Bill, the objects of which were to promote drainage as a reproductive work, and to allow the Commissioners of Public Works to grant loans for the erection of farm buildings. It also involved the question as to how far a tenant for life might be allowed to charge the estate with loans for improvement. There was no saying to what extent the principle might be carried. Suppose a man was wild about the cultivation of flowers, and chose to provide a great many labourers in his garden, was he to be entitled to provide cottages for them by the operation of this Bill? He thought, moreover, that no limit was assigned that should guide the discretion of the Commissioners on these questions.

Amendment *moved*, To leave out ("now") for the purpose of inserting ("this Day Six Months.")

The Marquess of CLANRICARDE said, the Bill had passed its preceding stages without a dissentient voice. It was in substance the same as the Bill of last year, and, therefore, did not require any lengthened explanation. In fact, it only carried out a little further a measure that had been of undoubted benefit to Ireland. It was a constant ground for reproach against Irish landlords that the dwellings of the labouring classes on their estates were of a very unseemly and comfortless kind, and it was agreed by all parties acquainted with the case that the improvement of the dwellings was the first step towards raising the condition of the labouring classes. The main object, therefore, of the measure was to afford facilities for improving the dwellings of the peasantry. He thought, wherever loans of public money had been granted for the improvement of land, the money had been expended beneficially; and he thought the principle might be safely and advantageously applied to the purposes contemplated by the Bill.

The Marquess of BATH said, that Parliament, whether right or wrong, had decided on enabling the owners of settled estates to improve them by borrowing money, and he and the noble Marquess near him were prepared to found their objections to the Bill on the ground that the improvements effected were not *bonâ fide* improvements. The noble Marquess (the Marquess of Clanricarde) was not correct when he said that the Bill passed last year without opposition. Considerable conversation took place upon the subject last year, and the noble Lord the Chairman of Committees moved certain Amendments which were carried, and he now proposed some Amendments in the present Bill, and they were important as putting a check to the evils likely to arise.

Lord REDESDALE reminded the House that the Bill underwent discussion last year, and that it involved principles which required watching. He trusted, however, their Lordships would pass the Bill through Committee without discussion, in order that the discussion might be taken upon the Report.

The Duke of NEWCASTLE said, he approved of the Amendments which had been introduced by their Lordships into the Bill last year; but the House of Commons, thinking this an infringement of their privileges, had rejected the Bill so amended. He should be sorry to see the same result this year. He had had a communication from Sir Richard Griffiths, the Chairman of the Board of Public Works, who suggested that at the present little control could be exercised by the Board over the application of the grants. With the view of some better arrangement being made, he would suggest that the Bill should be allowed to pass through Committee, and that the third reading should be deferred till after Easter.

VISCOUNT DUNGANNON said, he was favourable to the object of the Bill. He thought the House was much indebted to the noble Marquess for the introduction of a measure which he (Viscount Dungannon), speaking as an Irish landlord, thought would prove highly advantageous to the labouring poor in Ireland. As a class, these were very difficult to be dealt with, and frequently did not sufficiently appreciate the good intended for them; but he trusted that the Bill would be passed, and was certain that it would produce great improvement.

THE MARQUESS OF WESTMEATH said, he understood the Commissioners had no means of fulfilling a duty proposed to be cast on them—that in the erection of labourers' houses the premises were to be examined by a competent person, who should report that the outlay would effect an improvement to the utmost annual value of the sum to be charged. One of the proposed Amendments would, he thought, remedy this defect.

LORD REDESDALE said, his only object was to have the Bill as perfect as possible, and in order thereto to understand entirely what the views of the Commissioners in Ireland were. Of course, no more dwellings than were necessary for the proper culture of the estate should be erected on it; but the Commissioners said that they had no means of ascertaining what the condition of the estate was so as to determine what the number of houses should be. It was desirable that, if any clause was proposed to be introduced into the Bill, there should be time afforded for considering it. He suggested that it would not be desirable to have the discussion on the third reading, for such a course would not afford opportunity for further Amendment. He thought the best course would be not to take the Committee to-day, but that the Motion should be withdrawn, and the Bill should stand for Commitment this day week.

THE MARQUESS OF LONDONDERRY was understood to express approval of the principle of the measure.

THE MARQUESS OF CLANRICARDE said, he had no objection to the suggestion which had been made, and he would, therefore, consent to postpone the Committee, though he thought that it would have been desirable if they could have got into Committee before Easter.

Amendment and original Motion (by Leave of the House) *withdrawn;* and the House to be in Committee on *Thursday* next.

House adjourned at a Quarter past
Seven o'clock, till To-morrow,
Half-past Ten o'clock.

* * *

HOUSE OF COMMONS,

Thursday, March 22, 1860.

MINUTES.] PUBLIC BILLS.—1° Jews Act Amendment; Pawnbrokers Act Amendment.
2° Consolidated Fund (£850,000,000).

THE NAVY.—QUESTION.

MR. JACKSON said, he wished to ask the Secretary of the Admiralty when the promised Return of the cost of Her Majesty's Ships during the past financial year will be laid on the Table?

LORD CLARENCE PAGET said, he had that day laid the Return on the Table. It was not so complete in details as he could have wished; but he trusted that it would be taken as an earnest of the desire of the Admiralty to afford all the information in their power on this important subject, and he had no doubt that next year the Return would contain more extensive details.

MR. JACKSON said, he would beg to know when the Navy Estimates will be taken in Committee of Supply,

LORD CLARENCE PAGET: That will depend on the state of public business.

NON-RATED SIX-POUND VOTERS.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether it is intended that the Voters at £6 rent and upwards, whose

Rates are now compounded for by their Landlords should have the opportunity at the next Registration of qualifying themselves as voters by taking on themselves the payment of Rates for the past year, or otherwise, as may be arranged to effect such object?

LORD JOHN RUSSELL said, that all persons entitled to vote according to the present law must be rated for the year previous to registration; but he would consider whether any clause could be introduced to effect the hon. Member's purpose.

IRISH REMOVALS.

QUESTION.

MR. LANIGAN said, he rose to ask the President of the Poor Law Board, Whether he has any objection to produce (and, if not, when he will lay upon the Table of the House) Copies of the Order of Removal made and the Examinations taken by the Magistrate, and of the Notice served or sent by the Poor Law Officials of St. Pancras to the Thurles Board of Guardians, previous to the removal of the poor woman, Mary Carter, to Ireland?

MR. C. P. VILLIERS: The order of removal and the examinations taken by the magistrate were not in his hands when he made his answer to the statement of the hon. Gentleman the other evening. The hon. Gentleman did not communicate with him previously, and he could act only on the authority of what he found on the paper. But he directed the Inspector to proceed to the Parochial Board of St. Pancras for the purpose of making what inquiries he could as to the particular case. Since that time he had received an ample statement of the case, which seemed to be one of an unusual kind; a Commissioner was directed to proceed to Thurles, where this unfortunate person was residing, in order to verify her statement on oath. He had that morning received her deposition, which repeated, to a great extent, the statement she had made. That additional document gave him authority to call on the Directors of the Poor of St. Pancras to meet the statement, which would bring the whole matter before his notice officially. The hon. Gentleman might either call and inspect the documents at the Poor Law Department, or, if he was desirous of having copies of them, they should be furnished.

THE TIMBER DUTIES.—DRAWBACK.

QUESTION.

MR. ADAM said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in consequence of the Repeal of the Timber Duties, any drawback will be allowed on Ships in the builders' hands, either finished or in process of building; and, further, whether any drawback will be allowed on timber which has paid the duty, but has not yet passed into consumption?

THE CHANCELLOR OF THE EXCHEQUER said, there was no intention of allowing any drawback either on ships in the builders' hands, whether finished or unfinished, or on timber which had paid duty, but had not yet passed into consumption.

IRISH BUSINESS.—QUESTION.

COLONEL FRENCH said, he would beg to ask the Chief Secretary for Ireland when he proposes to proceed with his measures for the improvement of the constitution of the Irish Poor Law Board, and for the amendment of the Law with regard to Landlord and Tenant?

MR. CARDWELL said, he intended to introduce the Bills so that they should be in the hands of Irish Members before Easter; but he would have to give way that night in favour of the Reform Bill. Another Bill which he also wished to bring in, that it might be circulated during the Easter recess, was a measure for the amendment of the law relating to medical charities. He trusted that he should be permitted to introduce these Bills applicable to Ireland on Tuesday morning in order that their second reading might be proceeded with after Easter.

PUBLIC BUSINESS.

MR. PAULL said, he regretted to stand in the way of the resumption of the debate on Reform; but the subject to which he was about to invite attention was one that might be discussed with much public advantage. The House had recently come to the conclusion that the right of private Members to address interpellations to the Government and call attention to subjects of pressing importance on the Motion usually made on Friday for adjournment till Monday was a privilege which, though liable to be abused, it was desirable to preserve. He did not now seek to re-open that question. When it was last discussed, however, an appeal was made to hon. Members not to insist on that privilege, except in regard to matters of real urgency and importance, and something like an honourable understanding was arrived at to that effect. But that understanding could hardly be said to have been strictly observed; for on the three Friday evenings which had since intervened the Motion for the Adjournment till Monday had not been consented to till past seven o'clock in one case, till nine o'clock in another, or till half-past eight on last Friday. The encroachment thus made upon one of the two nights set apart for the Government was a most serious inconvenience, and the consequence of the interruption it occasioned to public business was, that as the Session advanced they found Ministers claiming the Thursdays, and, later still, calling on the House to sit on Saturdays for the despatch of important affairs. Another effect of the practice was the prolongation of the Session till the end of August. With every respect for the legislative efforts of private Members, there was no doubt that the measures recommended in the Speech from the Throne, or proposed on the responsibility of the Government of the day, had the first claim to the careful consideration of Parliament, and were looked to with most interest by the country. If, therefore, the Government Orders had always the precedence on Thursdays instead of on Fridays, the three or four hours generally lost to the public business through the miscellaneous discussions to which he had referred would be entirely saved, and the course of legislation greatly facilitated. The hon. Member concluded by moving—

> "That Government Orders of the Day shall take precedence of Notices of Motions upon Thursdays instead of Fridays."

Mr. E. P. BOUVERIE regretted that the hon. and learned Member had brought forward this Motion at a time when the House was anxious to pass to other matters, and confessed that he did not like the contrivance for escaping the inconvenience of the long conversations on Friday evenings which it suggested so well as that which he had himself asked the House to adopt some weeks ago. There were many objections to making Thursday instead of Friday a Government night, among which were that there would be a great tendency to adjourning debates from Thursday to Friday; whereas exertions were now made to conclude them on Friday evening; and great danger that after an exhausting debate on Government business of importance on Thursday evening, and a conversation, entertaining or otherwise, on the Motion for Adjournment on Friday, there would invariably be a count out at an early hour, thus depriving private Members of the opportunity of bringing on their Motions. For these reasons he thought that the change proposed would not be a good one, and, had this Motion come on at a more convenient opportunity, he should have been disposed to move as an Amendment the appointment of a Committee composed of some of the leading Members of the House, to see whether they could not arrive at some solution of the difficulty. To show how the present system worked, he reminded hon. Members that at a quarter before one o'clock on Saturday morning last the House was called upon by the Chancellor of the Exchequer to vote nearly £900,000 for the expenses of the China expedition. The right hon. Gentleman the Member for Bucks objected to voting so large a sum of money at so late a period of the evening; but, upon being assured by the Chancellor of the Exchequer that it was absolutely necessary that the money should be voted that night, he withdrew his opposition, and the Vote was agreed to, as it were *sub silentio.* In a previous part of the evening three hours and a half had been occupied by a miscellaneous conversation. Thus the really important business of the country was slurred over as it were *sub silentio*, while all the early part of the evening had been taken up with a debate upon comparatively unimportant matters. He hoped that this example would show hon. Members that there was a principle involved in this matter; but, at the same time, he thought that the hon. and learned Gentleman would consult the convenience of the House by withdrawing his Motion, which he could, if he thought it desirable, renew upon some future occasion.

Colonel FRENCH said, that if there was such an objection to the Notices of independent Members on Fridays, the Government might easily remedy the evil. By not proposing the adjournment of the House on Friday until late in the evening, they would avoid the discussions complained of.

Mr. SOTHERON ESTCOURT reminded the hon. and gallant Gentleman that the Motion for the adjournment might be made by any hon. Member, and, therefore, his suggestion would not meet the difficulty. He thought that the appointment of a Committee would be the best course which the House could adopt; but he must say that he preferred this Motion to that which was made by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) a short time ago. It was more in harmony with the rules of the House in regard to other matters. Take the case of the Committees, for instance. If a Committee met on Monday, it sat again on Thursday, and the correlative day of Tuesday was Friday. There were, no doubt, some objections to the proposition, and he thought that the most important one was that it would, to a certain degree, trench upon the time which the House at present allowed to independent Members. Upon the whole, he recommended his hon. Friend to withdraw his Motion, in which case he hoped that the right hon. Gentleman opposite (Mr. Bouverie), who was, perhaps, the best authority out of the chair upon forms of proceeding, would take the matter in hand, and move the appointment of a Committee, which might devise some remedy for the great inconvenience which it was intended to remove.

MR. MONCKTON MILNES trusted that the House would stand by the great institution of Friday. If hon. Members would be good enough to call to mind the subjects which had been discussed on the last few Fridays, since the right hon. Member for Kilmarnock made his Motion upon this subject, they would find that by far the greater portion of them had been questions of great public interest, from the postponement of which inconvenience would have been experienced by the House and the country. He did not like the suggestion that this matter should be referred to a Committee of established authorities. It was the "established authorities" of whom he was afraid. They would like to do all they could to discourage private Members, and he was, therefore, unwilling to entrust this question to their tender mercies. It was a question for the private Members, and he hoped that they would assert their rights to the utmost. They made every concession they could to the Government by giving up their days for the discussion of questions of importance, as they were about to do that very evening; and he trusted that no further attempt would be made to diminish the limited opportunities which they at present possessed for asking questions or making Motions of pressing importance.

MR. HORSMAN said, he could not attach much authority to the opinion of the right hon. Gentleman the Member for Kilmarnock upon this question, because he had been entirely wrong with regard to it, and in nothing had he been more wrong than in representing to the House that the practice which now prevailed upon Friday evenings was a new one. He ought to know that down to the year 1848 that might have been done every day in the week which could now be done only on Fridays. Until that year, upon the Order of the Day being read, any Member might get up and delay the public business in the manner now complained of. That was put an end to in 1848, and since that period other opportunities of making Motions enjoyed by private Members had been taken from them. Formerly, upon going into Committee of Supply, there were two such opportunities,—one was upon the Motion "That the House resolve itself into a Committee of Supply," on which question every Member of the House might make a Motion and go to a division; the other upon the Question put by the Speaker, "That I now leave the chair?" on which again any Member might make a Motion and go to a division. Both these opportunities had been given up. Now only one division could be taken before going into Committee of Supply, and after such a division no Motion could be made by any other Member. The real fact was that, as other opportunities of putting Questions to Government and bringing forward Motions had been given up, more of such Questions and Motions had become concentrated upon Fridays, and hence the practice which was now so much complained of as irregular. It was impossible that in a House constituted as that was irregularities should not occur; and it had been stated from the Chair, and also in a letter from the late Sir R. Peel, read upon one occasion by the present Speaker, that it would be hopeless to attempt to tie the House down in all its proceedings to an adherence to strict form and method. No doubt the privilege of bringing forward Questions on Friday evenings was sometimes injudiciously exercised; but the time occupied by such matters did not on the average exceed two hours; and he thought that the facilities for the despatch of business which had been afforded to the Government during the last few years were more than an equivalent for the loss of those two hours a week. The House ought to proceed in this matter with great caution, because, if they attempted to do too much, Members would find opportunities of interfering with the public business which did not now exist.

Mr. DEEDES said, that the speech of the hon. Gentleman who had just sat down was directed rather against the Motion of the right hon. Member for Kilmarnock than against that now before the House, which did not propose to deprive Members of any opportunity of bringing their Motions before the House, but only to change the day on which they should do so. Although he was generally well disposed to this proposition, he should recommend his hon. Friend to accept the suggestion of the right hon. Member for Wilts (Mr. S. Estcourt), and not to press it to a division. It was impossible not to see that this question was surrounded with great difficulties. Care must be taken not to shorten the time at the disposal of the Government for transacting the public business, and at the same time not to interfere with the obvious right of independent Members to make Motions or ask Questions which they believed to be of pressing importance. With reference to what had been said as to counts out, he might remind the House that they had a recent instance in which a count out could not be prevented, although Members of the Government of great consequence were likely to occupy the time of the House; and it was natural to expect that such things would be of more frequent occurrence on nights devoted to private Members. Looking at all the difficulties which surrounded the subject, he recommended his hon. Friend not to press his Motion to a division.

Sir GEORGE GREY said, he did not understand that the hon. Member for St. Ive's proposed to interfere with the right now exercised by private Members on Fridays of putting Questions to the Government, or even of raising discussions to the same extent as heretofore. The hon. Gentleman thought that the practice should be adopted of setting apart Fridays for Notices of Motion and Thursdays for Orders. At present, notwithstanding the rules of the House to the contrary, Notices of Motion had precedence both on Thursday and Friday. The question now raised was one upon which the Government had no opinion to express. They desired, of course, to promote the transaction of public business; but beyond that they had no interest in the matter whatever, although they might think it desirable that the proposal of the hon. Member for St. Ive's should be tried as an experiment. He did not agree with the right hon. Member for Kilmarnock in thinking that the proposed alteration would be disadvantageous to private Members. At present, especially towards the end of the Session, the House was frequently counted out on Thursdays; but if the suggestion of the hon. Member for St. Ive's were adopted, the Government would be obliged to exert themselves to make a House on Friday, in order to avoid a meeting on Saturday. The hon. Member for Kent (Mr. Deedes) had stated that the House was counted out on Tuesday last, although the Government had important business on the paper. He did not know whether the hon. Member was present on that occasion, but when the first attempt was made to count out there were no fewer than ten Members of the Government in their places, although, if the House had continued sitting till the usual time of adjournment, it could not have reached the Orders of the Day.

Sir JOHN PAKINGTON said, he intended to Vote for the Motion in the event of a division, but after what had passed he would advise the hon. Member for St. Ive's to withdraw it for the present. He could not agree with the right hon. Member for Stroud that the present practice should not be interfered with. It was most inconvenient in many respects; it only served to delay public business; and he thought the House could not do better than remit the whole matter to a Committee for consideration.

Mr. BENTINCK said, it appeared to him, after what had fallen from the right hon. Baronet opposite (Sir G. Grey), that the matter had assumed a totally different character. It seemed Her Majesty's Government were prepared to reap all the benefit which could accrue to them from the Motion without taking upon themselves as a body the responsibility of supporting it. In his opinion the proposition was a direct attack against the privileges of independent Members — and he thought there was too great a tendency to try and interfere with their privileges in various ways. He thought the hon. and learned Gentleman (Mr. Paull) had totally mistaken his position, for his object appeared to be to give every possible facility in passing with the utmost rapidity the measures brought forward by Her Majesty's Government. That was a view of the case he (Mr. Bentinck) was certainly not prepared to adopt. So far from it, he thought all the measures of the Government should be amply discussed. He for one was not prepared to forego the privileges of an independent Member, and if the House now went to a division he trusted the independent Members would assert their rights. There was a practice which had sprung up of late, to which he was decidedly opposed—that of limiting the privilege of debate to hon. and right hon. Gentlemen occupying the front benches. He claimed the same privilege for men of perhaps less importance and less ability who sat in other parts of the House; and he trusted that independent Members would not sanction the principle under which they were told that so-and-so was to speak and so-and-so was to answer him. For himself he would not submit to the practice.

Mr. STEUART said, that much time was lost in the early part of the evening by Members of the Government not being in their places to answer Questions of which they had received notice.

Mr. PAULL said, that after the appeal which had been made by many hon. Friends, he should be sorry to run the risk of an adverse division; and therefore he begged leave to withdraw his Motion.

Viscount PALMERSTON said, he begged leave to remind hon. Members that the Government of the day, of whatever party it might be composed, had no other interest than to forward the transaction of public business. With regard to the proposal of the hon. Member he would only suggest that whatever arrangements were adopted, it should be considered merely as an experiment, and be confined to the Session in which it was proposed. He was himself opposed to the Motion of his right hon. Friend (Mr. Bouverie), as he thought it was inexpedient to interfere with the right which private Members possessed, on the Motion for Adjournment until Monday, to express their opinions upon subjects of passing and immediate interest; but he did not think that the present proposal had such a tendency.

Motion made, and Question,

"That Government Orders of the Day shall take precedence of Notices of Motions upon Thursdays instead of Fridays,"

put, and *negatived.*

REPRESENTATION OF THE PEOPLE BILL.—SECOND READING.

ADJOURNED DEBATE. SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [19th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Mr. STANSFELD said, it had been asserted that there was a want of interest upon the part of the country on this question of Reform; but, whatever truth there might or might not be in that assumption, he thought it would be conceded by hon. Members on the Opposition side of the House, that the supposed apathy of the country had been sympathetically responded to by a lukewarm and half-hearted opposition, such as probably never was offered to a measure of so much importance by those who professed to disapprove of the principles upon which it was founded. The right hon. Member for Buckinghamshire said that the effect of the measure would in all probability be to hand over a considerable portion of the boroughs to the dominant and exclusive influence of the working classes; he warned the House against the powers of combination and the very intelligence of those classes; and he endeavoured to alarm the House by the parallel which he drew between the probable consequences of the measure, if passed, and the state of things in a neighbouring country, where they witnessed the most immoral of all despotisms erected upon the basis of universal suffrage and vote by ballot; and having pointed out these evil consequences, and drawn that parallel, the right hon. Gentleman was satisfied to wash his hands of responsibility, and to throw it all upon the shoulders of the noble Lord who introduced the Bill. As far as he (Mr. Stansfeld) was concerned, he was one of those who had faith in a large extension of the franchise, and desired to aid in its accomplishment. His constituents entertained the same strong and ardent convictions on the subject; and, as he was mainly returned to the House on the strength of those opinions, he trusted he would be excused stating the grounds upon which he approved the Government measure. Practically speaking, the Bill of the noble Lord, as far as the borough franchise—the extension of the franchise—was concerned, fulfilled the pledges of the Government, and answered the expectations, if it did not fulfil all the desires, of the country; while, with regard to the disfranchisement and enfranchisement of constituencies, it might fairly be admitted that it went as far as the House of Commons was disposed to go at the present time. Upon those practical grounds, solely and simply, he found reason enough to justify his cordial support of the Bill. He put altogether on one side the portion of the Bill relating to disfranchisement and enfranchisement with the observation that he looked upon it as so small and petty in its proportions as to be justifiable on no possible ground of principle, and excusable solely on the score of temporary political necessity. He confined his remarks entirely to one clause, which contained the whole gist of the measure—that extending the borough franchise from £10 to £6. The first question was one of fact, namely, what would be the practical results of that extension of the franchise? The right hon. Gentleman, the Member for Buckinghamshire, told them that it would put political power, as far as the boroughs were concerned, very much in the hands of the working classes. That was a matter of figures; and having looked carefully at the Poor-law Returns laid before the House, he was disposed to agree with the conclusions of the hon. Member for Birmingham (Mr. Bright) rather than with those of the right hon. Gentleman. He did not believe that the addition to the borough constituencies would exceed 200,000; and he certainly disbelieved the notion that more than half that number would belong to the working class of the population. It was to be observed that while the proportion of the addition of that new and untried element—the working classes—would be very considerable in the largest and most thriving manufacturing towns, such as Sheffield and Birmingham, it was precisely in such constituencies that there was the least ground to expect any practical change in the representation. No doubt, any Reform Act whatever would be the signal for many constituencies to reconsider the mode in which they were represented, and would induce many new candidates to come forward; but he did not anticipate any change worth talking about in the *personnel* of that House; and he entirely disbelieved that the consequences would be either a revolution in the state of parties, or in the general policy of the country. It might be asked, how came it that, entertaining such moderate expectations as to the probable consequences of the measure, and holding such advanced views on the question of the suffrage, he gave his cordial support to the measure. After an interval of about thirty years they were about to take another step in Reform. The effect of the Act of 1832, so far as borough constituencies were concerned, was to place political power in the hands of the middle classes; and if they intended not merely to amend the details of that measure, but to propose a measure deserving the name of another Reform Bill, they had no choice, logically and consistently, but to go a step further, and begin to admit the working classes within the pale of the franchise. And because he believed that the Government measure, however cautious and hesitating, went in that direction, he would give it his cordial approval and support. The Bill of the late Government was confined to the completion of the idea of the first Reform Bill; it was an appeal to the middle classes to close their ranks against what was called the rush of an oncoming democracy. The policy of the Bill of the present Government was precisely the reverse; it was an opening of those ranks, and an admission, however moderate in proportion, of the working classes to the franchise. The measure of the late Government was the adoption of that principle of finality which the noble Lord the Member for the City of London had long ago discarded; while the policy of the present measure was the admission of the principle that all classes should share in the representation, and that there should be the absolute exclusion of none. He believed that the House was about to take the step to which the Government had invited them, because the majority of Members were either directly or indirectly pledged to it; because the country expected it; and because they could not hope to settle the question for a single Session upon any basis less broad or less favourable. Hon. Gentlemen opposite objected to a change of this nature unless it were required by some inevitable necessity — by some pressure from without; while the noble Lord the Secretary of State for Foreign Affairs told them that true statesmanship consisted in timely concession to what might otherwise become an overwhelming popular demand. He (Mr. Stansfeld) confessed that he differed from both of these doctrines, and he would proceed to state what in his opinion was the true theory of the matter. There were two classes to be considered in reference to this question—those who had, and those who had not, the franchise; and it was the very basis of his political faith, that it was a merit on the part of the latter to desire the possession of the franchise. The right hon. Gentleman the Member for Buckinghamshire accused the noble Lord of not considering the question of fitness in extending the franchise; but he (Mr. Stansfeld) believed that if they got at the real desire of parties, they obtained the best possible test of fitness. He considered that such a desire was an essential element in the safety and in the healthy vitality of a State; he did not fear the representation of any class of opinion; but he should fear that apathy which begat corruption, which endangered liberty, and which sapped the foundations of all political virtue and independence. They ought, therefore, as he believed, to cease talking of concession, either timely or inevitable, in that matter; they ought to foster and encourage a desire for the franchise, and to hold out to that desire a fitting reward. Returning for a moment to the want of interest which it was said was observable throughout the country in reference to that question, he believed that some reasons could be assigned for that state of the public feeling. At the present day we had a far more prosperous and contented population than that of the period of the last Reform Bill. The people had obtained increased facilities for expressing their opinions through the multiplication of cheap newspapers. He thought that at the present day statesmen would find that the position of the people was rather that of sitting in judgment upon the schemes of rival statesmen than in initiating themselves an organized agitation intended to bear down the united opposition of the ruling classes. But those who looked with fear and hesitation on this change might derive also consolation and encouragement from the fact that a change had taken place in the very modes and habits of thought of the whole of the community. This was pointed out in a pamphlet recently published by Mr. Stuart Mill. He said, speaking of the state of things he (Mr. Stansfeld) had referred to, "that this state of things, apparently so anomalous, is a most satisfactory sign of the times, and an exemplification of the new character permanently impressed upon the politics of the Empire by the great popular change which was effected twenty-five years ago;" and he proceeded to add, that it marked a great improvement in public affairs, the love of improvement, for its own sake, being more impressed on the minds of the people than formerly; and feeling convinced that what they recognized as an improvement would be certain in time to be attained, they seldom thought it worth their while to demand it with any great clamour. That was the reason why (said Mr. Mill) there was so much of quiet on the subject of this question of Parliamentary Reform at the present moment. He (Mr. Stansfeld) thought it was those who hesitated the most as to this change, who ought to consider it their good fortune that the question came forward for settlement when the tide of public opinion was at so low an ebb, that so moderate a measure was likely to be accepted. He might object to it on that ground, and wish to defer the settlement in order that a more sweeping change (which delay would render inevitable) might be introduced—but he did not, because he thought it better that the question should be settled while the public mind was in a state that might be easily satisfied. He desired not defeated enemies, but converted opponents; and he supported the Bill, because it would make converts, disarm prejudice, and dispel alarms. And as the repeal of the corn laws in half a generation had made free-traders of almost all parties, so he was convinced, if this measure passed, in the course of a few years they would be all more or less Reformers. He was more and more convinced that that which was called public opinion, and which was higher than any political machinery, and was based on the active and enlightened intelligence of the country, would continue, under the widest possible extension of the franchise, to overrule and control our legislative and administrative career.

SIR JOHN PAKINGTON: Sir, the progress of the debate up to this time has been both curious and instructive. We are considering a measure upon one of the most important subjects that can be submitted to the consideration of Parliament; a measure which has been submitted to us by the Government; we are now in the second night of the debate, and up to this moment I have waited in vain for any hon. Member to rise and speak really in favour of this Bill, or for any Member of the Government to rise in his place to defend it. The first Gentleman who addressed us from that side of the House was the hon. Member for Huddersfield (Mr. Leatham). That hon. Gentleman is no doubt a great advocate of purity of election, and therefore he complained of the want of the Ballot, and said that in his view this Bill could only be regarded as a step in the right direction. He was followed by other hon. Members on that side of the House, all of whom held language to the same effect—most of them complaining of the absence of the Ballot, most of them declaring that it would be idle to look upon this measure as a permanent settlement of the question, all of them especially complaining of the absence of a more extensive redistribution of seats, and expressing an opinion that sooner or later that question must be taken into the consideration of Parliament. Later in the evening of the last debate, the hon. Member for Birmingham (Mr. Bright) addressed us, and he held almost the same language. The hon. Gentleman—whose position is at this moment that of a sort of English O'Connell—said, very indulgently, that he made allowances for the position of the Government, and was disposed to tolerate the Bill, having regard to the difficulties of the Government; but, with his usual candour, he went on to say that he was content to gain his objects by successive steps, and he could only regard this measure as one of those steps towards ulterior results. I may also for a moment advert to what fell from the hon. Gentleman when he spoke of the handsome building of Messrs. Watts at Manchester, and, referring to the large number of persons employed there, was guilty of something like a "clap-trap" when he appealed to the House upon the necessity of giving the franchise to that large body of persons. I was at the moment told by my right hon. Friend near me (Mr. Disraeli) that he had recently visited that magnificent building, and had held communication with the large body of workmen there, from whose language he found there was a feeling of deep regret among them that the lodger franchise proposed by the late Government had not been granted. The hon. Gentleman who has just spoken has formed no exception to the rule of previous speakers. He has made a speech of considerable ability, but, with great frankness, he told us, as every other hon. Gentleman has told us, that he could only regard the Bill as a step in the right direction, and that he accepted it because he could not hope at present to get anything better. I was surprised to hear that, for my opinion of this Bill is, that it is a most miserable Bill. I can only account for the Government bringing forward such a scheme by supposing it either to be a compromise of a divided Cabinet or the consequence of a divided attention between foreign and domestic affairs. I can account in no other way for the introduction of a Bill so meagre. I think it is only not contemptible because, while it is powerless for good, it will be, if it should be passed, potent for harm. I am sorry that the noble Lord whose name has been so long connected with the subject has thrown away what would have been to him a great opportunity. He has had the rare fortune of being able to watch during the last thirty years the working of the great measure of Reform which he introduced, though, perhaps, he did not frame it. During these thirty years the noble Lord, like us all, has had the opportunity of finding out what have been the faults, the defects, or the merits of the measure; and I did hope, now that it has fallen again to his lot again to deal with this great and difficult subject, he would have done so in a large and statesmanlike spirit, and that he would have produced a measure which all parties might have supported—for we all desire that this question should be settled—a large and statesmanlike measure, correcting the defects and healing the evils—a measure worthy of his name and worthy of the Government from which it emanates. But what is it we have got? I agree with the hon. Gentleman who has just spoken in his description of the Bill. I think it consists practically of one proposal. I agree with the hon. Member that the disfranchisement proposed by this Bill differs so little, and that only in extent, from that proposed by the Bill of the late Government, that it is not worth while to divide on that part of the Bill, or to make it subject of argument. In fact, the only material difference upon the point between the Bill of the late Government and the present measure was that the first was founded upon a principle, and this appears to be based upon none at all. I, therefore, agree that we must regard this measure as making but one proposal, which is simply hereafter to overwhelm the property and intelligence of the country by the force of numbers. That, I believe, will be the effect of passing this Bill as it stands. A more grave and serious consequence it is impossible to contemplate. And here I must call the attention of Her Majesty's Government to one matter. I may be wrong, and if so, I can be corrected; but my opinion at present is that the returns from the boroughs, which we ought to be able to trust, and which we are called upon to believe, are really altogether delusive. I believe the whole House is under the impression that *bonâ fide* information is to be derived from the columns of these returns as to the addition to the number of the constituencies in towns which, under the operation of the present Bill, will take place. The noble Lord the Secretary for Foreign Affairs evidently based reliance upon them, and made them the basis of his calculations in his opening statement. The hon. Member for Birmingham took a similar course, and my right hon. Friend near me, as well as the hon. Gentleman who has just spoken, and who has fixed the additional voters which will be created by the Bill at 200,000, acted upon the same information. Now, there is a number of the larger boroughs, particularly those connected with trade and manufactures, in which the number of voters registered is materially smaller than the number of £10 houses. That circumstance is attributable to many causes, but, I believe, mainly to the non-payment of rates and taxes; but no notice has been taken in the papers to which I am referring, or, indeed, in the present debate, of the fact that there are forty-four boroughs in which the number of £10 voters on the register is greater than the number of £10 houses. I could not at first understand this anomaly; but it arises in a very simple way. I find, for instance, that in Pontefract there are upon the register 689 £10 voters, while there are only 411 £10 houses set down in the return for that borough. I find, also, that in the borough of Newark the number of £10 voters is stated to be 663; the number of £10 householders only 551; while at Midhurst the number of the former is set down at 429, that of the latter at 284. The reason why we have the matter thus presented is, that this return does not contain a statement of the number of houses according to their letting value of £10 in the towns which I have mentioned, but only of those houses estimated at that value for the purposes of rating. That is, I believe, the solution of the point. If that be the error, it should be corrected. I cannot say what the difference may be, but there is a discrepancy, and it will, therefore, be at once seen that this return is highly delusive as a guide to the formation of an opinion with respect to the number of voters who will be placed on the register under the operation of this Bill. The difference will, I think, be found to be not less than 25 per cent on the gross amount; and it is quite idle, therefore, to contend that, by lowering the franchise, as is proposed, you do not add considerably more than 200,000 voters to the number in the borough constituencies. Now, my main objection to this proposal of the Bill is, that it will be found to have an inevitable tendency to overwhelm by mere force of numbers intelligence and property; but I ask the House to bear in mind that the preponderance of voters of that particular class will be very much larger than has been stated. I have spoken only of forty-four boroughs; but what I have just named applies to almost every borough, for there is hardly a town in England where the actual value of the property and number of the houses of £10 value is not much greater than the number at which it is estimated for the purpose of rating. Having made this explanation, I would ask, is it wise or prudent to give cause for that discontent which must pervade the more respectable classes—the middle and higher classes—by a measure which will give to those, who, without any disrespect to them, I may say are the least fit to be entrusted with the predominance in our representative system? Is it possible for any man to say, if you pass this Bill in the shape it now stands, that it can have any other effect than to throw the representation of England into the hands of one class, and that class the least entitled to monopolize that power? And while expressing my opinion upon this part of the question, the House will perhaps permit me to call its attention for a moment to that which has been said by Lord Grey in the able essay on Reform which he recently published, and which bears very strongly on the proposal which we are now considering. Lord Grey writes as follows:

> "Assuming that the existing constitution of the House of Commons cannot remain unaltered, I am persuaded that the best and safest course will be to attempt a complete revision of our representative system, rather than the introduction of minor changes founded upon no fixed principle and arbitrary in their character and extent."

I think the noble Lord opposite can hardly deny that these words are extremely applicable to the present measure. I would ask him, with my right hon. Friend near me, "Will you never be warned?" I would call upon him to bear in mind what M. de Tocqueville has written with respect to the United States, where, he tells us, under the operation of the existing system, men of talent, and virtue, and eminence are compelled to withdraw themselves from public life. There is another passage in the works of the same distinguished author to which I would also call the noble Lord's attention. M. de Tocqueville says:—

> "That which I most dislike in Democratic Government, such as has been established in the United States, is not, as many persons in Europe suppose, its weakness, but, on the contrary, its irresistible power; and that which I most disapprove in America is not the extreme liberty which there prevails—it is the slender protection which is to be found there against tyranny."

Again he says:—

> "I know no country in which there is, generally speaking, less of independence of mind and of real liberty of discussion than in America."

I object, then, to this Bill, as being a rash scheme, the tendency of which is to cause this country to follow the example of the United States. There may be some in this House who are willing to follow that example; the majority, I trust, are not. I beg the House to recollect that, under the operation of the great Reform Act, there are in England not a few places in which, owing to the large population and the high rent of property, the representation is now practically thrown into the hands of one class. Is it desirable that that evil should be so greatly extended as the present Bill proposes? There is another point to which I beg to call your attention. I will read to you what is stated by my hon. Friend the Member for Radnorshire (Sir J. Walsh), in the very able contribution to the Parliamentary history of England, which lately emanated from his pen, with respect to the mode in which even the present system operates in large towns. My hon. Friend says:—

> "In all these communities there exists a large mass of Conservatism, a great numerical amount of Conservatives. They are generally to be found among the most respectable, opulent, and educated portion of the population. They everywhere form considerable minorities. They can scarcely anywhere command a majority. They are shut out from all share in the representation—all influence on the march of public events. I remember two instances which came recently under my notice. I happened to be in a large seaport town during an election. It was a sharp one, but the Conservative was defeated. I happened to enter upon the subject with a most respectable optician, a man of good education and considerable scientific acquirements. 'It is hard, Sir;' he observed, 'the large majority in this town of the respectable tradesmen and professional men are Conservatives, yet we have never, since the Reform Bill, been able to return a single Member.' The other instance was that of a tradesman at the head of a large firm in the parish of Marylebone. I asked him if he had attended a recent election. 'Sir,' replied he, 'I have not attended an election nor taken the slightest interest in one for the last ten years. Neither Colonel Romilly nor Mr. Edwin James represents in the smallest degree my political sentiments or feelings. I know perfectly well that the squares and great thoroughfares and principal streets in this borough are filled with Conservatives, but I know also that they are completely swamped by the lower description of voters. Any attempt to obtain a representation of my opinions would be vain, and I withdraw myself from all concern in election matters in disgust.'"

Now, I think even the hon. Member for Birmingham will admit that it is not desirable to push to too great an extent the evil which this statement depicts. This is not a question as to whether the majority in a particular borough ought to be Liberal or Conservative, but whether a respectable body of its inhabitants should be completely overwhelmed. But Lord Grey and Sir John Walsh, in their respective publications, have touched on another branch of the subject, which also is, in my opinion, of the utmost consequence; for it appears to me that it is, in dealing with so important a question as the present, desirable to ascertain what has been the result of the Reform Act on our Parliamentary system, as well as in the conduct of the public business of the country, and the character of its public men. With reference to the character of public men, Sir John Walsh expresses this opinion:—

> "The exigencies of their position, and the extreme difficulty of administering affairs through the agency of the House of Commons, so split up into sections and so acted upon by external pressure, appear to force them into constant inconsistencies and self-contradictions."

What does Lord Grey say? Lord Grey says:—

> "It is an alarming symptom of deterioration in the character of public men and of the House of Commons that it has more than once happened of late years that Motions have been carried so decidedly against the opinion of a large proportion of those who have voted for them that they have not scrupled in private to express their regret at finding themselves in a majority."

Now, Sir, if rumour tells true—if we can believe what we hear at this hour in every society in London—the confirmation of this passage of Lord Grey may be found in the circumstances of the present moment. And when my hon. Friend the Member for Radnorshire, in his book, speaks of the inconsistencies and self-contradictions into which public men are being forced by the pressure of events, I ask whether, seeing the conduct of noble Lords opposite with regard to the commercial Treaty, and the conduct of the Chancellor of the Exchequer with regard to the income tax, we have not before us with reference to events passing at the present moment instances of the inconsistencies and self-contradictions into which public men may be forced by the consequences of even the last Reform Act. I do not wish to dwell on personal subjects of this sort, but I beg the House to observe, with respect to the language held by these two distinguished men in their respective publications, that the works to which I have referred come from opposite sides in respect to politics; they come from two most competent and able men; they do not express opinions given in the heat of debate, but are the deliberate result of reflection and great abilities applied to the consideration of the history of this country for the last thirty years. And I would appeal to the noble Lord, having to deal with this great question, having to bring in a Bill to remedy the defects which have arisen, whether it is worthy of his great name—whether it is worthy of his connection with this great subject, to place before us this meagre measure, containing nothing, in fact, but this one proposal, to which I do trust the House will not consent — to overwhelm intelligence and property merely by the force of numbers? Let me say distinctly I would not object to a large addition to the number of the constituency. Having been a party, as I was last year, being a member of the late Government, to the Bill then introduced, I have a right to say I have proved that I have no objection to a large numerical increase in the constituency. On the other hand, let me say, with equal emphasis, that I have no objection to extend the franchise to the working classes. I have myself seen and known among the working classes men to whom I would give the franchise as readily as to any Gentleman now hearing me. I do not stand here to flatter any class; but I say that from various causes, and in a large degree from our neglect during a long course of years to give the working classes the education they ought to have received, the working classes are not entitled to have the monopoly of the representation of this country. Sir, I condemn the idea of giving the exclusive representation of the country to any class. I would not give it to the wealthy class, I would not give it to the middle class, and therefore I would not give it to the working class. I think the noble Lord the Secretary of State would have done more wisely, he would have taken a course more worthy of himself, if, instead of simply transferring political power from the middle to the working classes, he had endeavoured to devise some measure which would give it to all classes alike. And on this point I have to call to my aid two witnesses, who, it might be thought, would be the last I was likely to refer to on a question of this kind. I find a speech of the hon. Member for Birmingham and a speech of the hon. Member for Rochdale which give me a right to claim them in support of the view I have endeavoured to urge on the House, that to no class should the monopoly of the representation of the country be committed. I find that on the 1st of December last, in a speech delivered at Liverpool, the hon. Member for Birmingham used this language:—

> "He had not fathomed, and there is no plummet line that ever will fathom, the depth of selfishness of any particular class, I do not care what it is, enthroned in the seat of irresponsible power."

I am not inclined to take exception to the wisdom of that dictum. I think there is a great deal of truth in it. I ask, then, why is the hon. Member a party to transferring the representation of England to one class, which, so far as the representation is concerned, would be "enthroned in the seat of irresponsible power?" I would quote another passage from the speech of the same hon. Gentleman, delivered on the 6th of January last at Birmingham. He says thus:—

> "All I want is, that the population, the intelligence, the industry, and the property of the country should be fairly represented in the House of Commons."

Well, there again I heartily agree with the hon. Member; but, concurring as I do in the sentiment conveyed in this passage, I ask him, how can he stand up and contend that by transferring the representation of England to one class, overwhelming in numbers, and that class the lowest, he will achieve his object of giving a fair representation to the intelligence and property of the country? Sir, I will now call to my aid the hon. Member for Rochdale. I find the hon. Member for Rochdale not only expressing opinions completely in accordance with those I am urging on the House, but actually proposing a plan by which to arrive at the object I have in view. Will the House allow me to read an extract from that speech we all recollect was delivered by the hon. Member for Rochdale on his landing from America at Liverpool on the 18th of August last, and when he was informed that a seat in the present Cabinet was awaiting his decision?—

> "And this brings me to the redistribution of the franchise; and I would say, gentlemen, I have a very strong opinion that when you have to give, as you would have to give in any new Reform Bill, a considerable number of Members to your large cities—as, for instance, Manchester, Liverpool, and the like (and Rochdale, of course, will be included in the number)—I think it would be the most convenient and the fairest plan if you apportioned your large towns into wards, and gave one representative for each ward. I mean that instead of lumping two or four Members together, and letting them be the representatives of a whole town or city, I would divide that city into four wards, and let each ward send one Member. I think there is a fairness and a convenience about that which ought to recommend itself to Lord John Russell, and to every one who has to handle a new Reform Bill. For instance, you will find in a town generally that what is called the aristocracy live in one part, the working classes in another. If, in dividing a town into three or four wards, it should happen that one of the districts where the working classes predominated should have the opportunity of sending a Member whom they considered most fairly to represent their views; and if another part of the town, where people of another class lived, choose to choose a Member that more completely represented theirs, I don't see why the different classes or parties in the community should envy them that opportunity of so giving expression to their opinions. I think it would be much better than having two or four Members for one borough."

Well, Sir, here is a plan, a practical plan, suggested by the hon. Member for Rochdale to correct the evil of which we complain in the Bill now before the House. Let me ask the noble Lord himself with what view or object was it that he in 1854 produced that plan of his for giving the franchise to minorities? That plan I admit was not popular; it did not find favour; but I always gave the noble Lord very great credit for its introduction, because I always thought it showed on the part of the noble Lord a very strong sense of one of the evils that has arisen under the existing law, and that would prevail in a tenfold greater ratio under the proposed scheme. I cannot conceive any other motive or reason that could have actuated the noble Lord in introducing that proposal than his sense of the great evil of giving the representation to one class, and thereby inspiring other classes with discontent. Sir, I have heard within the last few days repeated suggestions that the Reform Bill ought to prevent any constituent from voting for more than one person. With the same object in view, a plan was lately brought under my notice to which I by no means intend to pledge myself as entirely eligible; but it is one which I think is well worthy the consideration of the Government and the House. The plan, conveyed to me in an anonymous form, but dated Manchester, is, I understand, in full operation in the town of Frankfort. With the view of preventing any class from having a monopoly of political power, the proposal is that every constituency be divided into classes, and that each of those classes should have a representative. I will illustrate this by taking the case of Manchester. Suppose that borough had the right of returning three Members to Parliament, the plan would be that one of them would be elected by all householders paying a rent of £10 and downwards, another would be elected by all householders paying rent between £10 and £25, and the third Member by all above £25. If only two Members were to be elected a line would be drawn, all below it voting for one man, and all above it for another. I am quite aware that to adapt such a proposal to our system would be a matter of many details and some difficulty. It is perfectly clear that any such plan would combine two immense advantages—first, that every class would be fairly represented; and next, that you might extend the franchise as low as you will without either inconvenience or danger. You need not, then, stop at £6, but might go down to household suffrage, or even further, if you please. I have mentioned these four schemes to show how extensively and in what different quarters a strong feeling exists that in revising your representative system you ought to adopt some plan that would produce general content, and which, while giving a fair share of representation to all, should give a monopoly of it to none. That is the evil against which we have to guard in the Bill before us; and I cannot help reminding the House of the suggestion thrown out by Lord Grey in the work to which I have adverted, that it is so desirable that whatever is done on this subject should be done maturely and advisedly, that rather than legislate hastily and in a manner open to objection by large classes of our countrymen, it would be well to appoint a Committee of the Privy Council, consisting of men of all parties, deliberately to examine the whole question, to see what might be safely conceded on the one hand, what withheld on the other, so that the Ministers of the Crown might be able to bring in a Bill that would be passed at once by Members on all sides of the House. I know not how far the noble Lord may have considered this suggestion of Lord Grey; but Lord Grey points out in his book that, although not acted upon to the extent of bringing together men of opposite parties in the same Committee, it was followed in 1850, when the constitution for the Australian Colonies was deliberated upon by the Privy Council, on whose recommendation the Government of the day framed their Bill, which afterwards became law. I state that on the authority of Lord Grey's work as a precedent worthy of the noble Lord's attention, and I hope he will consider whether, before we proceed to legislate, we ought not in this instance to have a preliminary inquiry. We all wish to see a settlement of this question —a settlement upon fair and equitable grounds; and I cannot refrain from expressing a wish which may, perhaps, be deemed visionary and absurd, namely, that it were possible for us on the great subject of Parliamentery Reform to forget for a moment that there are two sides in this House, and that the words Whig, Tory, and Radical were never heard. I wish we could regard ourselves as a body of English Gentlemen having a common object, to consult simply on what is practically best for the good of the country, without reference to party motives or interests. If we could by any possibility approach the question in that spirit, let me ask the noble Lord how many Members in this House would advocate this Bill; and whether the great majority would not view it, as so many of us now do, with serious alarm, founded on the belief that it will throw a monopoly of the representation into the hands of one particular class? Let me revert to that absurd expression, which I hope we shall hear no more—" the fancy franchises." I confess I was amused to hear more than one hon. Gentleman the other night anxiously praying us to recollect that the lodger franchise is not one of these fancy franchises. Now, we all remember the origin of that expression. It was first employed last year, when hon. Gentlemen opposite were praising our Bill in private and speaking against it in public—when they could find no valid argument against its principle, and were therefore driven to the resource of designating our proposed new franchises by this ridiculous epithet. One of these was the lodger franchise, and I still retain the opinion that the best and broadest proposal ever submitted to this House on Parliamentary Reform was to extend the franchise to respectable lodgers. There you would at least have had an addition to the existing constituency—an addition, not of men belonging to one class, but to all, the great majority of whom are eminently fitted by education and position to exercise the suffrage with safety to the country. Another part of the subject to which I beg to call attention is the adoption of rating as the basis for the franchise. I retain my opinion that rating is the best basis for the franchise here. The Government have adopted a rating in the case of their Irish Reform Bill, and also in that of the Scotch. I do not know why they do not adopt it in the English Bill; because I deny that the inequality of the assessment is an argument against the principle. This inequality is a defect of the existing law, and we are now told that the Home Secretary has in his office a Bill to correct that defect. I cannot, therefore, believe that this inequality will be allowed to remain much longer. But I wish to warn Gentlemen on both sides against an error into which I strongly suspect they are apt to fall—namely, that if we adopted a £6 rating franchise, that would be a protection against numbers, and would practically be equivalent to an £8 rental. I believe it would be no such thing, and I found my opinion partly from a knowledge of the working of the law, partly on the proofs we have in the papers before us which detail these inequalities. It is there shown that the difference between the rating and the rental ranges from a *minimum* of four per cent in such towns as Tamworth and Shrewsbury up to a *maximum* of 34 per cent in other places. What, then, would be the result if you adopted a rating franchise? Undoubtedly this inequality would be corrected. There would be a pressure between rival parties to place the greatest number of voters they could on the rate-book, and in the end the inequality would be speedily redressed. Well, having these objections, or rather the one strong objection I have expressed to this Bill, it may be asked, " Why are you not to oppose the second reading?" I do not think I am open to that taunt. I entirely agree with my right hon. Friend (Mr. Disraeli), especially after the measure we ourselves introduced last year, that we could not reasonably oppose the second reading of this Bill. As far as the Bill has any principle, it is an extension of the franchise. We do not object to an extension of the franchise, and we could not by fair Parliamentary practice take exception to the second reading. Certainly, we might have moved an abstract Resolution. But, Sir, we are unwilling to follow a bad example. We do not wish in that respect to do as we were done by. We intend to take a different course—the course which we think most strictly fair and Parliamentary;—we shall await the discussion of the Bill in Committee. When that time arrives I earnestly hope, I confidently anticipate, that the common sense of this House will come to the rescue. I cannot and will not believe that in Committee the House will consent to adopt the clauses as they stand. Sir, I have said—and I trust I have spoken in a moderate spirit—I am sincerely anxious for the settlement of this question—for its settlement on broad, sound, and liberal principles. I am willing to see the franchise extended, but let it be extended with prudence and safety. I implore the House to reflect on these subjects before they go into Committee. I hope the Government and the noble Lord will do the same, and perhaps in the interim they will not refuse to consider whether it may not be well to have some inquiry into the general merits of this question, and to see whether there is no room to hope that from a careful and dispassionate investigation some measure may proceed in which both sides of this House may concur. If the noble Lord is unwilling to take that course—if he is unwilling to delay the Bill by considering the fairness or the necessity of such an inquiry, I can only express my earnest trust that when we enter into Committee we shall do so in that calm and temperate spirit which may enable us to correct the manifest defects of this scheme, without throwing any improper obstacles in the way of its ultimate success, and that the result may be the passing of a measure worthy of Parliament and beneficial to the nation.

Sir GEORGE GREY: Sir, I quite agree with the right hon. Gentleman that the course of this debate has been not a little extraordinary. He has complained that upon the first night of the debate no Member of the Government answered the speeches which were made against this Bill by hon. Gentlemen opposite. Let me remind the House what has occurred in this debate. My noble Friend, in moving for leave to introduce the Bill, fully explained its principles and provisions; and no sooner had the question that it should be read a second time been put from the Chair, than the right hon. Gentleman the Member for Bucks, speaking in the name of the large party of which he is the leader, rose and announced that it was not his intention to offer any opposition to the second reading of the Bill, and that he even doubted whether it would be his duty to propose a single Amendment in Committee. It is true that he used hard language with regard to the Bill. He said that it was a bad Bill, an uncalled-for Bill, and an unnecessary Bill; and the right hon. Gentleman who has just sat down, varying the expressions, has said that it is a contemptible Bill, a miserable Bill, a meagre Bill, and a Bill that will be operative for mischief and for danger. Yet neither of these right hon. Gentlemen think it inconsistent with the opinions which they have expressed to abstain from opposition to the second reading of the Bill, and to announce that it contains principles which they are prepared to accept. Under these circumstances it is no easy matter for any Member of the Government to answer objections of so general and vague a character, coupled as they are with the announcement that the right hon. Gentlemen do not intend to test the opinion of the House as to the convictions which they entertain. I must say that I think the course taken by these right hon. Gentlemen is wise and expedient on their part, because I have no doubt that if they had proposed an Amendment and brought their opinions to the test of a division the opinion of the House would have been expressed against them by a very large majority. I believe that the real reason why they have abstained from taking a division — from openly opposing the Bill —why they have shown themselves,

"Willing to wound but yet afraid to strike,"

has been that they are convinced that no Government holding office under present circumstances could submit to Parliament a Bill for amending the representation of the people containing much less change than is proposed by this measure, without sacrificing the confidence of the House and having it at once rejected; and that, on the other hand, if, as was recommended even by some hon. Gentlemen opposite, we had gone much further in the way of disfranchisement and redistribution of seats, we should have endangered the passing of the Bill; and, though we might have obtained a little temporary popularity by the proposition, we should not have gained the end which we, like the right hon. Gentlemen, sincerely desire to attain, namely, a safe and satisfactory settlement of this long-debated question. The right hon. Gentleman the Member for Bucks suggested to the Government that the Bill should be withdrawn. But, Sir, the hon. Member for Inverness-shire (Mr. Baillie) rose immediately after the right hon. Gentleman and emphatically protested against the language of his leader. The hon. Member for Inverness-shire, using more patriotic language and acting with more public spirit, said that so far was he from sharing that hope, that he was anxious that this question should at last be withdrawn from the arena of party conflicts and political rivalries, and that during the present Session the House should pass a measure which would place it upon a safe and satisfactory footing. The next hon. Gentleman on the Opposition side of the House who spoke was the hon. and learned Member for Gloucestershire. It would seem from the line of argument he adopted that he stands aloof from his party, for every word which he uttered against the Bill was as applicable to the Bill introduced last year by the right hon. Gentleman opposite as to that now before the House. The hon. and learned Gentleman lamented the passing of the Reform Act of 1832; he would stand by that Act because it was now the law of the land, but he described it as a measure which separated representation from property, which he thought was dangerous in principle and injurious in its results; and as this measure proposed to proceed further in the same direction, he opposed it as fatal to the best interests of the country, and, in fact, deprecated any alteration of the representation of the people in the only sense and direction in which this House would sanction it. In conclusion, he drew a terrible picture of our falling by a rapid descent from the monarchical institutions of a limited monarchy into the democracy of America. We did not answer the hon. and learned Gentleman's speech, because we did not believe that the sentiments expressed in it were shared by any considerable number of Gentlemen in this House. On the contrary, I believe that there are very few hon. Members who do not think it is absolutely necessary that this question should be disposed of, not by attempting to set it aside or shelve it, not by endeavouring to shut the doors against all those of the working classes who are now excluded from the franchise, but by the admission of a portion at least of them to the exercise of the suffrage upon the principles embodied in the Bill now before the House. The right hon. Baronet the Member for Droitwich, has said that there is only one principle in the Bill, that of overwhelming property and intelligence by mere force of numbers; but he did not attempt to prove his position from the returns which are before the House, or from facts which are within his own knowledge. He assumed the truth of his assertion, and then quoted a speech delivered by the hon. Member for Birmingham, not in this House, as a proof that he ought to oppose the Bill, because in it he had said—and I have no doubt said truly—that this was a result which he did not wish to see brought about by any Reform Bill. The right hon. Baronet did not adopt the suggestion of his leader, that the Bill should be absolutely withdrawn, nor that of the hon. and learned Member for Gloucestershire, that it should be at once rejected, but he said, "Refer the Bill to a Select Committee of the Privy Council," according to a plan recommended by a noble Friend and relative of mine, whose authority on political matters I greatly respect, and who thinks more deeply than most men upon these subjects, but whose suggestion to attempt to remove this question of Parliamentary reform out of the arena of politics, and refer it to a Committee of the Privy Council, like the plan of a constitution for one of our colonies which would afterwards come before Parliament, has always seemed to me a most Utopian scheme. The right hon. Baronet has, however, adopted it to its full extent, and he says now that if the Government will between this and the Committee upon the Bill adopt that plan, if they will appoint a Select Committee of Privy Councillors, Members of this House, Gentlemen of different opinions, he has no doubt that a Bill will be produced round which all the other Members of the House will rally, and which they will at once adopt as a paragon of perfection. I could not help thinking, while the right hon. Baronet uttered these opinions, what sentiments of disappointment must be rankling in his breast that this idea had not struck him before the right hon. Gentleman the Member for Bucks introduced his Bill last Session. Surely the discomfiture of that Bill might have been avoided if this plan had been adopted by the Government of Lord Derby. The right hon. Gentleman the Member for Bucks fairly admitted, what the right hon. Baronet did not, that this Bill had three principles, namely, the extension of the franchise in boroughs, its extension in counties, and the redistribution of seats to a limited extent; but then the right hon. Gentleman objected to the measure on the ground of its simplicity. Now, I think that its simplicity is one of its recommendations. A great deal has been said about "the fancy franchises," and the right hon. Baronet the Member for Droitwich seemed rather sensitive with regard to that term. He need not have been so, because it was not first applied to the measure of the late Government, but to some of the franchises which were proposed to be created by a Bill which was introduced into this House by my noble Friend (Lord John Russell) during the Administration of Lord Aberdeen. It was not intended as a term of reproach, but was only used to designate franchises hitherto unknown to the Constitution. With regard to those franchises I will only say that after full consideration we thought it best to adhere to the principle of representation and to the franchise which we found existing in the law of the land, but to extend that principle so as to admit within the pale of the Constitution a far larger number of our fellow-countrymen than now enjoy the right of suffrage. When you look at these fancy franchises, one cannot but apprehend that they would open a door to a great deal of collusion and fraud, and as we could accomplish our object better by the direct and simple means proposed by this Bill, we did not think it our duty to recommend to the House the adoption of such franchises. I will not enter into the discussion of the lodger franchise, which, like many other points which have been started in the course of this debate, is a matter for discussion in Committee, and not upon the second reading of the Bill. An hon. Member has given notice of his intention to move an Amendment upon that subject in Committee, and when it comes before the Committee will be the proper time to discuss that question, and to take the opinion of the House with regard to it. The right hon. Gentleman the Member for Bucks said that this Bill was censurable on account of its omissions. He alluded to a provision in the Bill which he laid before the House last year with regard to polling-places, coupled with a declaration that the payment of travelling expenses should not be allowed, and he made a complaint against the Government that they had not introduced similar enactments into this Bill. Provision is by the existing law made for the increase of polling-places where necessary, both in boroughs and counties, but I am not prepared to say that it may not be shown in Committee that further legislation is necessary, and that clauses may not be introduced into this Bill upon the subject. The right hon. Gentleman, however, in taking credit to himself and the Government of which he was a Member for rendering it illegal to pay travelling expenses, and charging it as a fault against the present Government that they had not done so, omitted to remind the House that that provision was essentially bound up with another proposal — namely, that votes should be taken by means of voting-papers—a plan the adoption of which the present Government did not think it their duty to propose to the House. The first and most important principle of the Bill is the reduction of the borough franchise. It is to the proposed extension of the borough franchise that the right hon. Gentleman has addressed the greater part of his observations. I must remind him that he has himself, as one of the late Government, adopted and sanctioned the very principle which is contained in our Bill, and which he now so emphatically condemns. It is true that it was an essential part of the measure brought forward by the late Government that no reduction should be made in the borough franchise —they stood upon the £10 householder qualification. The grounds upon which they retained the existing qualification were ably stated by several Members of the Government. But the Resolution moved by noble Friend as an Amendment on the seond reading of the Bill took issue upon that very question, and the House decided that in any measure for amending the representation of the people the borough franchise ought to be lowered. What happened after the general election, and when, in the new Parliament, a Resolution was moved expressing want of confidence in the Administration? The question of the borough franchise was discussed in the course of that debate, and the right hon. Gentleman opposite, who was then bidding for the support of the House, made a clean breast of it, confessed his error, and promised amendment. He said:—

> "By our measure we proposed to introduce the middle classes to their share of the county constituency, and the working classes to their share of the borough constituency, by means of a variety of franchises. I am perfectly ready to admit, on the part of the Government, that that proposition was not favoured by this House, nor was it sufficiently favoured by the country to be one upon which we can insist. The question of the borough franchise, however, must be dealt with, and it must be dealt with, too, with reference to the introduction of the working classes. We admit that that has been the opinion of Parliament, and that it has been the opinion of the country, as shown by the hon. Gentlemen who have been returned to this House. We cannot be blind to that result. We do not wish to be blind to it. We have no prejudice against the proposition. All that we want is to assure ourselves that any measure we bring forward is one required by the public necessities, and will be sanctioned by public approbation and support; and therefore we are perfectly prepared to deal with that question of the borough franchise and the introduction of the working classes by lowering the franchise in boroughs, and by acting in that direction with sincerity." [3 *Hansard* cliv. 139.]

I understood that to be a frank and honest declaration on the part of a united Cabinet that they had abandoned all intention of opposing a reduction of the borough franchise, and that, if they continued in office, they would submit a Bill to Parliament in the present Session in which their "fancy franchises" would have no place, but in which the introduction of the working classes would be effected by a lowering of the franchise in boroughs. The late Government were not permitted to remain in office; but we have acted upon the principle laid down by the right hon. Baronet, and the consequence is that we are told by right hon. Gentlemen opposite that we have adopted a principle dangerous to the country, uncalled for, and unnecessary—a principle which must tend to overwhelm property and intelligence. I must leave it to the right hon. Baronet's late colleagues to explain the apparent inconsistency. Nevertheless, we have not shrunk from proposing a considerable extension of the borough franchise, because we feel that no Bill can be satisfactory or prove a permanent settlement of the Reform question which does not admit, by means of a reduction of the franchise in boroughs, a large portion of those who are now excluded. Is no account to be taken of the increased intelligence and the progressive improvement of the working classes? The right hon. Baronet said the time might come when the education of the working classes would be sufficient to justify a proposal such as that we now make. He has taken a warm and active part in promoting education. Is he so desponding as to say that no great advancement has been made in the intelligence and education of those classes who will be included in the operation of this Bill? I was much struck by an observation made by the late Mr. Robert Stephenson at a public dinner given to Sir William Armstrong by the inhabitants of Newcastle, at which I took a part, as connected with that neighbourhood. He was speaking of the early struggles of his father in connection with the locomotive engine, and he said:—

> "The difficulties which my father had to contend with were not so much material as mental. He overcame matter long before he overcame mind, and his most laborious and difficult task was the formation and instruction of a body of workmen capable of assisting him in the execution of his designs."

And he proceeded to say that such, since that period, had been the growth of intelligence among the working classes that a great portion of the credit attached to the construction of the Armstrong gun was due to the workmen who had been employed on it. Are these to be considered men who would be dangerous to the constitution, and who would overbear by their numbers intelligence and property? I do not believe that any such result would follow the adoption of this Bill. No doubt, in five or six boroughs a large increase will be made to the existing constituent body; but, taking the whole of the boroughs together, the increase in each will not be such as to change essentially the character of the constituencies. The right hon. Baronet has impugned the accuracy of our returns. Those returns have been prepared with great care, and I believe they are substantially correct; at any rate they enable us to make a good approximate estimate of what will be the probable increase in the register by the operation of the Bill. But the right hon. Gentleman finds that in three boroughs —

Pontefract, Newark, and Midhurst, the number of registered electors considerably exceeds the number of £10 householders. That is quite true, but I believe may be explained by what no doubt is a defect in the returns that, while they give the number of freemen in boroughs which contain freemen, they omit to mention the scot-and-lot voters. In Pontefract, for example, there are upwards of 300 scot-and-lot voters, which fully accounts for the discrepancy referred to by the right hon. Baronet; and in Newark there are 282 of the same class of electors. But to return. The principle of the admission of the working classes by the reduction of the borough franchise was practically adopted by the House last year in the vote which it gave upon the second reading of the Bill introduced by the late Government. No Bill, I believe, which did not contain a provision for the lowering of the borough franchise would meet with general acceptance in this House. The right hon. Gentleman (Mr. Disraeli) then criticised the £10 franchise in the counties, though this formed part of his own scheme; and he endeavoured to persuade the House that the condition which we had attached to this franchise, making it obligatory that the House attached to the land, if not a dwelling-house, shall be at least of the annual value of £5, would in fact, disfranchise many who would otherwise have votes. I cannot exactly see how people who have not now got votes, and who would not have them if the provision of a £10 county franchise does not pass, can be said to be disfranchised in any sense. I suppose the right hon. Gentleman is under the misapprehension that this condition applies to the voters under the Chandos clause; but if he looks to the Bill he will see that they are entirely untouched by it. The right hon. Gentleman objects, too, that large boroughs not possessing Members of their own are still continued in the Bill as part of county constituencies with which they have really no sympathy, and that a great number of persons who reside in the suburbs of towns that do return Members of their own, and to whom they properly belong, will also form part of the county constituencies. But any attempt to readjust the boundaries of boroughs, so as to include the class whom the right hon. Gentleman does not wish to see as county voters would have involved us in great difficulty and confusion. How would the right hon. Gentleman apply his principle, I should like to know, to such large county constituencies as the West Riding, South Lancashire, or South Staffordshire? Does he mean to say that those large manufacturing towns, the population of which is not included within any Parliamentary boroughs, could by any arrangement of borough boundaries be taken out of county constituencies? It would be quite impossible to give practical effect to such an arrangement, and we have not thought it our duty to submit any proposal to the House on the subject. Another objection is made, from another quarter, to the condition that the person who exercises the franchise should be an occupier rated to the relief of the poor, and should have paid his rates up to a certain day. But, with the exception of the voters under the Chandos clause, rating has always been of the essence of every occupation franchise at all times. Rating is an essential requisite in the old scot-and-lot franchise, and since the Reform Bill it has been an essential requisite of the occupation franchise. If you give a man the franchise it is not unreasonable to couple with it a liability to contribute to the local burdens; and, if you lay down the principle that he is liable so to contribute, what reason is there why you should not fix a certain day—so distant as to do away with the chance of the non-payment being an accident—up to which he shall be required to have paid them? The only other point to which the right hon. Gentleman took exception was the redistribution of seats. It is said that the distribution is not a fair one. I can only reply that Her Majesty's Government have endeavoured to apportion the seats as fairly as possible among the populations connected with the great seats of industry—agricultural and manufacturing, and I am not aware that anything has been said in this debate against the fairness of the distribution. But the right hon. Gentleman says he objects to what he calls cumulative representation. If so, he must object to two Members being given to one place just as much as to three Members. He used, too, the old argument of "virtual representation." "For instance, Manchester," he said, "has many representatives beyond those whom it actually elects and sends to this House; if any measure were brought forward threatening the interest of Manchester, there would be a large number of Members in this House ready to defend them." That is just the argument we used to hear years ago, when it was proposed to give seats to Manchester, Birmingham, and Leeds, when it was said that there were already in the House a sufficient number of Members who virtually represented those places. It is a recognized principle that there must be some proportion of representation to population; the right hon. Gentleman is himself one of three Members for the county of Bucks, and no doubt the electors of that county appreciate his value; but how would they like to be told by him that they had better give up their other two Members, since one was quite enough for them, and that there were plenty of Members in the House, who, if their interests were in danger would rise in their defence? I think they would much prefer keeping the election of their own representatives in their own hands. He objects to our plan of redistributing the seats, too, because he says we propose by it to carry out the principle of representing minorities, which he says is unconstitutional; and he referred to the proposition made by my noble Friend some years ago for this purpose. No doubt that proposition was not very favourably received in this House, but what my noble Friend said the other night was not a renewal of that plan, but simply that in places where there was a large and powerful minority; and where there were three seats the majority would be much more ready to give one of them to the minority. But that is a very different thing from giving a right of representation to the minority, and for the very obvious reason that it is done with the full consent of the majority, who prefer, instead of standing upon their full right, to concede to their neighbours that share in the representation which they consider reasonable and fair. The right hon. Gentleman the Member for Droitwich objects strongly to our basing the franchise on rental, and not on rating. No doubt, if there were an equality of rating all through the country, or if the rating approached the value of the property, it would be very desirable to have rating for a basis, and not rental; but, under present circumstances, it is not possible. On this subject I will refer the right hon. Baronet to the language of his right hon. Friend the Member for Bucks in proposing his Reform Bill, when he stated, in the most forcible and conclusive manner, the difficulty and impossibility of adopting a rating, and not a value qualification. The right hon. Gentleman said—

"There is a wish—I would once have said a very general wish—that instead of the household suffrage being founded on value, it should be founded by preference on rating. I am not at all surprised that more than one hon. Gentleman has received this observation with marks of assent and sympathy. I confess myself that I was always much biassed in favour of that idea. It appears to me that if you could make—to use a common phrase—the rate-book the register, you would very much simplify the business of election; but, when you come to examine this matter in detail, in order to see how it will act, you will find that it is involved in difficulties—great, all acknowledge, and I am sorry to be obliged to confess, to my mind insurmountable. For the purpose of securing the advantage of having the rate-book the register, you must, of course, leave perfect discretion to the overseer. The overseer has an interest in raising rates, people may say; or he may be a very hot political partisan. Are you prepared to leave to the overseer the absolute discretion of appointing those who are to exercise the suffrage? Some will say, We must have some check. But what is a check but an appeal? And if you appeal, you cannot do better than appeal to the revising barrister. If you have an appeal to some other parochial officer, you appeal to an inferior tribunal to that which you now enjoy; and, indeed, unless you permitted the overseer to be unchallenged, you could not make the rate-book the register. But even beyond this, there are other difficulties which you will find most perplexing. Notwithstanding the Parochial Assessment Act, the rating of this country is most unequal; and it is only those whose business it has been to examine into this subject in its minute details, who can be aware of the preposterous consequences which would arise from adopting a rating instead of a value qualification."—[3 *Hansard*, clii. 982.]

I think he overstated the objection as to the discretion to be left to the overseer, against which, perhaps, precautions might be taken, but I entirely agree with him as to the inequality of rating. The right hon. Baronet seems to think that we ought to have waited until the inequalities of rating were corrected by the Bill which has been prepared by my right hon. Friend the Home Secretary. But a Bill of that sort cannot be carried without considerable opposition, and even when carried it will be some time before it can be brought into operation throughout the country; so that, in fact, waiting for that Bill means putting off the Reform Bill till another Session, if not longer. The right hon. Gentleman (Mr. Disraeli), having criticised the three main principles of the Bill, went on to express a hope that the measure would be withdrawn, and contrasted the present condition of the political world with its state when the Reform Bill of the late Government was proposed. He treated this as a time of very great political anxiety and danger. I am not going to touch on the present state of Europe, but I ask the

House to remember that when the Bill of the late Government was proposed war was at the moment imminent. No doubt it is true that the Ministers were endeavouring to avert that war, but they were not at all sure that their endeavours would be successful, and, in point of fact, a few weeks after the introduction of the Bill, just at the very moment of the dissolution, the war broke out, and who could then say how long it would last, or how far spread? Most serious apprehensions were entertained that Europe would be involved in war. Undoubtedly the war terminated after a short and bloody campaign, but its sudden termination was an event which the Government could not have foreseen, and if any argument against proceeding with this Bill could now be drawn from the state of Europe, that argument would have been much stronger last year. Turning, however, from foreign to domestic affairs, I will ask, are the circumstances of the country now such as to render it inexpedient that this question should be discussed? Never was there a period when the subject was more likely to obtain a calm and dispassionate consideration. The country is tranquil and prosperous, and under these circumstances no time could be more opportune than the present for the discussion of the present subject. I trust, from the absence of all opposition to the second reading of the Bill, that the measure will receive in Committee that consideration which its object eminently merits. I trust, too, that if it receives the sanction of Parliament, it will in its operation disappoint the fears of those who augur nothing but ill from advancing in the path of reform, beyond the point reached in 1832; and I hope, too, that it will give contentment and satisfaction to a large portion of our countrymen entitled by their intelligence to share in the electoral suffrage, and by so doing increase the stability and security of our institutions.

MR. ADDERLEY said, the right hon. Gentleman who had just sat down had misapprehended the arguments used against the Bill. He complained that the right hon. Member for Bucks and the right hon. Member for Droitwich, though they called the Bill a contemptible and a mischievous Bill, yet refused to vote against the second reading. The right hon. Gentleman did not seem to understand how it could be possible that a Bill might be right in principle and yet mischievous by the application of that principle. He argued that this Bill was in many respects similar to that of the right hon. Member for Bucks, but he forgot that the Bill of the right hon. Gentleman was so guarded by its details as to make it a safe and Conservative measure, though it gave a still more extended suffrage than the Bill of the present Government; he did not appear to see that the presence of those details rendered safe what the absence of those details would render a mischievous and dangerous measure. He must say he felt commiseration for the Government in having to introduce this Bill. "Its principal object," said the right hon. Gentleman who had just sat down, "was to dispose of the question of Reform." But was he sure the question would be so disposed of? He did not look upon the Government, however, as responsible for this measure except as to the details—for its inspiring genius he looked elsewhere. He knew who had now taken out of the hands of the Whigs a measure which they had challenged as their own peculiar province. He was sorry that the hon. Gentleman to whom he alluded—he meant the hon. Member for Birmingham—was not in his place, where, indeed, he rarely was, as he wanted to appeal to him on the principle of this measure. Him he considered responsible for this measure; to him he looked as its author, and as the man who was more peculiarly called on to defend it, as he had defended it, not so much by what he said in the House, as by what he said elsewhere, where he spoke his mind more freely. He would willingly have postponed his observations till the hon. Member was present, but he confessed that the hon. Member's presence in that House was rather intermittent, and he might lose his opportunity altogether if he waited till he had the good fortune of seeing him in his place. The hon. Gentleman, when on his own provincial platform, was very plain and easy to be understood; for he was simple in his principles and direct in his measures. He carried about with him a species of "Ready Reckoner," by which he estimated every political proposition that came before him. If it were a question of constitutional reform he immediately applied to it his model constitution from the United States—that land of promise to the revolutionist, that scarecrow to every lover of true liberty. Every measure was tested by that model, and in proportion as it came up to that standard did he approve of it. With regard to the representation of the people of England, again, he had another Ready Reckoner. There were seven millions of adult males in the country, every one of whom had a right to the franchise. At present there was only one million entitled to vote, while the proposed measure would confer the right on a million and a half. Therefore, by a simple sum in rule of three, as 1,500,000 was a better proportion to 7,000,000 than 1,000,000, by that proportion was the proposed measure preferable to the existing law. But then the hon. Gentleman only approved of it as an instalment towards universal suffrage. Now, in that point of view he would say, with the hon. Gentleman, that this measure was meagre and unsatisfactory. If they preferred universal suffrage, let them adopt it at once—do not let them recommend this measure on the ground that it would lead gradually to that result. If they wanted a constituency of seven millions, take them at once, not by instalments of half a million at a time. Was it their object that change should be made, not the medicine of the State, but its daily food? Was there any merit in prolonging the process by intermittent stages?

[The hon. Member was proceeding when notice taken that forty Members were not present. House counted; and forty Members being found present],

MR. ADDERLEY proceeded to say, that this significant attempt to count-out the House, which he only regretted had not been made in equally favourable circumstances during the previous speech, the sole defence of the Bill from the Treasury Bench afforded an indication of the real feeling of the country upon the proposition now before the House, and if anything could show that the House truly represented the opinion of the country on this subject, it was the empty benches which were visible now and on the former night when the measure was under discussion. He had hoped that the summons would at least have brought into the House the hon. Member for Birmingham, but that hope had not been gratified. The speeches made by the hon. Gentleman on this subject out of doors were not those which he delivered in this House. There were places were his tongue was loosed, and he spoke plainly; but the Members of the House of Commons had no opportunity of confronting him when he delivered those addresses. The hon. Gentleman had the good sense to see that, if he recommended the present measure as an instalment of universal suffrage, that would not be accepted as a good argument by a practical legislative assembly, because, if it were worth anything, it would be good for arriving at universal suffrage at once, instead of advancing towards it step by step. He, therefore, raised the issue on a more legitimate ground, and, seeing it to be necessary to declare that the institution to be reformed did not at present work well, he boldly stated to a large assembly at Huddersfield that Parliament did not represent the people of England. To show his hearers how Parliament needed reform, he said, "We do nothing else there but sit in listless apathy, voting away the millions which you toil for." Now, the hon. Gentleman might speak for himself when he talked of listless apathy; certain it was that on Supply nights, when these millions were voted away, he was not very frequently in his place. Only the other night, when the hour for declamation being over, and the general debate in which he had taken part at an end—the Military Estimates, which the hon. Gentleman so frequently assailed, came up for consideration, he left the House. The statement which he made to the people of Huddersfield, that one class voted away millions of money supplied by another class, was not a fair representation of the existing Parliament; but it exactly described the sort of Parliament which the hon. Member wished to substitute. To the people of Liverpool the hon. Member described Parliament as a Parliament of the rich, taxing the poor to spare themselves. Now, was this anything like the truth? In the first place it was calculated by Mr. M'Culloch that even the existing constituency was double the number of the payers of income tax, there being 500,000 persons paying on incomes down to £150 per annum, while the present constituency comprised 1,000,000 persons; so that, to carry out his own proposition, that direct taxation should be the basis of representation, the hon. Member must disfranchise one-half of the existing constituency. But was it true that this was a Parliament of the rich, taxing the poor to spare themselves? The hon. Member must have known that the reverse was the fact; and not only in direct, but indirect taxation, the richer classes paid in mass, and per head, and according to their income, far more than the proportion contributed by what were called the working classes. To arrive at such a conclusion the hon. Gentleman must have omitted some of the principal elements which were necessary in the calculation, such as the proportionate numbers of the rich and of the working classes, the former being one fourth and the latter three-fourths of the population. He must have omitted the difference in the average incomes of the two classes, and shut his eyes to the fact that in recent legislation the taxes had been made to rest chiefly on the shoulders of the richer classes, the calculation being that, taking all these points into consideration, the direct and indirect taxes were, upon the average of a working man's income, something like 11 per cent, while on the average income of other classes they were at least 16 per cent. Such facts as these rendered his argument wholly fallacious, and, if his argument was fallacious, what became of his conclusion, based upon them expressly, as to the necessity for reform? The hon. Member vainly tried to establish for himself a position as the champion of the working classes. Now he (Mr. Adderley) had been about as long in Parliament as the hon. Member, and during that time Parliament had passed much legislation specifically for the benefit of the working classes under the name of the Factory Acts. What part did the hon. Member take in that legislation? Throughout the whole of those discussions he steadily opposed all such proposals, and even as recently as yesterday, when a proposition was before the House for extending those Acts to bleaching works, he absented himself, thinking probably that it would scarcely do for him to vote against the measure while the Reform Bill was pending, yet resolved not to vote in its favour. How, on another occasion, did the hon. Member describe the House of Commons to the people of Birmingham? He said, "I sit in my place in Parliament opposite to a stolid phalanx of 300 men called the Tory party; and if you were to add up all those men pay into the Treasury, and all that they and their families receive out of the Treasury, you will find that they receive three times as much —I might say five times as much, and I know I should be under the mark if I said ten times as much — as they pay in." Now, was there an atom of foundation in that statement? He (Mr. Adderley) believed that he was a fair average sample of that phalanx of 300, and he was—what was most horrible in the eyes of the hon. Member—he was a landowner; he paid his share of direct taxation, his share of stamps, excise, customs, not only on his own consumption, but the consumption of a great number of others, and he bore a part in their lion's share of local taxation beside. He might say with the Pharisee, "I pay tithe of all I possess;"—but neither he nor any connection of his received a farthing from the Treasury. If any connection of his were on the Treasury Bench he should consider it wise that the country should pay him for his services, because there was nothing so extravagant as an unpaid servant. He had not, however, the pleasure of having any relative or connection in office. If then he were a fair specimen of this Tory phalanx who paid hundreds into the Treasury and did not take a farthing out, how could the hon. Member for Birmingham have the audacity, addressing 4,000 of his countrymen, to state that the Tories sitting opposite to him as a body received three times, five times, nay, even ten times, what they paid in, from the Treasury. However, the hon. Member might err with regard to the representation of the country, there could be no doubt as to his mastership of its misrepresentation. He did not consider that any misrepresentation of the working of Parliament was good ground on which to proceed for a reform of Parliament. If Parliament needed reform, the grounds on which to legislate should be proved by facts, and not by highly-coloured pictures as false as those which he had exposed. Was it the part of a patriot, or he might say of an honest man, to make false statements and misrepresentations of the institutions of the country, and, having done so, to ask the country to reform those institutions upon the ground of those misrepresentations? He did not believe they could base reform on the abstract principle of any right to universal suffrage. If they must have a general principle as a guide, he would say that in a free country it was wise, safe, and just to give the franchise to every man who had sufficient stake in its property, and who had patriotism enough to value its institutions. He knew well enough that the present test excluded many to whom it would be safer to intrust the franchise. He flattered himself that he knew more of the working classes than the hon. Gentleman to whom he had so often referred. He had property connected with mining and manufacturing as well as with rural districts. The men who took part with the hon. Member knew nothing of England except Manchester, and they regarded the rest of England as a suburb of Manchester. If those persons would make themselves a little better acquainted with their fellow-countrymen they would have fewer of those narrow prejudices which at present blinded their minds. Any test which was roughly drawn must exclude many who were fit and admit many who were unfit; but he believed it scarcely possible to reduce the suffrage so low as to introduce many men who would give evidence of so low an appreciation of patriotism as they had recently heard expressed by the Member for Birmingham within the walls of that House. He thought that the Reform Bill of last year was worthy of more attention than it received, and if they were merely called upon to seek for additional voters among the lower ranks they might be allowed to express the opinion that they had already arrived at a stratum of society where votes were possessed in order to be sold, while those very men who most loudly declaimed for the extension of the suffrage had evinced the greatest readiness to buy them. He did not object to extend the franchise, but when they had reached such rotten ground as the election inquiries disclosed, they should tread cautiously, and not rush headlong, without check or qualification, into that lower stratum of society, where they found corruption so rife. There was great truth in a quotation which the noble Lord the Foreign Secretary had made on a former occasion from a speech of Mr. Fox, who, in 1793, said—

> "I do not think that by merely spreading the suffrage you are augmenting the deliberate body of the people. For my part I consider that a safe and a sound franchise which brings into activity the independent deliberation and voice of the people."

The point was to find how far they could go to get a sound, independent use of the franchise. Those who supposed that the Conservative party were afraid of the working classes must be infatuated. There was no class on whom Conservatives could look less as adversaries and more as friends. Was there any man in the country so conservative as the working man beginning to invest his earnings? Was there any working man just beginning to lay up his hard earnings in a plot of ground, who did not value that property more than the largest landowner in the kingdom valued all his acres? The working man who had just invested the result of his economy in a savings bank valued the protection of property more than the millionaire of the Funds; and no man was more conservative than the working man when he found that the country was thriving and he was better off every day. It was among the working classes that the Conservatives wished to spread the roots of the constitution, but in doing that were they not specially to beware of such misrepresentations as they had just heard—of the arguments of those who said a Reform Bill was good for nothing except as a step towards universal suffrage—and of giving a monopoly of power to the most discontented classes, who had nothing to lose, and who were the facile tools of demagogues and dupes of misrepresentations such as he had had the satisfaction, at all events, of bringing before the attention of the House? He hoped that, while passing the second reading of this Bill, as a matter of principle they would in Committee introduce such corrections as would check its more democratic tendency, and moreover enable them to avoid several constitutional innovations which it proposed. The principal of these innovations was the accumulating seats in populous localities, instead of spreading the representation equally over every part, so as to include every interest. It had never been, since the first days of Parliament in this country, the principle of the Constitution to accumulate Members in populous localities. The principle of the Constitution, from the very earliest days of Parliament, had been to give every part of the country a voice in that House. The right hon. Gentleman (Sir George Grey) had argued that if there was no case for having three Members in a locality there could be no case for having two. But from the first institution of Parliament it had been the custom to give two Members to all shires, cities, and boroughs, the idea being that each should have a voice in Parliament, the larger localities and the smaller having the same. It was a dangerous innovation to accumulate a number of Members in certain populous places and leave other parts of the country unrepresented. He hoped that the details of the Bill would be carefully considered in Committee—that bald numerical principles would be warily tested—that the pedantry of laying down certain tenures as county qualification, and others as fit for boroughs, would be scouted as nonsense, and that amendments would be introduced in the sense of those who see the wide distinction between the liberty of universal suffrage, and the tyranny of unmitigated numbers.

MR. MASSEY said, the thinness of the House gave little encouragement to prolong the discussion on the second reading of the Bill; but though the apathy which prevailed in the House seemed to represent the apathy thoughout the country, it was, nevertheless, a measure of some importance, and one which, for good or ill, would permanently affect the character of the House and the future fortunes of the nation. The right hon. Member for Droitwich (Sir John Pakington) said, that every Gentleman who had expressed his opinion on the Ministerial side of the House had based his advocacy of the Bill on the supposition that it was only an instalment of reform and a vantage-ground for future agitation on the subject. He could only say, for his own part, that he approached the discussion of the measure in no such spirit. He desired that they should not lay bare the principles on which the constitution of the House—and that, of course, involved the constitution of the country—was founded, unless they were prepared to accept some definite and intelligible principle which should have the effect of settling the question for as long a time as reasonable men might expect that any question agitated under the free institutions of the country could be settled. The right hon. Baronet also said there was a discrepancy between the opinions which Gentlemen on the Liberal side expressed in public and in private in regard to this measure. He was ready to admit, that as far as he was concerned, if he had had anything to say to the re-opening of the question, he should have advised that a question of this sort, involving such serious considerations, should not be stirred unless some great practical emergency could be shown to exist. But when he entered Parliament he found it a public and agitated question; and he was therefore obliged to form some opinion on it. He believed the opinion which he formed was the one which every one in the House, whether on one side or the other, had arrived at. There might be a difference of opinion as to particular details, but there was but one opinion that some measure or other should be devised for the purpose of settling the various questions which had arisen since the passing of the Reform Act, questions that ought to be set at rest without delay. As a man who regarded theory much less than practice, he inquired what were the practical defects discovered in the great Reform Bill; and he found that the two most important were said to be that the franchise was not sufficiently extended to embrace that portion of the population who, by availing themselves of the means for the diffusion of education and intelligence now placed within the reach of the general public, had entitled themselves to exercise it, and that there was a vast disproportion in many cases between representation and population. They could not expect to have perfect symmetry or order in any political arrangement they could conceive. We had lived under this great and happy Constitution of ours under a series of anomalies, and his should not be the hand to attempt the rash task of redressing the anomalies which existed in the institutions of the country with the view of bringing them into that state of uniformity which would satisfy speculative politicians. He found that the great manufacturing and commercial classes of the country complained that they were not sufficiently represented; but had the course of legislation for the last twenty years been prejudicial to those great interests? Had it not rather consulted them? Had the people any right to complain that their particular claims to the favour of Parliament had been neglected because they had not been as extensively represented in this House as theoretical politicians desired they should be? Had not recent legislation consulted the interests of those very places? Why, the complaint most commonly heard in that House of late was that Parliament had adopted a system of fiscal legislation which pressed especially on the higher classes of society; it was the income tax which had been the great subject of discussion during the time he had been in the House, and for long before; and that was a tax which did not reach, by many degrees, to that class of the population which was now excluded from the franchise. Therefore, as far as any practical necessity for a reform of the representation of the people was concerned, he was bound, as a Liberal Member, to admit that none had been exhibited to the notice of the House. What, then, was the emergency which required them, in the midst of questions of the utmost importance, when the whole energy of the House was demanded for the consideration of reforms of the law, and for a fiscal reform which extended over the whole field of finance, what was the pressing exigency, which inexorably required of them to settle this matter during the present Session? He thought there was some ground for making that demand; but he did not say there was adequate ground. After the statements he had made, it would be impossible for him to place the question of Parliamentary reform on so high a ground. But he did say that this question had been, he would not say "agitated," but "irritated" during a great number of years. It had been the sport of a discussion to which he did not like to see the institutions of the country subjected. Some Gentlemen might wonder at it as an antiquated notion, but to his mind the whole question of the constitution of Parliament, and of the foundations on which the Constitution of the country was based, appeared a sacred subject which ought not to be opened without the most urgent necessity, and, if opened, should be closed again as soon as possible. He was, therefore, ready notwithstanding the enormous pressure of questions of immediate urgency on the attention of the House during the present Session to pass, if possible, some measure which should close the question of Reform. They were forced to the conclusion that the necessity which demanded the intervention of the Legislature to settle that question was somewhat of a theoretical character—the adjustment of anomalies and redress of discrepancies. If they could effect that, why well and good; but, if they did engage in a work of that sort without any practical necessity, without any pressure out of doors, without any urgency in the House as men who had a great responsibility to discharge, and had undertaken to tell the country—for recollect the country had not told them—that there was a necessity for Parliamentary reform, they were bound to present some scheme of Reform which should be creditable to the House, and worthy of the statesman from whom it emanated. There could be no doubt that any Gentleman surveying our representative system must be struck, and, if of a sensitive disposition, perhaps shocked, by the enormous disproportion which existed in the scale of representation. They had little market towns sending two Members each to Parliament, and they had vast constituencies, great hives of industry and commerce, representing those interests which were the foundation of the prosperity and glory of the country, returning only the same number of Members, and speaking through the same number of voices. That was a very good reason for revising our representative system. They had, again, a great and intelligent class who had benefited much by the means of education that had of late years been opened to them. Thus they had numbers of men who were fully competent to take that humble share in the politics of this country which consisted in giving a vote at elections. In revising our representative system he thought the noble Lord had acted wisely in recommending to Parliament, even ten years ago, to reconsider that matter. He now approached the discussion of the particular measure brought forward by the noble Lord in order to accomplish that object. He had ventured to submit that if there was no practical necessity for any measure of this kind, but that it was recommended rather on speculative grounds, it ought to be a well-considered measure—not a measure springing from lassitude and weariness—not a measure dictated by a desire to get rid of a troublesome engagement which had been hastily contracted. With respect to one complaint that was made against our present representative system no one in that House could object to the measure—for that part of the Bill which related to enfranchisement was ample and generous in its scope. It would double the large constituencies, and in many places would triple them. He did not object to that. He was the representative of a great constituency; he never flattered the electors; he had always told them he did not come to them to learn politics, but to submit his opinions to them; and, from his acquaintance with the working classes, he did not entertain the least fear of the extension of the franchise proposed by the noble Lord. He believed there was no class in the country that meant better than the working classes; and although at first, perhaps, a few Members might be returned who would represent the effervescence of the system rather than its real spirit, he did not think there was the least ground for apprehension of the results. Neither had hon. Gentlemen opposite any reason to fear that they would not obtain a candid consideration of their claims upon the new constituencies. It had been his fortune to prefer claims of a somewhat Conservative nature, as contrasted with his opponent, and yet he had been successful with a great constituency. But he was also bound to consider whether this measure was likely to be a settlement of the question. The object of the noble Lord was to redress anomalies; and yet what was his other proposal? Side by side with his liberal measure of extension of the suffrage there was a partial, and, he might almost say a colourable, measure of disfranchisement. He could not escape from the belief that the noble Lord was creating greater anomalies than he found. Associated with an extension of the franchise that, under present circumstances, would satisfy the most ardent Reformer, there was a scheme for redistribution of seats; and what a miserable, paltry, falling off was there! The noble Lord doubled the borough constituencies, which now complained that their population, wealth, and industry were not sufficiently represented; he doubled the force of their argument, and yet he gave nothing to satisfy the demand. That was not a mode ef settling the question. He had understood from the noble Lord in the last Parliament that he would bring in, first, a measure for extending the franchise, and next a measure of disfranchisement—that was, to arrange the redistribution of seats in a separate measure. He wished the noble Lord had adhered to that intention; but, instead of that, the two subjects were coupled together in a Bill which must be taken to be the noble Lord's proposal, for a settlement of the question. The proposed extension was much greater than that of 1852, because, when the franchise was given to the occupants of £10 houses, there were many grades of voters before the £10 householders were reached; but the returns before the House showed that in the large towns the classes occupying houses under £10 were numerically superior to the classes above £10, and thus, if they chose to combine, they might swamp the other classes of electors. He merely mentioned that to show how liberal and extensive was the scheme of enfranchisement. If with that plan had been combined a proportionate measure of disfranchisement, the Bill would have been consistent with itself. He might have had an opinion upon the Bill, and perhaps not a favourable one; but still it would have been a consistent measure, and one which gentlemen who called themselves Reformers, and who all their lives had been opening their mouths wide at hustings and political meeting in favour of Reform, were bound to support, but upon which those who had not been attached to such sports were entitled to a reserve which he, for one, would have taken the liberty to exercise. This Bill must be considered as a measure for the settlement of the Reform question. The Bill dealt liberally and, as he thought, wisely with the question of extending the franchise; but in what he thought was the more important branch it was otherwise. He believed the hon. Member for Birmingham was one of those who had attached the greatest importance to the redistribution of seats; and how such a measure as this could satisfy him was unintelligible. Indeed, the hon. Gentleman had said that it did not satisfy him. The noble Lord proposed to draw the line at towns with 7,000 inhabitants, which gave him 25 seats to distribute among those new, vigorous, swarming, and hungry constituencies which he was about to call into existence. Did the noble Lord suppose that they would be satisfied with the miserable morsel which he tendered to them? The noble Lord must indeed be sanguine, and trust much to that influence upon this subject which he justly exercised, if he thought that such a proposal would lead to a settlement of the question. That was the great objection which he (Mr. Massey) took to the Bill. He was now coming to a case which was, he believed, unique in itself, the case of the borough of Salford, which he had the honour to represent. That was the largest constituency in England represented by a single Member. The borough of Salford contained 100,000 inhabitants and nearly 4,500 electors. Its claim to a double representation was recognized by the noble Lord in the Bill of 1854. But under the present measure it was still to be left with only one Member, while the number of electors would be increased to 10,500. And yet he was expected to go down to this vast and wealthy borough, swarming with population and increasing in prosperity beyond perhaps every other borough in Lancashire, with the noble Lord's Bill in his hand, and tell his constituents that this was a settlement of the Reform question. He must say that placed him in an unfair and invidious position. He was a moderate man. He had never pretended to be what was called an advanced Reformer. He liked to feel his way in legislation of this kind, rather than to plunge into an abyss from which there might be no escape. He should therefore have been glad if the noble Lord had furnished him with a measure which would have enabled him to say to his constituents that, although it was not all he might have demanded, it was yet a reasonable compromise and one they might fairly accept. But could he with any face use such language as that when he found small market towns retaining their full complement of Members, whilst the claims of his great constituency to a further representative had been utterly ignored by the Bill? Why, the very increase added to the registry of the borough of Salford during the three years he had been its representative equalled the whole constituency of the boroughs of Cockermouth, Buckingham, Tavistock, or Wycombe, whose representation had been preserved in all its integrity. If the noble Lord had adhered to his former plan, and had legislated upon the redistribution of seats in another Bill, he should have said he had taken a prudent course. But the noble Lord had not done that, and had placed upon him the necessity of becoming an agitator for further Reform. He accepted that *rôle* with the greatest reluctance. He felt that this was a solemn question, not to be lightly opened. We lived under a constitution not resembling that of our neighbours, which might be one day a despotism, another day a mongrel monarchy, and the next a republic; the Constitution of this country was of ancient date, and he, for one, would touch that venerable fabric with much diffidence and great reluctance. There were a few other points to which he wished to advert. In a former Bill the noble Lord had attempted to provide for the representation of minorities, but he had now wisely abandoned any attempt to effect that object in a direct form. Minorities had not hitherto been represented in this country. Englishmen understood a stand-up fight and a victory, but they did not understand the principle of the representation of a minority. Besides, as the hon. Member for Birmingham had asked, if the Member representing the minority should die what would they do then? But, although it was impossible to make a direct provision of this kind, he had always anxiously considered whether some means could not be devised for providing for an expression of opinion by the large number of electors who were excluded by the decision of the poll from having a direct voice in the representation. The Bill of the noble Lord had been praised for its simplicity. It was simple, even to rudeness; but simplicity in a measure of this kind might be carried too far, and he did not think such rude modes of cutting Gordian knots entitled those who resorted to them to the praise of being great statesmen or of conquering great difficulties. The right hon. Member for Droitwich had adverted to a suggestion thrown out by the hon. Member for Rochdale (Mr. Cobden) on his return from the United States, recommending a division of certain constituencies into wards, each to return its own Members. He attached great importance to this suggestion, and thought it well worthy the consideration of Parliament. When Parliament flooded these enormous areas with a vast mass of voters it created monster constituencies. Now, all those who had acquired experience of such constituencies agreed that, in proportion as the number of voters was increased beyond a certain point, the value which each individual voter attached to his vote was diminished. The voter felt himself to be a unit in a vast mob. Another objection to these huge, unwieldly constituencies was that it was impossible for a Member to make himself properly acquainted with them. The people who returned him knew nothing about him. The result was that the nomination of the Member fell into the hands of some self-constituted association or club, which formed itself into a sort of electoral college, which found the candidate and prescribed his political creed—they corresponded with him upon public subjects—and were, indeed, a species of middlemen between the Member and his constituency. Now, that in his (Mr. Massey's) opinion was a most pernicious state of things; and he thought that in any proposal for the re-arrangement of our representative system it was of the first and last importance that these men should be deprived of the pernicious influence they had hitherto exercised over the larger constituencies. In these vast areas one side would be Conservative and the other Liberal. The same difference would, indeed, be found between one part of the borough and the other as between one part of a county and the other. He had hoped that in a well-considered measure suggested by the matured judgment and experience of the noble Lord some means would have been provided, he would not say of mitigating, but of obviating the palpable evils that must accrue from creating these enormous constituencies. Why not adopt in boroughs the principle laid down in the great Reform Act with regard to counties? They assigned Members to different divisions of a county; and the application of the same principle to boroughs would, in his opinion, have been a great improvement of the Bill, and he would venture to recommend that point to the further consideration of the House. If he had felt any alarm about the enfranchisement in those vast electoral areas of an immense number of unknown voters, he would have regarded it as a compensating circumstance had a line been drawn separating the enormous masses into managable bodies, with whom a candidate might have become acquainted, and with whom he might have easily come in contact. It was, in his estimation, a great evil that Members should be sent to that House without knowing their constituencies. He confessed that he had a sort of superstitious aversion to interference with sacred subjects like these ; but in this case they had the principle for which he contended established [in the Reform Act of 1832. He believed the adoption of this principle in boroughs would induce the voter to take some interest in his franchise, which he feared he would not otherwise do; while, at the same time, it would enable a candidate to hold communication with his constituents without the intervention of a body of middlemen, of whom he wanted to get rid. He would be glad if some Gentleman would mature this idea. It came from the hon. Member from Rochdale, and on his authority he recommended it to the House. The hon. Member for Rochdale was known, not only as an earnest Reformer, but as a thoughtful man. The opinions he expressed were not the idle suggestions of the mind, but matured thoughts, and such as he believed would prove advantageous to the country. It would be his (Mr. Massey's) duty to sit in the chair when the Bill was in Committee, and perhaps it would not be decent in him then to urge this matter upon the House; but he hoped some Gentleman would take this suggestion into consideration and put it into the proper shape. There were certain additions to the franchise which he thought might be usefully introduced into the Bill. He did not like what the hon. Member for Birmingham had called "fancy franchises," but he did not think that the introduction of lodgers on certain conditions was open to the objection of being a sentimental or fancy franchise. If they could by any machinery, without going too low, provide for the enfranchisement of a numerous class of lodgers they would admit

a very valuable class into the constituency. He was not disposed to go much beyond that, or to enter on what might be considered debatable ground ; but the measure as it stood appeared to him rather bold and repulsive, and he thought it might be agreeably varied by the introduction of a lodger or possibly an educational franchise of some sort. He hoped the noble Lord would consider the suggestions which had been thrown, or which might yet been thrown out in the course of that debate, that he would revise his Reform Bill, or that if he should not think proper to revise it he would at least lend a willing ear to proposals for its Amendment, which were made with a view to ensure its improvement. He hoped the noble Lord would be induced so to improve the Bill as to make it worthy of his distinguished name, and a becoming supplement of the great measure of 1832, which regenerated the Constitution of this country, and had conferred on its people the blessings of good government and of enlightened laws.

Mr. STEUART said, he believed that the Bill as it at present stood would exercise no trifling, no unimportant, but a very subversive and, he believed, a very pernicious influence. The first question that presented itself in connection with this subject was as to whether the reform of the constitution adopted in 1832 was such as required amendment. He could not think of denying that there were at present in our representative system anomalies which were patent to all. The noble Viscount at the head of the Government had very well described the tendency of some of these defects, when he said that under the present system many men of property and intelligence were excluded from the franchise because they did not possess the technical qualification of a £10 house. He agreed with the noble Viscount; but he did not see how the evil so well described by him was to be remedied by the technical £6 franchise proposed by the Bill now before the House. Several hon. Gentlemen who had addressed the House, and amongst them the hon. Member for Salford (Mr. Massey), who had made a wise, temperate, and generally Conservative speech, had alluded in strong terms to the necessity of having an educational franchise. The House would recollect that the year before last a memorial, remarkable more for the names and intelligence than for the numbers of those who igned it, was presented to the noble Lord at the head of the Government, stating that it was necessary to give a substantive voice in the representation to all classes of the community who possessed a liberal education. As that memorial proposed that representation should be given to persons of education as a class, he (Mr. Steuart) and others had refrained from signing it, though agreeing in the principle that those who had education were equally entitled to consideration as those who possessed the technical qualification of a house of a certain value: but one of the first names appended to it was that of the hon. and learned Gentleman now the worthy Colleague of the noble Viscount in the representation of Tiverton (Mr. Denman), from whom, therefore, when the Bill came to be discussed in Committee, he should expect some proposition for giving the franchise on the basis of education. The noble Lord (Lord John Russell) said he wished to lay before the House a simple, and at the same time satisfactory, plan of reform; but could the noble Lord think any scheme of reform satisfactory which did not admit some of those classes which were included in what were called "the fancy franchises" of his Bill of 1854—such, for instance, as that of persons in the receipt of salaries of not less than £100 a year, and several others. There were many intelligent men who would come in under that class, but who did not come in under any provision in the Bill now before the House. Another excellent franchise proposed by the noble Lord's Bill of 1854 was that which the hon. Member for Birmingham and his school sneered at so much —he alluded to the savings-bank franchise, than which a more useful one could not, in his opinion, be devised. It was a qualification which would have admitted the most worthy portion of the working classes, and he believed none would have been more popular among them. He did not wish to be uncharitable towards the noble Lord; but when he reflected on this and some other omissions in the present Reform Bill, he could not but regard the measure as a compromise between the noble Lord and the hon. Member for Birmingham. He was wellnigh confounded to hear the hon. Member for Birmingham say that the franchise proposed to be given to persons having £50 in a savings bank would not add 1,200 to the number of voters in Scotland. That was a mistake. He (Mr. Steuart) found that the number of persons in that country who had from £50 to £200 in savings banks was between 9,000 and 10,000, and below £50 almost double the number. From his own knowledge of the class of savings-bank depositors in Scotland, he believed scarcely one in three of them would be admitted to the franchise under a £6 house qualification; while in Cambridge, which he represented, about one-sixth would be added to the constituency by a savings-bank qualification alone. That being so, he asked the noble Lord why he had omitted such a qualification from his present Bill. Concurring as he did in the second reading of the Bill, nevertheless he could have wished that some Resolution had been proposed, not necessarily antagonistic to the Bill, in which it should be laid down as the opinion of the House, that unless the omissions to which he referred were supplied, the measure would not be satisfactory to the country. With respect to the lodger franchise, he presumed that after what had been said, even on his own side of the House, the noble Lord would feel it necessary to insert a franchise of that character. He, however, took the opportunity of giving notice that on going into Committee on this Bill he would move a Resolution to the effect, that in any Bill for the extension of the franchise, it being desirable to admit to its exercise classes whose wealth, prudence, and intelligence eminently entitled them to the privilege, it be an instruction to the Committee to consider how many persons belonging to several classes, which he would not at present trouble the House by enumerating, should be admitted. They consisted of classes proposed by the noble Lord, with the addition of others who would not come in on other franchises, such as the lodger franchise. The result of the extension of the franchise proposed by the Bill would, he believed, be to treble the existing number of electors in the case of some boroughs, and to double it in others; its general effect being likely to be to overwhelm intelligence and property in our representative system. We should, in fact, under the operation of the Bill have constituencies in many boroughs in which electors, who represented only one-fourth or one-fifth of its rateable property, would have the power of entirely swamping the remaining members of the constituency. But there was another objection to the £6 franchise, and that was, that it was calculated to prove unequal in its operation, inasmuch as it would, in some boroughs, admit to the exercise of the franchise numbers of the working classes, while in others it would altogether exclude them from that privilege. To illustrate how the proposal of the noble Lord would work in boroughs, he should mention the case of Cambridge, the borough which he (Mr. Steuart) had the honour to represent. The valuation was at present £127,000; the constituency nominally 1,797, though the real number of electors was 1,600. In the return made use of by the noble Lord, the names of some persons were given as many as two, three, and even five times. According to the plan of the noble Lord the gross number which would be added to the constituency was 1,400; but his principle was to deduct about twenty-seven per cent from the gross number. This deduction was, in his (Mr. Steuart's) opinion, much too large. Supposing that 1,200 were added to the constituency of Cambridge that number would represent an amount of rating equal to about £9,000. Now, the valuation of the property of the present constituency was more than four or five times that amount. Other boroughs were similarly situated to Cambridge in this respect; he might mention particularly that represented by the hon. Gentleman the Chairman of Committees (Mr. Massey). It was evident from those figures that the new constituencies in many boroughs would not represent in rateable property more than a fourth or a fifth of the amount held by those whom they would have it in their power to displace. Would it not be just that the elective power should bear some proportion to the rating and taxation? Again, he would ask whether it was possible to stop at £6? In Cambridge a man must perhaps pay £6 for a house which he could have in Huntingdon for £4. Suppose the occupier of a £6 house in the former to remove to the latter and there take an equally good house for £4; had he, by the change, become a worse citizen? They could not stop short at £6 if they once adopted that amount. They would have demands for a £5 franchise next year. So matters would go on till they came to a household suffrage; and if they came to that, could they stop till they arrived at universal suffrage? Again, was justice done by the Bill as between the counties and the boroughs? Was the number of Members given to the former at all n proportion to the number given to the atter, the relative population being considered? As matters at present stood a population of 9,500,000 in counties returned only 159 Members, while a population of 7,500,000 in boroughs returned 330. The hon. Member for Salford had candidly stated to the House that the effect of this measure would be to compel him and other hon. Members to agitate for a further measure of reform. In his (Mr. Steuart's) opinion the Bill would tend to aggravate the evils by which the existing system was attended, and therefore he hoped that if the Bill were not greatly modified in Committee hon. Members would be afforded an opportunity of making a strong protest against it on the Motion for the third reading. He thought that even the Government had reason to apprehend the effects of this Bill, for it did not seem improbable that one of those effects might be to drive the noble Viscount at the head of the administration, and the noble Lord the Foreign Secretary, from power, and hand over the destinies of the empire to politicians of a more revolutionary character. The effect of the Bill, if passed, would be to place the Chancellor of the Exchequer, backed up by the hon. Member for Birmingham and the hon. Member for Rochdale, in the position of leader of the revolutionary party, for no one who had witnessed his philosophical versatility in changing his opinions, and the remarkable energy with which the right hon. Gentleman had set himself to force the Treaty through the House, and in other respects had thrown himself into the arms of the democratic party, could doubt that he was looking forward to become one of its leaders. Believing this Bill to be a most dangerous measure, he expressed the most earnest hope that its most objectionable provisions would be modified in Committee.

MR. FRANK CROSSLEY said, the right hon. Baronet the Member for Droitwich had called the present measure of the Government "a miserable Bill." If he remembered rightly, the same party termed the Budget a "miserable Budget." All he (Mr. Crossley) would remark was, that if the Government of which he was so distinguished a Member had introduced such a Budget and such a Reform Bill, they would not at present have been sitting on the miserable Opposition benches opposite. Let the House reflect on what had been done during the thirty years which had passed since the last Reform Bill was passed. At sea and on land steam was now in almost universal application, and now railroads, which were then only just being introduced, were extended to almost every village and hamlet of the Empire. In agriculture, too, by the help of machinery, great things had been effected, and the land now produced more corn per acre than it did thirty years ago. Turning to commerce generally, more business by far was done now than then; and looking to the condition of the country generally, they might say safely, there was more social progress than had been made in any century previously. It was, therefore, pre-eminently a time in which they ought to make a change with regard to the representation of the people. The men who now were £6 householders were now far more capable of using the franchise than those who formerly paid £10. He maintained that to reduce the franchise in the boroughs and counties was a fair step in advance, and one which would settle this question for some time to come. He did not mean to say that it would settle it for ever; but still, as a decided extension, he did consider the Liberals should accept it, and not go for another change until this one had been fairly tried. Doubtless many alterations would be made in this measure. For instance, there was his own notice of Motion to include every man who paid 40*s.* a year in direct taxation in the exercise of the franchise for the county or the borough, according to his residence. Again, with regard to copyholders. He did not see with what justice a copyholder should be obliged to have £10 income, whilst a freeholder's qualification was only £2, and yet the difference between the two properties was in name only, and not in reality. Then there was the matter of lodgers, with reference to which the hon. and learned Member for Marylebone had given notice. He saw no reason why a lodger paying a fair amount for his lodgings, with a permanent residence, should not have the vote. The rating clauses he (Mr. Crossley) never could see the justice of. To make the payment of rates on a certain day the condition of the vote seemed to him to be both unnecessary and unjust, because the law was not only open, but very severe in being able to compel the payment of rates, and they all knew that those parties who had the care of collecting rates were parties on one side or the other, and that they took care that their friends should have their rate papers in time, and that their political opponents had them just too late to secure the vote. There was also another evil connected with requiring rates to be paid before a certain day, which was, that in boroughs where parties were nearly balanced there were always a number of unprincipled electors pretending to be short of money, but that if their partizans would pay their rates their votes would be all right; and thus bribery of the worst description was committed, and the evil influence on neighbouring electors was very great, for they were frequently taunted with being foolish enough to pay their own rates, whilst, if they had held back, they might have had their rates paid for them. With regard to the redistribution of seats, he agreed with the hon. Member for Salford, that it would have been better to have left it alone, and to have introduced it in another Bill. He begged hon. Members not to misunderstand him; he was very far removed from wishing equal electoral districts; he had sooner than that remain as they were. But there was a medium. The noble Lord the Member for London had admitted that it was not such a change as ought to be made; but the question which arose was whether they should make an alteration which could be carried or one which could not? The hon. Member for West Gloucestershire had pointed with horror to the time when they might in this country resemble New York. Now, New York might be in the very depths of poverty from the description of the hon. and learned Gentleman; but when he (Mr. Crossley) visited the country, he must say that with all its bad laws (and there was much both in the American franchise and in the payment of Members with which he did not agree), he could not shut his eyes to the fact that one might walk about for weeks and months wthout meeting with a beggar or a person in want. On the contrary, New York had increased in trade with a rapidity which we could scarcely conceive, and had become proportionately enlarged in size. He did not think, therefore, that the hon. Gentleman had been successful in pointing with alarm to the United States. It astonished him to find that hon. Gentlemen connected with the agricultural interest were so much more afraid of the working classes than manufacturers were. Should any riots occur, whether was it easier for the rioters to injure the factories, by breaking the windows and the machinery, or to throw stones upon and injure the land? He thought the land would not run away; but that if any risk were run, it would be by those whose goods and chattels were of a more brittle description. He believed there was as much good feeling and sympathy on the part of landowners as manufacturers, the only difference being that the latter, from their position, had much better opportunities of judging of the character of working men by constantly coming into contact with them. He thought it was Lord Eldon who said "Dine together." Now they need not act upon that motto literally in their intercourse with the working classes, and yet manufacturers must come repeatedly into contact with them. He (Mr. Crossley) had had opportunities of becoming acquainted with working men; he had had dealings with them, and had seen them both in bad and good times, and he was bound to say that he had witnessed as much fair dealing, uprightness, and honourable conduct amongst that class of society as he had found in any other with which he had to do. He had seen their bearing in times of great distress—their kindness and liberality towards their fellows in sickness—their abundance of kindly deeds by the bedside of suffering and sickness, by day and by night, seeking no reward in this world, save that which was of more value to them than money—the satisfaction of doing that which they felt to be right and just. Therefore, he had no hesitation, after his experience among working men, in voting for the second reading of the Bill, which would certainly take away the stigma of class legislation. They were told there was no agitation upon the subject, but if hon. Gentlemen would visit places where working men obtained cheap newspapers, and were well informed, they would find there was a very strong feeling on the question. They were much astonished at what had been done in the House of Commons during the last few years. They had scarcely believed that landowners would take off the duty on foreign corn, remove many duties which pressed heavily upon the working man, and impose an income tax upon themselves. Generally speaking, they felt satisfied with what the House of Commons had done for them, but they were unable to see how or why they were not permitted to have anything to do with the representation. They only wanted their fair share. They wished to have no monopoly in their favour. They wanted to be treated as fellow-citizens, having their all in this country, and therefore entitled to have some voice in its government. This was the feeling he met with in his intercourse with the working classes, and he had therefore great pleasure in supporting the second reading of the Bill.

MR. KER SEYMER had felt it quite a treat to hear the speech from the right hon. Gentleman the Member for Morpeth (Sir George Grey) in favour of this Bill. It was well to make the most of that treat, as it was not likely to be repeated. The right hon. Gentleman said that no Minister had spoken before in the debate, because nothing but vague objections had been taken to the measure, to which it was impracticable to make any reply. He (Mr. Seymer) thought that the next Member of the Government who rose could not do better than answer the speeches made on his own side of the House, and more especially the speech delivered by the hon. and learned Gentleman who presided over their Committees (Mr. Massey). Many hon. Members below the gangway did not accept the Bill, but availed themselves of the £6 franchise as supplying the lever by which they might work out future changes. And as to the distribution of seats, they all agreed in objecting to it. They said the proposal of the Bill was petty, and anything but a settlement of the question; that, in fact, it merely unsettled it, and that further alterations must follow. The hon. Member who had just sat down had, indeed, spoken rather more favourably of the measure than those on the same side who preceded him; but his friendly tone might, perhaps, be accounted for by the fact that his own constituents were somewhat handsomely treated by its provisions; for, whereas other places were banished to the schedule at the end of the Bill, the West Riding of Yorkshire was honoured with a clause all to itself, and was hereafter to return four knights of the shire to Parliament. So far as he could understand the hon. Gentleman's principal argument amounted to this:—"We travel fast now-a-days by land and sea, and therefore we must have a strong Reform Bill." There was nothing so remarkable in the whole political history of this country than the complete and general apathy about this measure. Thoughtful men on both sides of that House, however, viewed its provisions with very considerable alarm, and their feeling was shared out of doors by thoughtful men of no particular party and not given to agitation, but who contented themselves with expressing their opinions in private, and made no demonstration. Moreover, there was a great fallacy in regard to that matter. Many persons remembered the great apprehensions entertained with regard to the Bill of 1832, and that it had failed to produce the evils that were anticipated from it. But, in the first place, that Bill was carried under very alarming circumstances; the peace of the country was in great peril; and, in the next place, the measure had effected no great changes in the constitution of the House and in the position and property of the country. It was now argued that, because that first Reform Bill had not done the great harm that was expected from it, therefore the present Bill would not inflict much harm upon the country. That he held to be a very illogical and fallacious argument. Another argument was, that however objectionable were the provisions of the present Bill, the common sense of the people would operate against its destructive influences, and all would go well in the end. It would, however, have been more satisfactory if the classes now to be entrusted with the control of our public affairs had shown a more careful and intelligent appreciation of their own interests than they had often exhibited. It was impossible to forget what had recently happened in the building trade, or the various strikes, which had always ended, after much suffering, in the operatives returning to their work on the terms against which they had stood out. What must be Mr. Potter's estimate of the intellect of the masons of London when, notwithstanding the defeat his misguided hearers had sustained, he could venture, as he lately did, to assure them they had achieved a great victory? That gentleman actually addressed those poor dupes in the language of triumph, when it was notorious that they had lost everything by their strike. He was now going to tread upon very delicate ground; but it was as well to speak out on this question, without any concealment. He had heard this whispered out of doors, "You are going to enfranchise a low class of voters. We have had some experience of that class at the municipal elections. You will make Parliamentary elections more expensive; but we think we can work them by bribery, treating, and intimidation." He could be no party to any such transaction. He never could with one hand give the working man a vote, and with the other endeavour to deprive him of the conscientious exercise of it by those arts of corruption which good men did all in their power to put down. That was not an honest course of proceeding. In the progress of that Bill through Committee they ought to take means to prevent the undue preponderance of one class in the representative system. Allusions had been made to the Bill settling this question. What was the real opinion of the noble Lord on that point? No doubt he was sincerely desirous of getting Parliamentary Reform out of the way, that the House might proceed to the practical legislation required by the country. But had not the hon. Member for Birmingham the other evening in his place in that House plainly told them that the Bill, instead of settling, would unsettle the whole question?

MR. BRIGHT: Allow me to explain. I said nothing of the kind. I confined my remark to the subject of the disfranchisement of boroughs, and said that on that point the Bill would not settle the question. I did not mean, and did not say, that it would effect an unsettlement in regard to the suffrage.

MR. KER SEYMER said, he had quite understood the statement of the hon. Member at the time, and still he maintained that, if the hon. Gentleman were immediately to commence an agitation for the disfranchisement of boroughs, this would be no settlement of the Reform question. Why, the hon. Member had himself distinctly avowed that they would unsettle everything, for had he not declared that, in his opinion, the distribution of the seats was the very "pith and marrow of Parliamentary Reform?" In the face of that opinion of the hon. Gentleman, how could they expect that this Bill would be a final settlement of the question? But he did not think that even the question of the franchise was quite settled as far as the hon. Gentleman was concerned. He saw this one idea running through the whole of his speech—number—number was everything. He (Mr. Seymer) said, fitness was everything. The hon. Gentleman said there was only 1,000,000 of persons out of 7,000,000 that possessed the franchise, which fact, in his opinion, proved his case. He (Mr. K. Seymer) said it did not. He did not care how many were excluded if they were not fit to possess the franchise, nor how many were admitted if they were fit for it. In the small towns and rural districts there would be many millions of adult males unenfranchised by this Bill. It was quite evident that if they followed the principles of the hon. Member for Birmingham they would shortly come to manhood suffrage and electoral districts. But then the hon. Gentleman seemed to have some idea of an indefeasible right to the franchise. That right had never been admitted in this country, and he hoped it never would. He thought that they had gone low enough in establishing virtually household suffrage. The facts that had been lately proved in the case of the Wakefield election showed that they had lowered the franchise to a class of persons who looked upon it as conferring upon them a right to use it for pecuniary emolument. The hon. Member for Birmingham, painfully aware of the contrast between the corrupt boroughs and the county constituencies, very adroitly turned on the last and said, "Oh," you cannot be bribed, because you are not free to sell your votes." Now, he replied to that assertion of the hon. Gentleman by saying that the county electors were perfectly free to sell their votes if they had the inclination to do so; but such a thing as corruption was unknown in the counties. He did not mean to take too much credit for their freedom from corruption. The rural constituencies were spread over a wide area, and there were no corner public-houses in which bodies of the electors could meet and be bribed. As to the county electors being anything like slaves to do alone the will of their landlords, he utterly denied the assertion. If the landlords' influence were paramount in the county which he represented he would not hold a seat at that time in the House, because it so happened that the principal landed proprietors there were supporters of the policy of Her Majesty's Government; but amongst the people generally of the counties there was a strong Conservative feeling existing, and that was the reason why the hon. Member for Birmingham did not like the county constituencies. The people of his county sent him into that House to tell the hon. Gentleman that they were utterly opposed to his views of policy, both foreign and domestic. They sent him there to tell him that with all his ability and honesty of purpose, they considered him to be a most dangerous politician. The hon. Member for Birmingham was kind enough, in the course of his speech, to advise them to trust their fellow countrymen. He said, "Why not trust the people?" The hon. Gentleman in one sense certainly did trust the people; he trusted largely in their ignorance, when he addressed them in terms he could not repeat in any assembly of men well informed on political questions. He trusted in the ignorance of the people when he told them, over and over again, that the landed gentry of England kept up great and unnecessary military and naval establishments, because they received emoluments from them; that they ground down the people with heavy taxation, that their sons and brothers might derive pay from the military and naval services. Would the hon. Gentleman repeat that in any assembly of well-educated men? It was obvious that the classes so accused paid much more to the income tax alone than any amount they could receive from the scanty pay doled out to those who bled for their country. In this sense the hon. Gentleman showed a great confidence in his countrymen, but not in the sense in which he wished others to show it. It was the way in which these statements were received that created alarm at the extension of the suffrage. Those to whom such language could be addressed, and who took it all for gospel, must naturally be much excited against the class which they were told oppressed and robbed them, and, when they obtained political power, would they not attempt to make an adjustment, which would probably be a very unjust one? The Chancellor of the Exchequer had kindly arranged that the reformed Parliament should deal with the deficit to be met in the next year; and the holders of property saw with alarm, a graduated property tax "looming in the future." They did not like the prospect. The noble Lord boasted that this Bill was a very simple, a very short one; it was so. But he did not think that any merit. The noble Lord regretted that the Reform Bill of 1832 destroyed many franchises, and left the suffrage almost a dead level. Well, that was precisely the case with the present Bill. This measure created no new franchise; it merely made a few downward steps in the counties and boroughs, and that was the Reform Bill. It was not his idea of a reform. Sensible men for years past had held that in every constituency there were many persons more competent to exercise the franchise than the £10 householders. Those persons remained disfranchised; the Bill contained no remedy for this evil. Great complaints were made of the enormous expense of county elections; nothing was done to remedy it. No attempt was made to remedy the abuse of paying the travelling expenses of voters.

All these points were dealt with by the Reform Bill proposed by Lord Derby's Government. There were, he admitted, defects in it; but he contended that that measure contained the elements of a better Bill than the measure of the noble Lord. But Lord Derby's Bill had one incurable defect—there was not a party majority to vote its second reading. Hon. Gentlemen opposite had just made up their quarrel; they had an opportunity of displacing the Government of Lord Derby, and they would not let his Reform Bill go into Committee. What his side of the House opposed in this measure was, the creation of too many constituencies resembling the great metropolitan boroughs. Hon. Gentlemen were in the habit of saying very uncivil things of the metropolitan Members. Quite as many uncivil things were said of those Gentlemen at Brookes's as at the Carlton. There was nothing personal in these objections. But it was with a feeling of relief the whole country heard that the Bill would only give two new Members to the metropolis; it was caused by the belief that the metropolitan Members do not represent the intelligence and wealth of their constituencies. In the Borough of Marylebone, in spite of sixty committee-rooms, and he was afraid to say how many paid canvassers and cabs to carry the voters to the poll—for they would not take the trouble to walk—not half the constituency voted. Why did they stay away from the poll? The upper classes of the electors abstained from voting, because they felt it would be perfectly useless to appear. Who possessed all the influence in the metropolitan districts? The licensed victuallers. What was the first question asked of a metropolitan candidate? Why, this—Was he sound on the licensing system? The House would soon have an opportunity of testing that influence; and he feared the Chancellor of the Exchequer would find the majority of the metropolitan Members thoroughly sound on the licensing question. What gave force and strength to a constituency was not its number, but the character of its representative. What, then, was the use of giving more Members to the great commercial cities, if their upper classes were practically unrepresented? It was a mere mockery to extend the franchise in great towns, when they were only enfranchising certain classes in them; the others being kept from the poll by the feeling that they had no influence on the result. The Government had a party majority in that House, because last Session they had taken a vote of want of confidence on which they had thrown out the party of Lord Derby; but he had that confidence in the sense of the House of Commons that assured him that in the future stages of the Bill they would have the power of introducing such modifications as would make it, what it was not in its present form, a Bill for the real improvement of the Representation of the People.

MR. BAINES said, he should support the measure of the Government, and in so doing trusted he should not be exposed to the taunt that had been directed by the hon. Member for Dorsetshire against the hon. Member for the West Riding, who, it was alleged, gave his support to the Bill because it conferred two additional Members on his Shire. It was true that an additional Member was to be given to the borough of Leeds, but he could say with strict truth that he had for years entertained exactly the same opinions he should express that evening. He had for years entertained the belief that it was wise and right to extend the borough franchise to £6, and that was a great and distinguishing feature of the measure brought in by the noble Lord. He hoped to adduce some facts that would diminish the honest alarm that was felt in some quarters, by showing how the measure would work in the borough of Leeds with a population of 200,000, which might be taken as a fair average of the large boroughs of England and Wales. He would refer, however, in the first place, to an objection made to the Bill by the right hon. Gentleman the leader of the Opposition, who said there was no principle in the Bill, and that there was nothing in it to indicate the fitness of the voter. The fitness of the voter to exercise the franchise would govern his (Mr. Baines's) opinion of the fitness of the measure brought forward; but when the right hon. Gentleman said there was no principle in the £6 franchise, he would remind him that there was the same principle in a £6 franchise as in a £10 franchise, or in a 40*s*. freehold, or in a £50 tenancy at will, or in a scot-and-lot right, or in the freemen suffrage, or in burgage tenure; and therefore that objection of the right hon. Gentleman applied equally to the existing and former systems of representation that prevailed in this country. His (Mr. Baines's) belief was that £6 was a practical means of working out the principle which the right hon. Gentleman called fitness, and that £6 was a much higher rental than was paid for the houses occupied by the majority of the working classes. It implied the possession of those moral and social qualifications which the right hon. Gentleman summed up in the one word "fitness," inasmuch as it indicated on the part of the occupier the sobriety, industry, providence, good taste, good morals, and good habits, which qualified a man for the exercise of the franchise. In that sum of £6 lay the great distinction of this Bill as compared with that of the late Government. The "fancy franchises" were not objected to on their own account, but because they were offered as a substitute for the extension of the franchise to the working classes. He thought that some of those fancy franchises were perfectly right, but they had merely the effect of filling up the interstices existing in the electoral system, and did not extend the franchise to the working classes who had shown themselves entitled to it. The law—the Church—education—the army and navy—all persons in public employments—belonged to the classes that were represented when they came down to a £10 franchise; but the right hon. Gentleman opposite did not go below that, or take in the working classes of the country. Indeed the right hon. Baronet the Member for Herts (Sir E. B. Lytton), advocated the Bill of the late Government on the express ground that it kept the representation in the hands of the middle classes. It was objected that the present Bill enfranchised a great number of persons, who would form a vast homogeneous class, exercising a preponderance in the boroughs; but that was a mistake, they would neither be a homogeneous class, nor would those electors, who were newly admitted, be a preponderant class. The present borough constituencies exceed 400,000, and those to be newly admitted would be only 200,000; so that, at the outside, without making any deduction on account of non-payment of rates, change of residence, and a great number of causes, he was satisfied they would not add 50 per cent to the borough constituencies by this measure. How was it possible that 200,000 could exercise a preponderating influence over 400,000, even if they all belonged to the same class? But they did not belong to the same class. It would be a mistake to suppose that the 200,000 who would be newly admitted would all belong to the working classes. He had taken the trouble to ascertain the state of things in this respect in the borough of Leeds. The present constituency was 6,000, and it was calculated that 4,000 would be added by the Bill, bringing the constituency up to 10,000. He had consulted the treasurer of the township, a gentleman engaged in superintending the collection of rates and the management of that kind of business, a gentleman of high character, whose opinion was of great value, and he would read what that gentleman said on the subject of the new electors that would be added to the constituency by this Bill. He said:—

> "We (himself and an experienced rate collector) have very carefully considered the matter, and believe, looking generally at the question, that we have estimated the matter correctly. The 4,000 new voters are included (with few exceptions) in the trades, &c., enumerated in the Schedules inclosed and numbered 1, 2, and 3. Those of the strictly operative class are in Schedules No. 1 and 2. We estimate the number at about 2,500. The portion of the operatives included in this return, you will please to observe, are the most intelligent and best skilled workmen of their class."

The Schedule No. 1 contained a class of trades, &c., and of persons paying from £6 to £7 annual rent in Leeds. The House would remark that the different trades to which they belonged indicated the difficulty of organization and combination on their part. These were—cloth-dressers, dyers, mechanics, masons, bricklayers, joiners, plasterers and painters, plumbers, tinners, and braziers. The Schedule No. 2 contained a class of trades, &c., and of persons paying from £7 to £8 annual rent in Leeds. These were—overlookers, enginemen, slubbers and spinners, cloth pressers, warehousemen, iron and brass moulders, whitesmiths and machine makers, brushmakers, wood turners, curriers and leather dressers, wheelwrights, and tobacco cutters. The Schedule No. 3 contained a class of trades, &c., and of persons paying from £8 to £10 annual rent in Leeds. These were—Retail shopkeepers, book-keepers, and assistant clerks, persons who have saved from their earnings say from £50 to £80 a year, managers of manufactories, warehouses, &c. Printers, cloth drawers, tradesmen's assistants, shopmen, &c. These returns must tend to give satisfaction to those who thought that the persons who would be added to the constituencies by this Bill would form one great homogeneous class which would easily combine for the accomplishment of any social or political purpose they had in view. He wished to draw the attention of the House to the fact that the borough electors of England and Wales under the new Bill were estimated at 607,000. The population of boroughs in the year 1851 amounted to 7,432,000, and at the present day must amount to about 9,000,000. Out of a population of 9,000,000 in the boroughs of England and Wales, the adult males would be about one-fourth, or 2,250,000. Then, out of that 2,250,000 there were only 607,000 electors altogether. Now, what proportion did the upper and middle classes bear to the working classes throughout the country? He had been accustomed to consider that the average proportions were about one-fourth for the upper and middle classes, and three-fourths for the working classes. If that be true, inasmuch as the whole number of electors was little more than one-fourth of the whole male adult population, they would still have the electors representing little more than the upper and middle classes. Only one-fourth of the whole number of electors would belong to the working classes, and what was there to alarm the House so greatly in the fact that the working classes, who were three-fourths of the population, should have one-fourth of the electoral rights? He believed his hon. Friend the Member for Birmingham was not far wrong when he said that not more than about 100,000 of the working classes would be admitted to the franchise. The number might be 120,000, or even 150,000. He asked the House to consider what proportion they thought it was just, reasonable, and safe to give to the working classes, for though 150,000 of their number might be admitted to the exercise of the franchise, yet the House must consider the enormous number which were excluded from the enjoyment of the franchise. If they brought about one-tenth, and in some boroughs perhaps one-fifth into the possession of the franchise, and excluded nine-tenths of the whole adult population of the country from the exercise of the franchise, surely that was an exclusion rather tending to satisfy any hon. Gentleman who was afraid for the purity or the intelligence under which the franchise might henceforth be exercised. He had taken some pains to make inquiries as to that class of persons occupying houses between £6 and £10, which were now admitted for the first time to the enjoyment of the franchise, and he had arrived at the confident conviction that there was an amount of moral and intellectual qualification, so great and so decisive, that they could not with any safety think of excluding any longer from the enjoyment of the franchise that class of persons. He might mention that in 1820, when the noble Lord (John Russell) began his career as a Reformer by proposing to transfer the forfeited franchise of Grampound to Leeds with a £10 franchise, it was stated in that House that the leading banker in Leeds had written up to say, that if persons inhabiting £10 houses were to receive the franchise he would be obliged to shut up his bank. Such was the view at that time taken of the social condition of Leeds. Upon a recent occasion they had had an opportunity of contrasting the social position of that borough in the present day with what it was in the year 1820. On the occasion he referred to, Her Majesty came down and honoured Leeds by opening its new Town Hall. On that occasion Her Majesty passed in an open carriage through several miles of the streets of Leeds, thronged with half a million of people, without hearing one word of rudeness or discourtesy, and amid the heartiest expressions of loyalty. Her Majesty and the young Princesses rejoiced to witness their unfeigned and hearty loyalty. [*Cheers.*] He was glad to observe that hon. Gentlemen opposite believed in the loyalty of the working classes. He believed in it too. He believed that there was a conservative feeling of the best kind in the working class; and if the House had any sincere desire to render them more loyal and conservative they would extend to them the privileges of the Constitution of England. Then, being admitted within the citadel of the Constitution, in times of distress they would be found the defenders of that citadel instead of its assailants, which they would be if found outside of it. By way of explaining the great social improvement which had taken place in that borough, he would mention to the House a few facts, which would possess great interest for all who cared for the social improvement of the people. First, as to savings banks, and he would beg hon. Gentlemen to bear in mind that those institutions were almost exclusively for the benefit of the working classes, a great number of whom must be qualified for the exercise of the franchise. In the Leeds, Skyrac, and Morley Savings Bank there were open accounts—number of persons, 12,878; the amount, £339,890. In the West Riding Penny Savings Bank, of which there were eleven branches in the borough, £80 per week receipts. There were numerous savings banks connected with Sunday schools, mechanics' institutions, &c. The provident institutions and friendly societies contained 22,543 members; benefit building societies, 7,581 members—with £900,000 invested. Mechanics' institutions and similar institutions, 26 societies, with 5,556 members. They had 133 Sunday schools—teachers, 5,274; scholars, 35,003. They had 371 day schools in 1851, 76 public, 295 private; scholars, 21,834. The industrial, ragged, and sewing schools, contained 700 pupils. The town mission had 16 agents. The temperance societies contained 3,000 members. Juvenile societies (Bands of Hope) several thousands. Two co-operative flour mills, one of which has 3,200 shareholders, with £11,795 capital. He would remind the House that these facts illustrated an amount of progress which was not confined to Leeds, but which extended to other places. There was one point more, showing the amount of intelligence which existed in the town, and here he would institute a comparison as well as he could between the year 1820 and the year 1860. He had endeavoured to ascertain what was the number of newspapers circulated in Leeds daily and weekly in those two periods. He believed that in 1820 the number of daily papers circulated in Leeds did not exceed 100, the number now was 3,800. In 1820 the number of weekly papers was not more than 3,000, the number now was 17,300. The number of literary, scientific, and religious weekly periodicals sold in Leeds at the former period, he was certain, at a liberal estimate, did not exceed 500. The number now was 21,742 per week. Then, of monthly publications, he would assume that at the former period there were 500 circulated, which was a liberal estimate, whereas the number now sold in Leeds was 12,603. These facts, which indicated so great an amount of social progress in Leeds, were only a sample of what had taken place in other boroughs. The general educational statistics he would not allude to further than to say that between 1818 and 1851 the day schools increased 218 per cent, while the population increased only 54 per cent. That was surely an indication of that great social progress which was the greatest justification of, nay, had rendered necessary, the Bill of the noble Lord. He affirmed that it would be unsafe for this House or for Parliament to shut out men who were so intelligent and so loyal from the enjoyment of the elective franchise. His full and confident belief was, that Parliament might admit them with perfect safety, and that by so doing they would strengthen their institutions. He believed that their was great truth in the assertion that the *élite* of the working classes were more independent than many among those classes who now possessed the franchise—they were men possessed of rare and valuable skill, whom their masters did not dare offend; they were supported by the sympathy of numbers; and they sustained their position with an amount of judgment and political knowledge not inferior to that of the middle classes of society in general. He trusted he should not be understood by the favourable picture which he had drawn, by the facts which he had alleged, to say, that they had not much to regret, much to be ashamed of; but he had shown that out of 50,000 adult males in his borough, they were giving the franchise only to 10,000, and that 40,000 were still left out of the pale of the Constitution. It was said that they were extending the borough franchise dangerously far; on the contrary, if they were to adopt any rate higher than a £6 franchise, his belief was that they would not meet the great exigencies which they were called upon to legislate for, and that it would be better not to attempt to legislate at all. His firm belief was, that if they did admit these men to the enjoyment of the franchise they would constitute but a very small portion of the constituencies; they would have nothing to apprehend from admitting them, and no measure short of that proposed by the noble Lord would at all meet the exigencies of the case.

MR. WHITESIDE: Sir, when in 1783 Mr. Pitt proposed a Reform Bill, he said that he could scarcely venture to touch what he called the sacred ark of the Constitution with unhallowed hands. His great rival, Mr. Fox, speaking on the same occasion, declared that if by an interposition of Divine Providence all the wise men in the world were assembled in a single chamber they could not by their united wisdom make a constitution that would certainly work well in practice. I must say that the followers of Mr. Fox do not share his alarm, because whenever they have a little spare time they propound a Reform Bill. Mr. Pitt and Mr. Fox thought that a Reform Bill should be proposed only when there was a case of paramount and overwhelming necessity for it. Well, I have been endeavouring to gather from the lips of the eminent persons who have addressed us what is the case of paramount and overwhelming necessity for the present Bill, but I confess I have obtained no information upon that interesting point. The hon. Member for Halifax (Mr. Stansfeld), in a speech of great ability, frankly and honestly admitted that there is a profound apathy on the subject of Parliamentary Reform, and he endeavoured to account for it upon metaphysical principles. He quoted from Mr. Mill to show that the English people were becoming frigid philosophers. I doubt the application of that quotation to this country, because whenever the people of England feel deeply they express their opinion strongly and warmly; when they disapproved a Conspiracy Bill they expressed their disapproval strongly. and if they wanted a Reform Bill they would speak out unmistakeably on the subject. There is a profound apathy in the country in reference to the question, and I do not think the hon. Member for Halifax helped his case when he confessed that even his inspiring eloquence had failed to excite the people of England—a strong proof of the invincible good sense of his countrymen. Nor did I hear a satisfactory reason for a Reform Bill from the lips of the hon. Member for Birmingham. He gave us a reason, indeed, perhaps the best which has been offered yet, for he said that the present Bill had been introduced by the noble Lord because when he was in Opposition he promised to bring forward some such measure.

Mr. BRIGHT: I did not say that the noble Lord introduced the Bill on that account; but that the Bill took the form it has assumed in consistency with a promise he gave the House last year. That is a very different reason from the words the right hon. Gentleman has put into my mouth.

Mr. WHITESIDE: The precise words used by the hon. Member were that the Bill was a redemption of the pledge given by the noble Lord when he sat on the Opposition side of the House. I submit to his better judgment that a worse argument he could not have advanced. It is but the statement of a fact. It is true, I admit, that when the noble Lord was in Opposition he did, in a rash moment, when engaged in carrying an abstract Resolution, throw out some hints as to what a Reform Bill ought to contain—an unanswerable instance of the danger of giving pledges in Opposition, which are sure to recoil upon a statesman when he gets into office. As a matter of fact, therefore, the statement of the hon. Member for Birmingham is correct, but it is no argument to prove the necessity of a Bill. The right hon. Gentleman the Member for Morpeth (Sir George Grey) also endeavoured to explain why the present measure was introduced, but I cannot say he was quite successful in giving us a satisfactory reason. He said that the Government had proposed the Bill in its present shape in order to retain the confidence of their supporters.

Sir GEORGE GREY: I did not say so.

Mr. BRIGHT: The confidence of the House, not of their supporters.

Mr. WHITESIDE: I thank the hon. Member for his correction, but I apprehend the confidence of the House means the confidence of a majority. That is a very politic reason for the introduction of the Bill, but it does not prove it to be a good Bill; on the contrary, it may be a bad Bill, although it receives the support of a majority. I submit that the duty of enlightened statesmen, such as I see on the Treasury bench, is not to pander to the prejudices of a majority, but to consult their own reason, and introduce measures conducive to the permanent welfare of the country. The hon. Gentleman who spoke last gave us a specimen of statistical rhetoric. He seemed to be of opinion that England, Ireland, and Scotland, were centred in Leeds. I may say, indeed, that his speech was a convincing argument against the proposal to give another Member to Leeds, for, if twenty gentlemen were to spend their lives in studying the blue or red-book which contains the history of the institutions of Leeds, they could not do so to better purpose or with greater effect than the hon. Member. But he mistook the philosophic speech of my right hon. Friend the Member for Bucks, where he spoke of the addition of a homogeneous mass to the existing constituent body. The hon. Gentleman seems to have thought that my right hon. Friend meant them all to be plasterers. I assure the hon. Member that was not the argument, and I think it was scarcely necessary for him to give us, with such painful particularity, the number of the useful, industrious men belonging to the various trades of Leeds, in order to disprove the statement of my right hon. Friend. That statement stands untouched by the interesting facts which the hon. Gentleman has communicated to the House. When a great measure like the present is proposed it is a fair question to ask—Will it satisfy anybody? The hon. Member for Carlisle (Mr. Lawson), who is, I believe, a "chip of the old block," has told us something about that, and I was much struck with his observations. He said that the Ballot was not so applicable to small as to large boroughs, but he hoped that by the supplementary Reform Bill—(my spirit died within me when I heard that phrase)—in the supplementary Bill which must soon be introduced, all the small boroughs would be extinguished. The hon. Member spoke with all the ardour of youth, and I believe with sincerity, and he announced to us that this final measure which the noble Lord has introduced will forthwith be followed by a supplementary Bill that will extinguish—he does not give us any option—he says which will extinguish the right to send Members to Parliament in all the small towns in the kingdom. The hon. Member for Birmingham a higher authority, has also given us his opinion of the present Bill, and I recommend it to the careful notice of the noble Lord the Member for London. "The transference of seats," said the hon. Member, "is the pith and marrow of Reform. This Bill does not settle, but rather unsettles, the question of the distribution of seats." Therefore, according to the hon. Member—the highest authority in the country on the point—we are proceeding with infinite pains and labour, while the finances of the country are in a state of expectancy—not to settle anything but to unsettle everything; which is a piece of statesmanship that does credit to the Gentlemen on the Treasury Bench. But the hon. Gentleman went on to say, very fairly and openly, that the further demands of the country must be satisfied; and he added this remarkable sentence, "It is impossible for this question to remain permanently where you are about to place it by this Bill." Therefore, we are not to consider the merits of the Bill itself—"the Bill, the whole Bill, and nothing but the Bill"—but we are fairly warned that the doctrine of finality, relied upon by the noble Lord twenty-five years ago, is utterly exploded and that one Reform Bill is only valuable because it leads to another. No constitution that ever existed in the civilized world, ancient or modern, could stand such handling as that. To that I think I shall have the assent of the noble Lord on the true principles of ancient Whiggery. May I take the liberty of asking the noble Lord whether any politician can safely speculate on the consequences of a political measure? He himself once prophesied—sincerely, no doubt—as to the effect of a certain measure in a certain part of the empire—namely, Ireland—and immediately after his prophecy there was the grandest agitation there the world ever saw. You cannot speculate as to the consequences of any political change, but if one were at liberty to speculate on the consequences of this measure from the speeches which enforce it, I should say it would be followed by an agitation conducted by men of ability and sincerity—like the hon. Member for Birmingham—who would use the power this Bill gives them, not for the purpose of quieting the minds of their fellow countrymen, but to excite them by maddening eloquence to demand further and more extensive changes. The hon. Member for Birmingham will permit me to ask him and those who think with him, whether their principle is to reform the Constitution of their country or to reconstruct it? I am willing to argue either with him or any other Member of this House, provided he first admits that his intention is to amend—if it be to reconstruct, then, I say, the task is not one of reform but of revolution, and I decline to argue with him at all. When the hon. Gentleman tells us that there are 7,000,000 adult males in this country, and that only 1,000,000 have votes, and the rest are excluded, I want to know what he means by that argument? Is it that all the rest ought to be admitted to the franchise? Does he mean to argue that it has ever been the Constitution of this country since England was a nation, to recognize the sovereignty of the people, or the sovereignty of the majority? Never, I say—at no time. The argument that the masses are to be admitted, because they are the masses, is against our history, our law, and our Constitution. If the hon. Gentleman asks me on what principle the people were admitted formerly, let us look back a little to our history. It is good to look back when we are pressing forward too fast; for, however much this age may have improved in railroads, steamers, electric telegraphs, and the like, I doubt whether in matters of statesmanship and policy we have at all improved on the *abnormis sapientia* of our ancestors. The freeholders in ancient times elected in common with the knights in the counties—and why? Not merely because they had the property, but because the exercise of the franchise was but the development of other liberties which they possessed, of other privileges of which they were in the daily exercise and enjoyment, which were connected with the franchise, and of which the franchise was the guardian. The hon. Member for Stirling (Mr. Caird), I see, has given notice of his intention to move the introduction of the 40*s.* freehold franchise to Scotland. What was the 40*s.* franchise in its origin? We have it thus explained to us in our books. No man was allowed to vote by the ancient law of this country unless he had an independent will, unless the property he possessed was enough, together with reasonable industry, to give him a competency. A 40*s.* freehold, when that franchise was first established, would be worth about £12, in the reign of Queen Anne; when Blackstone wrote it would be worth £20; now, I suppose it is worth about £40. But there is yet another reason why the 40*s.* freeholder was admitted to vote, to which I beg the attention of the hon. Gentlemen opposite, who are all for numbers. The freeholder, according to ancient usage, was a member of the County Court; he was a judge, or what you would now call a juryman; he had duties to perform which daily and hourly qualified him to exercise the franchise. In this way security was taken that those who voted should have independence, industry, and intelligence, and those were excluded who had not the qualities which entitled them to the exercise of the franchise. The clergy were admitted for the same reason. But I quite admit that "the masses" were excluded, for that is my argument. They were excluded according to the principle that they had not qualities which would entitle them to exercise the franchise. In boroughs men voted because by charter they were made into corporations; because they had obtained privileges by their charters, they elected magistrates, they served on juries, they taxed themselves; and when they met in this chamber those who were elected for towns voted on an equality with those who were elected for counties. But is your enlightened voter of the present day, your £6 man, the man to discharge such duties? Take the artisan, the carpenter, the plasterer, of whom the hon. Member for Leeds talked—could they discharge the duties which were discharged by the electors in those times? Could you place them on juries? Certainly not. There is nothing more dangerous or more unprincipled than to take a man suddenly out of the mass of the population and to make him a voter, when that same man has performed none of the functions of which the exercise of that vote is but the development. In what did the ancient system eventuate? The constitution sought for men who had the political capacity requisite to exercise the franchise and the functions connected with it; it did not matter how few or how many they were. If they were few, the few were entrusted with the franchise for the purpose of protecting the many — it might be against their own ignorance, their own prejudices, or their own poverty; but, whether few or many, it was they who had the political capacity who possessed the power, and there is no time in the history of our constitution, when mere numbers were represented because of the fact of their numbers. In process of time the copyholder came to resemble the freeholder, he got a permanent title and a tenure almost equal to a freehold, and was necessarily included within the pale of the Constitution—the long-leaseholders, too, according as they fell within the category of possessors of political capacity. The rest were not excluded, but were held to be not entitled to the franchise, because they did not possess the political capacity, the independent property and the free will which the constitution required in him who was to be entrusted with the power of the franchise. The hon. Member for Birmingham, the hon. Member who spoke last, and the Members of the Government who have spoken call upon us to admit the working classes; but what does that mean? Are the working classes to be admitted because they are the working classes? Where is a precedent for that to be found in our books—in our history? They are to be admitted if they have the political capacity. If you discover in them the independence, knowledge, and understanding which the Constitution requires they are to be admitted. It matters not how many; the more the better. When once you have discovered a class of persons who possess the political capacity to be intrusted with the making of laws for the Government of this splendid empire, they are entitled to the franchise, no matter how numerous they may be. But I want to ask Her Majesty's Ministers, how have they proved that this body to which they refer so triumphantly possesses that political capacity? Has the hon. Member for Birmingham proved it? He told us the other night that not long ago he visited a great warehouse in Manchester, and as he saw the piles of textile fabrics heaped up the thought came into his mind that if the men concerned in the production of these articles were all called up together not one, probably, would be found to have a vote. Well, what argument is that? We are not now in search of a good stonemason, a good plasterer, or a good carpenter, or a good weaver; what we are in search of is a man who has the political capacity to do a political act. Tell me not of their industry, their manual dexterity—you must show to me what are their opinions, what their combinations, what their political capacity. You must prove to me that they have the intelligence and the understanding required for the doing of a certain political act. Not one single word has been said to prove this; you have no facts, you have no returns, you have no elements enabling you to judge whether they have this capacity. But under these circumstances what was I bound to do? I looked about to see as well as I could what were the opinions of these men, what their tastes for organization, what their views with regard to the great questions, I will not say of political economy, but of common sense. I find in reference to a publication of great interest, that the organization bearing on the late strikes, extended over 60,000 men. My right hon. Friend the Member for Bucks says that these men have great power of organization, and that if these persons possessed of such organization were entrusted with political power, it would give them supremacy. I have looked over a pamphlet which I recently received, by Mr. Potter, the secretary of the organized trades, on strikes and lock-outs, and I find there from themselves what are the opinions of the working classes; for it is no use for us to think for them—we must learn their opinions from themselves. The paper is interesting, the author proposed to explain what is the condition of the working classes and what their feelings towards their employers. I think that the capitalists are right in saying that they do not rank very high with them; and, far from believing that the capitalists would gain their votes, it seems likely that the workmen would avenge themselves on their employers at the very first opportunity. In reference to the late strike and the conduct of their employers, the paper states that the men made certain appeals to the masters, and were not received with courtesy. ["Hear!"] I am not defending the masters—let the Member for the Tower Hamlets understand that, for I see he is eulogised in the pamphlet. Sometimes, it is stated, their addresses were harshly and rudely answered, or received with silent contempt, and on several occasions the men composing the deputations were discharged from employment and deprived of the means of subsistence, the masters thus acting, according to the publication, not only with gross injustice and tyranny towards the particular workmen victimized, but highly insultingly to the whole working classes. Therefore, we have the secretary of this enormous association stating that the workmen were harshly and cruelly treated, and their conduct towards the masters will be influenced by the feelings thus expressed. The paper went on to state that the masons, a high-spirited and well-organized body of operatives, on learning the injustice inflicted on a brother mason for presuming to present a petition to his employer, were indignant and determined to punish the Messrs. Trollope; the joiners, the bricklayers, and the hon. Member's friends, the plasterers, united with the masons against the Messrs. Trollope. These gentlemen were asked to receive the injured discharged mason again into employment, and to reduce the hours of labour from ten to nine a day without reducing the wages. This they refused to do, and the strike went on until it attained national dimensions. Then it is stated that the masters dared to discharge the men belonging to the union, and at last drew up a document to be signed by the workpeople; this the latter refused to do, and all classes of the working people united in reprobating the conduct of the master-builders; contributions in aid of the lock-outs flowed in from all parts of the country; large meetings of the working classes were held, in which the proceedings of the masters were denounced in unmeasured terms. The paper proceeded to describe the conduct of the masters as sometimes calculated to force the workmen to see their wives and children perish for want of the means of existence, and it stated that nothing remained but the right of association—that is, the right of combining and confederating to compel the masters to give them the same pay for nine hours' as for ten hours' labour. This is insisted on as a true political economy. I find it stated that certain gentlemen, of whom the hon. Member for the Tower Hamlets was one, were unanimous in deprecating the tyrannical conduct of the master builders, and the paper, proceeding to state the actual condition, mental and moral, of the working people, observes, that to the crushing effects of overtoil must be attributed the failure of mechanics' institutes and the small number of the industrial class, described as the down-trodden children of humanity, that rise to social eminence. It appears from the paper to which I have referred, that the men described themselves as crushed by the great capitalists, that mechanics' institutes have failed; that the people are ignorant, and want mental, moral, and physical development. Then, I say, that according to their own account, it would be perilous to put into their hands political power. The writer contended that the arrangements of society ought not to be adapted to exceptional cases, that there should be the means of developing the moral and spiritual power, and of raising the down-trodden children of humanity. Their complaints may be ill-founded, but it is impossible to read the pamphlet without pain; but if it speaks the truth in reference to opinions, it would be mercy to the men themselves not to give them a power which they admit they are not qualified to use. But another strange paper has been published relating to "Trades Unions and Strikes; and their Philosophy and Intention." The philosophy of strikes is rather a curious subject. In this pamphlet it is stated that the principal argument against trades' unions is professed to be derived from the alleged ignorance of the working people with respect to political economy. There man is stated as being described as an interchanging animal; but, if he be an interchanging animal, the pamphlet proceeds to say, he has also instincts of a predatory character; and then it tries to make out that the labour of the workmen is stolen by the predatory capitalists, against whom it is necessary to guard the artizans; that, singly, the artizans would be crushed; and that confederacies on the part of the workpeople were therefore requisite to enforce justice against the capitalists. Combinations, they say, afford the only means by which a free exercise of their rights can be secured to them, and then they describe who are the leaders of the strikes. "The trades' unions," they declare, "always combine not only the best workmen, but the best men in a moral sense who can be found in the trade." These opinions, therefore, are held by the most skilled workmen and by those of the highest morality. And then they defend the principle on which trades' unions are founded. "We only operate upon our members by moral compulsion, like that which you use in your clubs, and to which Members of Parliament are subjected. If a Member displeases his constituents, do not they get rid of him?" And they point as an instance to the treatment of the hon. Members for Rochdale and Birmingham. Remember, this is political economy directed against free-traders and great capitalists who won't be just towards the men whom they employ, and who won't give them the full compensation—that is the term—which they deserve for their labour. During the Russian war, Mr. Bright and Mr. Cobden, they observe, thought proper to express sincere convictions which they had a perfect right to express, but which were opposed to what was then believed the public weal. Thereupon all their past services were forgotten, their influence as public men was lost, and there seemed no great probability of their regaining public confidence. It does not appear, therefore, that they have any particular partiality for those who assume to represent their opinions in this House. The whole pamphlet is quite a manual of political economy as taught in Mechanics' Institutes. Now, looking at this authorized publication, and comparing the opinions there expressed with the arguments used by the hon. Members for Leeds and for Birmingham, and the want of all argument on the Treasury bench, I ask are you justified in transferring to these 600,000 organized men such a vast amount of political power? It is said that an organized minority can never overmaster the will of the majority. Did you read in *The Times* to-day the admirable lesson taught on this subject in the American Assembly? You will there see how completely an organized minority may, even in a free and enlightened country, trample over the principles of humanity and justice by their perseverance, their zeal, and their union.

"Which party has been successful need not be said. In every struggle the slaveowners have had the advantage. They have abolished the Compromise Line, they have passed the Fugitive Slave Bill, and they have obtained the Dred Scott decision, which declares that no person of African descent can be a citizen of the United States. They have thus made the institution of slavery to a certain degree co-extensive with the Union. This success is attributed by Mr. Seward to the earnestness of the slaveowners, their determination to win at all hazards, their disregard for the interests of the Union, and their consciousness that their opponents were more patriotic than themselves. 'That it is easy to combine the Capital (Slave) States in defence of even external interests, while it is hard to unite the Labour (Free) States in a common policy;' and that 'the Labour States have a natural loyalty to the Union, while the Capital States have a natural facility for alarming that loyalty by threatening disunion,' the speaker takes to be propositions made evident by past legislation."

To say, therefore, that an organized minority can effect no mischief in a State, is disproved by the most extraordinary fact in the history of the world—that in the Republic to which the hon. Member for Birmingham so constantly and triumphantly alludes, even there, when the great interests of justice are at stake, the organized slaveholders get rid of every law which prevents the working of their peculiar system. And just in the same way, I believe, that the action of a united minority here may produce a great effect upon your electoral system. We have been told by the hon. Gentleman (Mr. Bright) that in America the people enjoy the blessings of education, and that they are so enlightened and so highly educated, that this country cannot reach its standard. The hon. Gentleman is not in his place just now, and, I may add, seldom is in his place at the right time. But if he were present I should venture to submit to him that education is to be judged of as it produces effects on human conduct. Unless the conduct of men corresponds with their cultivation, they may, indeed, be educated in one sense, but they are educated impostors. Unless the great principles of justice and humanity are exhibited by the powerful Republic to which the hon. Member is so fond of alluding, I am old-fashioned enough to prefer the less educated people in this monarchical State. Looking, then, at the measure, I ask on what principle this jump in the dark is to be made by the House of Commons? It is vain for you to contend that you have any information as to the effect of your measure. The hon. Member for Stirling has given notice of a Motion for introducing a 40*s*. freehold franchise into Scotland. Now, on this subject, take an historical fact or two. I see on the Treasury bench several followers of the late Sir Robert Peel. The right hon. Secretary to the Lord Lieutenant of Ireland is, I know, peculiarly conversant with the political opinions of his late chief. When Sir Robert Peel brought in the Emancipation Bill, he stated, substantially, that you could not govern a country by a 40*s*. franchise; and he disfranchised 250,000 freeholders in Ireland — not because they were immoral or corrupt, but because they were ignorant and prejudiced. That body, if they had remained, would have voted away three things—the Church, the Law, and the State; and that without any hesitation whatever. Sir Robert Peel, therefore, laid down the principle that, in order to ensure public safety, you were to ascend, not descend, in the social scale. He created a £10 freehold estate franchise, a very high one; and it was fortunate he did so, because when the agitation afterwards sprang up in Ireland, though O'Connell had the masses on his side, he had not the entire electoral body. The system was changed at the time of the Reform Bill; and here I wish to call the attention of those who are opposed to a rating franchise. The hon. Member for Montrose (Mr. Baxter) said he wished for a rental qualification because it had worked well. Now, what happened when the £10 freehold franchise was created in Ireland? The question of what was a beneficial ownership arose, and the conflict of opinion and of evidence on this subject gave rise to the Parliamentary Committee of 1837 or 1838. The whole subject then underwent investigation, and in the result the rental qualification was got rid of, and a fixed standard of value was substituted in the shape of a poor rate. A valuation was subsequently effected, which now pervades the whole country, and the effect is to prevent altogether the conflict of evidence and opinion as to supposed values, and to establish a sound franchise to which everybody trusts, which is found rather Conservative than otherwise, and which has therefore, I suspect, led to a new Reform Bill being proposed for Ireland. You have now a sound constituency in Ireland—a £12 rating in counties and £8 in boroughs; and the right hon. Gentleman (Mr. Cardwell), finding that he is in a minority in that country, and that the intellect and the majority of the Irish representatives are against him, then proposes a fifth Reform Bill for Ireland. What is the consequence? Look at your paper. One hon. Gentleman proposes to reduce the franchise to £8, another will reduce it to £5, another to £4—all which proposed changes the right hon. Gentleman invites by his unnecessary, wanton, uncalled-for Bill—a Bill which has not been asked for by a single individual throughout the length and breadth of Ireland, not even by a travelling tinker or a loquacious barber. The duty of the Government appears to be not to do the business of the country, but to reform the poor old Parliament, which, when it was not reformed, raised the country to a pitch of power and glory which it will be well if future Parliaments succeed in being able to establish and maintain. Therefore, I join my friends in imploring those thoughtful statesmen by whom this Bill has been inconsiderately introduced to inquire into the facts which I have laid before them, and to consider whether they will not considerably raise their reputation by raising the franchise proposed by this Reform Bill. Whatever may be the result of the inquiry, there can be but one conclusion, that the Parliament which has heard the arguments on this serious and momentous question is disposed to consider fairly and dispassionately how best to secure the institutions and preserve the constitution of the country upon the basis on which their ancestors placed it.

Mr. EDWIN JAMES moved the adjournment of the debate.

Lord JOHN RUSSELL said, he was quite ready to go on with the debate, but as there was no hope of concluding it that night he would not resist the adjournment.

Mr. DISRAELI thought there should be a clear understanding as to when the debate should be adjourned.

Viscount PALMERSTON said, it would be equally desirable to many hon. Members to know how many more nights of debate there were to be. The Government would take the chance of going on to-morrow night after the other business. [*Cries of* "Monday, Monday!"] Then I will at once say Monday night.

Debate *further adjourned* till *Monday* next.

House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 23, 1860.

Minutes.] Public Bills.—1ª Divorce Court. 2ª Mutiny; Marine Mutiny.

Royal Assent.—Consolidated Fund (£4,500,000); Probate and Administration (India); Valuation of Rateable Property (Ireland); Medical Acts Amendment; Packet Service (Transfer of Contracts); Administering of Poison.

ELECTIONS, &c.

ADDRESS FOR RETURNS.

The Earl of AIRLIE, in moving that an Address be presented to Her Majesty for Returns respecting Persons qualified to vote at the election of Members of Parliament, the noble Earl said, that his Motion as originally drawn had likewise proposed to include the number of qualified voters assessed to the income and property tax; but he had received a communication from the Board of Inland Revenue to the effect that it would be impossible to furnish such a Return; he had therefore abandoned that portion of his Motion. He presumed there would be no objection to the Returns in the shape in which he had now framed them; for all their Lordships must perceive the importance of having the information he now sought. As it was probable their Lordships would shortly be called on to consider a Bill which had been introduced into the other House to amend the representation of the people, it became very desirable to ascertain what effect the proposed alterations would have on the electoral body, and also, if possible, to obtain some conception of the extent to which these electors would be affected by the operation of direct taxation, which appeared likely to form a permanent part of the national system of finance. It was very desirable to see what proportion of the electors paid direct taxes, and what proportion did not pay them. He thought the Returns for which he moved would be sufficiently accurate for practical purposes, and it might fairly be assumed that those voters who paid the inhabited house duty, and who occupied houses of the value of £20, were also subjected to income tax and other direct taxes; and that the great majority of electors occupying £10 to £20 houses did not contribute in like manner to the national revenue. In a speech made not very long ago the present Chancellor of the Exchequer stated that in general the houses rated at from £10 to £20 were occupied by persons whose incomes varied from £50 to £150 a year. It was, then, only reasonable to suppose that as we descended towards £10 occupiers the proportion of voters who did not pay direct taxes would be much larger. If they examined the Returns of the number of persons assessed for poor rates on £6 to £10 ratings, it would be founds that the number of occupiers increased very largely as they descended in this scale. Of houses from £9 to £10 in value there were 42,000 occupiers; £8 to £9 houses had £51,000 occupiers; £7 to £8 houses were held by 78,000 persons, and £6 to £7 houses by 98,000 occupiers, or more than double the number of those holding premises of the next higher value; and it appeared that the occupiers from £10 to £20 followed the same rule of proportion. The subject was important, not merely in itself, but from the language which had been held by a leading member of the Government. In a speech lately delivered the Chancellor of the Exchequer intimated in very plain language his conviction that Parliament, as at present constituted, was disposed unduly to favour the rich classes at the expense of the poorer; and that it was therefore more disposed to indirect than direct taxation. This was a charge of a very grave nature, and one which it might not seem respectful to the Lower House for their Lordships to discuss; but he must observe that there was certainly a very remarkable coincidence between the language thus held and the opinions so often expressed by the hon. Member for Birmingham, who, since the introduction of the present Reform Bill, had become a warm supporter of the Government. He did not refer to the speeches which the hon. Gentleman had lately delivered within the walls of Parliament, because he thought it must have struck any who paid attention to the subject that the speeches of the hon. Gentleman recently in the House of Commons had been singularly guarded, and that he was now supporting those to whom he had not hitherto shown himself disposed to evince any great degree of deference. But it would be found that during the recess, both by speeches and a letter, making allowance for varieties of expression, his sentiments were very much the same as those to which the Chancellor of the Exchequer so recently gave utterance. In the speeches of both there was an assumption that the indirect taxes were paid almost wholly by the poorer classes, that they were levied to favour the rich, and that the richer and middle classes contributed but little to the amount which those indirect taxes brought into the revenue. The sentiments of both the Chancellor of the Exchequer and the hon. Member for Birmingham threw much light upon the Government proposal and their intention with regard to reform. He did not suppose that the Government had thrown that Bill upon the table as an isolated measure; but there were few who considered the subject who did not think that taxation and representation went somewhat together. The Reform Bill and the financial measures of the Government were certainly in harmony; for as one, if it were to pass, would to some extent overthrow the present electoral system, the other was calculated to revolutionize the fiscal policy of the nation. Perhaps he might be permitted to establish this point, and to make one or two observations on the Budget. Over and over again it had been alleged that the financial policy of the Government was identical with that of Sir Robert Peel, and that the objections urged against one might be applied with equal force to the other. But in reality the same resemblance existed between them as was borne by a caricature to the features which it was said to represent. That principle which actuated the measures of Sir Robert Peel was, to use a modern phrase, "conspicuous by its absence" in the proposals of the Government. If any one principle were laid down more strongly than another in the plans of Sir Robert Peel, it was that the expenditure of the year should be defrayed out of the current revenue. In 1842, when Sir Robert Peel entered upon his great work, he had to encounter a deficiency left him by his predecessors of more than 2,500,000, yet he reduced the taxation by £1,200,000. He did not count upon future years to bear the burden of the current year, nor postpone the obligations of that current year, but, by imposing an income tax and other taxes, he was enabled to make good that deficiency. In 1845 Sir Robert Peel carried still further the work he had begun, reducing the amount of taxation by upwards of £3,000,000; but in all his operations it was a cardinal point with him not to incur debt for the purpose of remitting taxes. He always maintained that the expenses of the year should be met by the revenue of the year. When in 1852 the then Chancellor of the Exchequer (Mr. Disraeli) proposed to make both ends meet, after reducing certain indirect taxes, by applying to the purposes of the year a large sum of money which could not be said to be part of the revenue of the year, his proposal was objected to by Mr. Gladstone on the ground that the expenses of the year ought to be met out of its revenue. But the same right hon. Gentleman now proposed to make up a narrow surplus of £460,000 by calling up the malt and hop credits, putting to the credit of revenue half the Spanish debt, and postponing the payment of £1,000,000 of Exchequer bonds; in fact, by appropriating pretty nearly £2,000,000 to the service of the year which had nothing to do with its revenue. When he read the financial statement he was struck with astonishment at it, and, as a supporter of the Government, he was most anxious to hear what plea they could put forward in its justification. Her Majesty's Ministers did not seem very desirous of discussion, but it was impossible altogether to evade putting forward some kind of reasons for this proposal, and, as far as he could learn, the chief argument put forward in its favour was that, as Sir Robert Peel had remitted taxes in the face of a deficiency, and Mr. Gladstone did the same, therefore the financial policy of this Government was identical with Sir Robert Peel's. But no attempt was made to account for the difference which was pointed out—that Sir Robert Peel, before he remitted taxes, always took care to cover the deficiency, which this scheme entirely omitted to do. He would not stop to inquire whether the circumstances of 1858 were parallel to the circumstances of 1860, or whether measures, which were justifiable when the country was slowly recovering from the effects of a very serious commercial crisis, could in any way be justified when it was admitted that the country was in a state of unexampled prosperity. The Budget now proposed was directly at variance with the principles which Sir Robert Peel laid down as the basis of a sound system of finance. When the Army and Navy Estimates were moved it was said that we were in a state of transition, and that there were large calls this year because great changes had to be made. That might be a good reason for asking for large sums, but it was no reason for forestalling the means of the year to come. In fact, we had been in a state of transition for the last twenty years; but if every Government had postponed some portion of their liability on that ground the floating debt would by this time have accumulated to an enormous amount. There was nothing in the state of Europe which justified the expectation that there would be any large reduction in the Army and Navy Estimates, in which alone any really large reduction could be made. At this moment all Europe was looking to a quarter where a deed was being perpetrated of which he would not trust himself to speak. The noble Lord the Secretary of State for Foreign Affairs had said, that if Savoy should be annexed to France, France would become an object of distrust to Europe; and on the 28th of January he wrote to Lord Cowley in the same tone. When an act was said to excite suspicion among the States of Europe, it implied warlike preparations and counter preparations—in fact, a state of armed neutrality. Yet, in the face of that state of things, the Government had introduced a Budget which would only be excusable if they were able to show that there was reason to expect that next year they would be able to effect a large reduction of expenditure. He thought he had a right to ask the Government the same question as was asked by the present Chancellor of the Exchequer in 1852, when he asked, were they anxious to vote for a Budget which endangered the credit of the country? That was the language held by the right hon. Gentleman with respect to the Budget of the right hon. Gentleman the Member for Buckinghamshire; yet the only substantial difference which he (the Earl of Airlie) could see between the two Budgets was, that whereas the Member for Buckinghamshire proposed to advance £400,000 to the service of the year which was not properly part of the revenue of the year, the present Chancellor of the Exchequer proposed to apply in the same manner upwards of £2,500,000. He knew that the Budget had received the sanction of the other House by large majorities; but the issue whether it was a good one or not had never been raised. It was inseparably connected with the French Treaty, and many who approved the Treaty voted for the Budget lest they should lose the Treaty. There was another point to which he wished to refer. No one had complained more loudly or more frequently than the Chancellor of the Exchequer of the tendency of Parliament to encourage lavish expenditure; but it appeared to him that the measures the right hon. Gentleman had recently proposed removed the only practical guarantee against that evil—namely, that the expenditure ought to be defrayed out of the revenue of the year. With the one hand the Government protracted the expenditure, while with the other they remitted various sources of revenue, and left the future to make up any deficiency which might arise. It was a question well deserving the most serious consideration whether or not the effect of the Reform Bill proposed by the Government would be to give an overwhelming preponderance in the representation to those classes whom direct taxation did not reach, and leave the minority, who seemed marked out for taxation, with no control over the fiscal arrangements of the country. It was necessary that, before they were asked to take that measure into consideration, they should have the fullest information on the points he had mentioned; and he hoped the Government would not object to the Returns he asked for. The noble Earl then moved an Address for—

> "Return of the Number of Persons charged with the Inhabited House Duty and qualified to vote at the Election of Members to serve in Parliament within each of the Counties and Parliamentary Boroughs in England and Wales: Also,
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> "Return of the Number of Persons entitled to vote for Members of Parliament in respect of Houses of the respective Rentals of £10 and under £15 per Annum, £15 and under £20, £20 and under £25, £25 and under £50, £50 and under £100, £100 and upwards, in each and every separate Borough:" And also,
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> "Return of the Number of Householders in each Borough inhabiting Houses of the Gross Rentals respectively of £6 and under £7, £7 and under £8, £8 and under £9, £9 and under £10, £10 and under £15, distinguishing the Number in each Class (1) not rated to the Poor at all, (2) rated only through the Landlord, and (3) excused from Payment of Rates from Poverty or other Cause."

THE DUKE OF NEWCASTLE said, the Government had no objection to the Returns moved for by the noble Earl. A portion of them had, in fact, been already presented to the House of Commons.

Motion *agreed to.*

ANNEXATION OF NICE TO FRANCE.
QUESTION.

THE MARQUESS OF CLANRICARDE said, he was so sensible of the very serious condition of affairs on the Continent that he was not about to endeavour to extract any hasty expression of their views from Her Majesty's Government, or elicit, by any premature discussion, the opinion of their Lordships' House. The question he had to put was one that related simply to facts; and, though it might suit the convenience of despotic Governments to impart only such information as they chose on the progress of events, with such comments as it pleased them to permit, it would be absurd for their Lordships to shut their eyes to the true character of those events, or accept as a correct account of them statements which they knew to be inconsistent with the truth. Both the Government and Parliament must soon pronounce their opinion upon what was taking place, and he would not touch upon questions of so delicate a nature at that moment. It was obvious that if we were to maintain a sincere and cordial amity with any country, there must exist between the Government of that country and our own the most loyal, frank, and thorough confidence. Some weeks ago there appeared a statement in a foreign newspaper to the effect that there were negotiations going on between the Governments of France and Sardinia for the cession of the districts of Savoy and Nice to France. When the announcement was first authentically made, the French Government were at great pains to impress upon the Government and people of this country that such annexation would be made only with the free consent of the King of Sardinia, and also with the free consent and goodwill of the populations concerned, and after communication with the great Powers of Europe. On two of those points he had nothing to say; he only wished to touch upon the facts connected with the consent of the people whose soil was to be annexed. He left wholly out of view the question of Savoy, because it would be impossible to deal with it without going into questions of much delicacy upon which he for one would not raise a premature, hasty, and, it might be, mischievous discussion. He should confine himself solely to the question of Nice. He need not dilate before their Lordships on the soundness of the principle that any such transference of allegiance as was talked of should be essentially founded on the goodwill and consent of the populations concerned. There was no more formidable doctrine connected with despotism and what was called the "right divine of Kings" than the idea that their subjects belonged to them as a right, and that any portion of them could be handed over from one to another as they pleased. It would be absurd to dwell upon the falseness of that principle before any body of Englishmen, and it was the more unnecessary in the present case as the French and Sardinian Governments had rested their conduct on the efficacy and validity of the popular will in such matters. The transference of the town and county of Nice from

Sardinia to France had been announced, and already appeared to be considered an accomplished fact between the two Governments. But so far was it from the truth that the measure commanded the consent and free will of the population, that it was known to all the world that the municipal body of the town of Nice had only the last week, after a long deliberation, sent a deputation to the King of Sardinia to express their desire to remain under his rule, and to implore him, if separation must take place, to plead for them that the town and county should be constituted a neutral territory, which, as would be evident to those of their Lordships who were acquainted with the country it was well adapted to become. Into the propriety of the annexation he would not enter :—it might be a matter for negotiation between the Governments. All they had to consider was the necessity of having on the part of the French Government on this subject, as on others, frankness, fair dealing, and an adherence if not to promises at all events to announced statements. He observed that the Emperor of the French, in his address to the deputation from Savoy, introduced the question of Nice, without the slightest pretext, because no deputation from that district was present. He said :—

> "In fact, it is neither by conquest nor by insurrection that Savoy and Nice will be united to France, but by the free consent of her legitimate sovereign, supported by popular consent."

He begged leave to say that this was not a correct representation of the state of things, and he said this on the authority not only of the inhabitants of Nice, but also of Englishmen resident there. Her Majesty's Government had first been told that there would be a general voting of the population, and afterwards that the votes of the municipalities would be taken. There had been neither. The French Government had no occasion to announce anything to Her Majesty's Government, so far as regarded the popular will in those countries; we had no right to ask for any promise or pledge that the wish of the people should be consulted ; but if certain intentions on so grave a matter were voluntarily announced they ought not to be abandoned. If confidence and goodwill were to be established between the different Powers there must be sincere and frank relations between them. He was informed that the first wish of the inhabitants of the town and county of Nice was that they should remain under the sceptre of Sardinia, and the second was that the territory of Nice should be neutralized. There were obvious reasons connected with the prosperity of the town why they should be anxious not to be annexed to France. He wished to ask whether Her Majesty's Ministers had received any communication from the Sardinian or from the French Government of the recent vote of the municipality of Nice relative to the cession of that town and its county by Sardinia, and to its absorption into the French Empire.

LORD WODEHOUSE said, his answer to his noble Friend's question was that Her Majesty's Government had not received any communication either from the French or Sardinian Government relative to the vote come to by the municipality of Nice. The noble Marquis had commenced by saying that he would not touch on the very grave and delicate question of the cession of Savoy to France. Their Lordships would, therefore, agree with him that he had better confine himself to a simple answer to the question of the noble Marquess, and not enter upon a subject which was under the most serious consideration of Her Majesty's Government.

MUTINY BILL.—SECOND READING.

Order of the Day for the Second Reading read.

EARL DE GREY AND RIPON moved, that the Bill be now read 2ª.

LORD PANMURE, in rising, pursuant to notice, to call the attention of the House to the present state of promotion in the army by the sale and purchase of commissions, said he would take the present occasion to draw their Lordships' attention to the military administration of the army, and to a matter connected therewith of grave anxiety and importance. Their Lordships were no doubt aware, from the history of the proceedings of "another place," that the subject of promotion by purchase in the army had been discussed at considerable length by the House of Commons. He confessed he was somewhat surprised and disappointed to find the result of that discussion to be an announcement on the part of his right hon. Friend at the head of the War Department, that he was about to recommend to Her Majesty a change in the system that had so long existed, and under which, with all its defects, the British Army had attained a position of which this country might be proud—a change, too, which, in his opinion, would strike a heavy blow at the root of that system. Her Majesty's Government had given the House of Commons to understand that, acting on the recommendation of a Commission appointed two years ago, they intended so far to alter the rule and system of the sale and purchase of commissions in the army as to exclude from the category of commissions to be sold or purchased the rank of lieutenant-colonel. The Government did not proceed to condemn the whole system of promotion by sale and purchase; they only proposed to lop off one of its principal limbs. If that limb, however, went, he was perfectly certain that all the rest would follow until nothing of the body would be left. Now, on what grounds, he would ask, was the system of purchase pronounced to be so faulty as to be dealt with in this summary manner? He would admit that there were blots in the system, which every one must wish to see removed. Still, their Lordships should never forget that ever since we had a standing army the system both of the sale and purchase of commissions had existed in connection with promotion. He believed, indeed, that during the reign of William III. the system was abolished for a time; but the inconvenience was found to be so great that, in the reign of Queen Anne, it was again restored and recognized, and it had ever since prevailed. The sale of commissions in the British army had been originally instituted, not for the purpose of introducing youths into the army, but to enable those who had got to the top of the tree to leave the army, and to open the stream of promotion, so that the officers of the army might not be a senile and antiquated body of men. The system of purchase had operated to that end. It had, moreover, not only introduced into the army a steady stream of promotion, but had also established an impartial system of promotion, under which an officer who was prepared to purchase was secure of his step in spite of all the interest that might otherwise have caused other officers to be put over his head. He would undertake to say that under this plan of promotion by purchase the British Army had attained to a system of appointing officers which, with all its defects, was not only the envy of every other army, but was superior to that of any army in the world. One of the defects complained of was that, whereas the regulations declared that certain prices should be paid for commissions, it was a notorious fact that prices far higher—in some cases almost double the regulation amount—were constantly paid for those commissions. He would admit the fact. Every one connected with the administration of military matters must know it. Every Secretary at War and Secretary of State for War, and every Commander-in-Chief for years past, had given their attention to the subject, and had endeavoured to check the practice, but they had been unable to prevent money being given for money's worth, and they had all been obliged to connive at it. It was said that this advance beyond regulation prices was a scandal, and that it was dishonourable on the part of an officer to pay the excess. He could not admit that. The word "scandal" implied something that was dishonourable; but he contended that to pay an extra price for a commission was not a dishonourable act. If it were dishonourable to pay the advance how many gallant officers had been guilty of it, and how many successive Governments had connived at it; how many Commanders-in-Chief had been obliged to shut their eyes to it? He asserted that the practice was no scandal, but that it was an inconvenient practice, which he should be glad to see checked. Then it was said that the result of the system of purchasing and selling out was that young men made the army a plaything for a few years, and that having suited their convenience and passed their time agreeably they sold out, threw up their commissions, and never returned to the service. He was surprised that any one should mention this as an argument against the system. To his mind it was an argument in its favour. Any system which favoured the introduction into the British Army of young men able to pay for commissions, which made them for a number of years amenable to discipline, which taught them all that was to be learnt in a regiment, and which qualified them when they sold out and went back to their counties to become officers of militia, officers of volunteers, or to connect themselves with any military matters in their localities —such a system, he said, conferred advantages on the country for which it ought to be grateful; and as regarded the young men themselves it was one of the greatest advantages that could be conferred upon them. It was said that the system stood in the way of those who could not rise in the army by purchase, and prevented their promotion. Here, again, he totally differed from those who would change the practice now in force, because he knew, from his own experience, that men wholly unable to purchase a single step of promotion had risen to the head of their regiments, through vacancies caused either by death or resignation, far sooner under the system of purchase than they ever could have done if the principle of promotion by seniority alone existed. He thought, therefore, that the three objections he had named, with the exception of the first, were no objections at all; and if no greater accusations than those can be brought against the system, the Government did wrong in interfering in any way with it. But it appeared that the Commission and the Government had doomed the system to a very serious change. The Commissioners consisted of ten individuals, six of whom joined in the Report; but three signed a counter Report; and he had reason to know that the fourth individual—Colonel Wetherall—would have joined in that counter Report if he had not been sent to China. After all, then, the Report of the Commission was the Report of only six of its Members; and when it was considered who the four dissentients were—that one of them had been an efficient Secretary at War in his day—he meant Mr. Ellice, the Member for Coventry—and that the others were officers of great distinction in the army, one of them, General Wynyard, having himself hardly ever purchased a step by which he rose, he thought their opinions should have prevented the Government taking any sudden and rash steps on the subject. It was proposed, as he gathered from the speech of the Secretary for War, that purchase of the rank of lieutenant-colonel should no longer take place. Then, having rendered the rank of lieutenant-colonel no longer attainable by purchase, how was it to be reached? He believed the Commission and the Government had given up the idea of promotion by seniority. They found, he apprehended, that by the system of seniority promotion might fall upon men whose qualifications for command nobody could ascertain, and that it would end in placing at the head of regiments men of long service, but who had too many years on their shoulders, and who were unfit for actual command. But he presumed it was not meant to interfere with the right of majors to become lieutenant-colonels—that if a lieutenant-colonel died it was not intended that the senior major should be deprived of his right of promotion which he now enjoyed. Therefore, he would confine his observations to those cases in which a lieutenant-colonel was disposed to sell out. It was proposed that if a lieutenant-colonel disposed of his commission, he should be succeeded by an officer to be selected by the Commander-in-Chief from the active body of majors in employment throughout the service. Now, it appeared to him that if ever there was a plan devised which would have the effect of throwing an apple of discord into the different regiments, and which would interrupt the harmony that existed in those regiments—which it was their bounden duty to encourage—it was the system of calling upon the Commander-in-Chief to exercise this odious and invidious selection of officers, to be carried over the heads of the majors in the regiment, and made their commanding officer. The senior major in a regiment might not be the very best major the Commander-in-Chief knew of in the army, and the invidious duty was put on him of naming another major to take the command of the regiment, and, from that moment, the senior major stood marked as an incompetent man and unfitted to command. Was that a position in which it was fair to put a British officer? Perhaps the senior major was a favourite in his regiment; and in that case how would the officers regard the introduction of a stranger as lieutenant colonel, and in what spirit were they likely to render him obedience? This would destroy at once the whole regimental family system, that had been the foundation of the glory of the British Army, that had bound all together, upwards and downwards, in one friendly compact, and furnished a key to the secret that had enabled the British Army to achieve so many successes. It was said, why not put the army on the same footing as the navy? His answer was that the two services were totally dissimilar. When the officers were brought together in a ship they had never, perhaps, seen each other before; they might perhaps know each other's names from the *Navy List*, and no more; and while they remained in the ship together they did not make one family. The commanding officer was a family by himself, the wardroom officers formed another family, and the gunroom officers a third, and these three families were totally distinct and separate. But in a regiment the officers were essentially one family, from the lieutenant colonel downwards; they blended into one mass, and that harmony and discipline and high tone prevailed, for which the British Army had so long been distinguished. Now, if the head of that family were to be introduced in the way now proposed, it would do more to break down the system he had described than any other that could be devised. He would take another instance. Suppose a regiment was in Hong Kong, and the lieutenant colonel retired from the service—the Commander-in-Chief, in the exercise of the duty imposed upon him, might select a major who had distinguished himself in some other part of the world, and nine, ten, or twelve months might elapse before he was able to join his regiment. Under whose charge was the regiment to be in the meantime? It would be under the charge of the senior major, whom it was the intention of the Commander-in-Chief to supersede. These were points which he thought the Government would do well to consider before they gave effect, in the shape of a warrant, to the proposed change. The only other point to which he would allude was the financial part of the question. If a lieutenant colonel applied for leave to sell out, how did they mean to treat him? Did they mean to tell him that there was no objection to his selling out, but that the only sum they could give him was the bare amount recognized by the regulations of the army. The Commander-in-Chief knew that the lieutenant colonel had given £2,000, £3,000, or £4,000 more than the regulation price for his commission; but, notwithstanding that his paying those large sums had been winked at, was it intended to withhold from him the surplus amount he had so paid? To do so would be an act of robbery. They must calculate on great loss if they wished to do justice to the officers of the army by repaying the sums they had laid out, and this would continue till the time came when these officers were put on their guard against giving the large sums they had hitherto been accustomed to pay. With those observations, he should leave this matter in the hands of Her Majesty's Government; but he earnestly hoped that before they finally decided upon taking such a step as he had referred to, they would well weigh what the British Army had become under the existing system, and the risk they would run of destroying its *prestige* by adopting another.

Earl DE GREY and RIPON said, nothing could be more natural than that the noble Baron should have availed himself of that opportunity of bringing the question of the sale and purchase of commissions in the army under their Lordships' notice; because it was the noble Baron himself who appointed the Commission for the purpose of inquiring into and reporting upon the whole subject, and it was in consequence of the Report of that Commission that the consideration of the Government had been specially directed to the question. The first part of the noble Baron's address was directed against the idea of those who desired the total abolition of purchase; and his speech would have been appropriate had it been made in the other House of Parliament on a recent occasion; but as the right hon. Gentleman the Secretary for War then stated that it was not the intention of the Government to take any steps for the abolition of the general system of purchase, but that on the contrary, Government would view this abolition with alarm, it was not his intention to enter into a general discussion on the merits or demerits of the purchase question. Sure he was however that the system could not be dealt with as a whole, in the manner proposed by some, without leading the country into the expenditure of a large sum of money to compensate officers who were prohibited from purchasing, and to provide pensions on retirements, in order to prevent the promotion of the army from stagnating, and to supply the facilities for advancement that purchase gave. The Government entertained no such scheme as the noble Baron suspected. The question was, whether the system of purchase, such as it now was, was one that ought not to be dealt with at all, or whether its evils were of a character to call for the application of a remedy. The first evil was one the existence of which was not now denied—it was the giving high and exorbitant prices for commissions beyond those set down in the regulations. The noble Baron said there was no ground for any charge of scandal or dishonourable conduct; and far be it from him (Earl de Grey) to use any such words in speaking of a practice that prevailed almost universally among officers of the army. He was glad that the noble Baron had not taken the line taken by some, of denying the facts of the case in reference to high prices. It was a prevalent and general practice even in the infantry to give prices very large, sometimes exceeding as much as 50 per cent on the prices authorized by the regulations. But in considering these questions they must not forget that these prices were given in direct contravention of the law; it should not be forgotten, that there was an Act of Parliament in existence that strictly prohibited this, and provided punishment and cashiered any one guilty of the offence. The words of the Act were recalled to the attention of officers in the Queen's regulations. It was passed in 1805, and could not be said to be obsolete, seeing that it was put into operation the other day for the punishment and imprisonment of parties who had contravened its provisions. The Mutiny Act, moreover, which was annually passed by Parliament, and of which he had just moved the second reading, contained a clause especially referring to the matter, and provided other penalties for a transgression of the regulations. Therefore they stood in this position with regard to high and illegitimate prices; they had a law and a code declaring that to give or receive them was illegal; and yet, as the noble Baron said, officers in the army still carried on the system, and successive Commanders-in-Chief were aware of the fact. That was unquestionably true; and the reason why no active steps had been taken to put a stop to the practice was, that successive Commanders-in-Chief had found it impossible to lay their hands on any individual case (and the illustrious Duke on the cross benches would confirm it) in such a manner as to justify proceedings under the Act of Parliament. But there still remained the evil of giving these large prices at all. He believed it might be shown to be the opinion of the best and highest military authorities that it would not be desirable to abolish the regulations that exist, and to throw open the market for commissions; and the evidence before the Commission, including that of Sir J. Scarlett and others went to show that the practice of giving these large prices "was a most injurious and ruinous practice." Recently they had had strong illustrations of this. In the cavalry, at the commencement of the year, there were sixty-five vacant cornetcies, which there appeared to be no prospect of filling. This resulted from the high prices of commissions in the cavalry and the great general expenses of that branch of the service, which were suited to the class of men that alone were able to enter it. The result was that by consultation between the Commander-in-Chief and the Secretary for War an order had been issued at the Horse Guards to reduce the price of commissions in the cavalry to the same as those in the infantry, and the consequence had been that there had been more applications for commissions than they had had in some months past. These questions were now no longer matters of theory or of conjecture, but of fact. But these were not the only grounds that rendered it necessary to deal with this subject. There had taken place recently in the system of promotion in this country certain changes of great importance applying to officers who had risen above the regimental ranks, and which he thought must be considered in connection with this question. The effect of them had been that whereas before the war in 1854 there existed a system of promotion by brevet, so that an officer having once attained the rank of captain, went on progressively though slowly to a higher rank, that system had been altered with general approbation, and now there was no means of getting to a higher rank in the army except by having served in certain regimental positions or on the Staff. Another most salutary alteration had been made, by which after a short period no officer would obtain one of these staff appointments except by undergoing tests of a severe and important character. The consequence of these changes was that the position of the man who could not purchase was rendered more difficult in consequence of the orders of 1854–58 than under the old system. The evil of high prices was one which had attracted considerable public attention, and the question now was, whether the other changes did not render a consideration of the whole system of purchase desirable; and whether the plan proposed by the Commission was worthy of approval or not. The noble Baron had said truly that this Report of the Commission was signed by only six members of it: that three other members signed a different Report: and that the other member, though he did not hear the whole of the evidence, expressed his readiness to sign the Report of the minority. But nobody could say that the names which were appended to that Report were names not entitled to respect, for they were all names of persons of influence, either as military men or as civilians whose opinions were well entitled to consideration. What were the objections which the noble Baron urged against the plan proposed? He did not understand the noble Baron to say that if the plan were adopted it would not have a great tendency to lower the price of commissions; and he (Earl de Grey) took it, indeed, that that effect must be admitted as likely to follow. The illegitimate prices which were given were given mainly for commissions of field officers. But then it was said that the tendency of this change would be to injure the regimental system of the British army. He certainly was the last person who would feel inclined to say one word against the advantages of the regimental system of the British army, for no doubt that system was the strength and life of our army. The question was how far the changes now proposed could be said to militate against that system. It must be borne in mind that under the present system officers did not always succeed to the command of their own regiments, and that the system of exchange brought in persons from other regiments to take the command. The fact was that one-fourth of the regimental lieutenant colonels were persons who had bought into their regiments from other regiments; and this calculation did not take in the case of majors, many of whom had also in the same manner come from other regiments. He had not heard that the regiments in which this was the case were less efficient than those in which promotion had gone on more directly. When it was said that this system of selection would have the effect of entirely preventing the possibility of promotion going in the regiment, he denied that such would be the effect; it did not substitute a system of general seniority, and there was nothing in the proposals of the Commissioners to prevent a Commander-in-Chief from promoting an officer in his own regiment. The noble Baron said that the difficulty of exercising selection would be enormous, and that if it were exercised it would create great dissatisfaction. But it must be remembered that in regard to all the higher appointments in the army it was necessary to exercise the principle of selection. The question was, whether the position of a commanding officer of a regiment was one of sufficient importance to make it necessary to have a selection—for it was admitted that for positions of great importance there must be selection. He could not help thinking that the position was one of such importance that the person charged with the duty of selecting commanding officers of regiments should have his power of choice as little fettered as possible. What was wanted was, that if there were an inefficient man in a regiment you should not be prevented from passing him over; and it would be easier, under the proposed plan, to say, "Here is a man more fit," than to say, "You are so unfit, that though the rule is to promote by seniority, still I cannot promote you." The hardship pointed out by the noble Baron in reference to the senior major, at Hong Kong for instance, taking the command of a regiment for months and then being superseded, was a hardship which might occur under the present system in the event of the senior major not having money to purchase, and therefore being passed over. He could assure their Lordships that, in approaching this most difficult and important question, he was deeply impressed with the necessity of proceeding with the utmost caution. It was necessary in taking any step so closely affecting the interests of the British army that caution should be used, and that whatever might be determined on should be well considered, and determined on only after consultation with military authorities, and hearing all the objections that could be urged against it. In the other House his right hon. Friend (Mr. Sidney Herbert) had recently been called upon to state his opinions, and he had done so fearlessly; and for himself, he (Earl de Grey) ventured to think that the reason which induced the Commission to arrive at their conclusions and the Government to adopt the conclusions were reasons of great importance. He believed that the step proposed to be taken would not decrease the efficiency of the army, and would remove from it evils of a mischievous and objectionable description.

The Earl of LUCAN said, he was very glad to hear from the noble Earl that the Minister of War had not yet made up his mind on this very important question, and that he would confer previously with the military authorities. He (the Earl of Lucan) did most earnestly implore the Government to consider well before they adopted a step which, in his conscience he believed, would prove fatal to the interests of the British Army. He frankly admitted the evils which arose from the large sums spent upon commissions; but these were given in excess of the regulations, and were no arguments against the purchase system. His belief was, that those evils might be easily checked, as they were when he first joined the army. There was nothing so grating to the ear, and so unpalatable, as to be told that public employment, and particularly commissions in the army, could be obtained by purchase. But he must observe that it could scarcely be truly said that commissions in the British army were purchased. A certain regulated sum of money was deposited when an officer received his commission, which might be held, to a certain extent, as a security for his good conduct. It was only by permission he could recover it. There was no transaction between one officer and another. On quitting the service, the officer retiring did not ask for permission to sell his commission to any particular officer. He asked leave to retire, receiving the sum he had originally deposited; and it was for the Commander-in-Chief to select his successor. When he (the Earl of Lucan) first came into the army, nothing was more common than for the Commander-in-Chief to select an officer from one regiment to fill the vacancy in another, especially when promotion had been too rapid in the one, and too slow in the other. It was a very ordinary practice; he thought it a very wholesome one, and that it would be wise to revert to it. The system of purchase, he believed had worked efficiently and well; he believed that no system in any other army had worked more or even equally so. He was satisfied that there were no regiments in the world superior to British regiments. Foreign officers might be more scientific, but for honour, for fidelity, or for bravery they were not surpassed, if equalled, by those of any Foreign army. In using the word bravery he was only doing justice to his own feelings. When he recited a conversation he had held with Marshal Canrobert subsequent to the Crimean war, that distinguished general said to him "Je dis—et j'ai toujours dit—qu'il n'existoiant pas dans le monde de plus brave soldats ques les soldats Anglais, à l'exception de leurs officiers," or that there were no braver soldiers in the world than English soldiers, unless it were their own officers. Much had been said about the ages of officers, he (the Earl of Lucan), was convinced that throughout the English army officers of the different ranks were ten years younger than in Foreign armies. This arose from the purchase system, which, though answering its purpose so well, they were about to tamper with. It was proposed, he believed, to abolish purchase for the future after a certain rank. Since the noble Lord gave notice of his Motion, he had applied himself to reading the evidence taken before the Commission on whose recommendation the Government's intentions to abolish purchase after the rank of major was founded. He would undertake to say that in the whole of the evidence there was nothing to support the contemplated alteration; he was unable to put his finger on a single expression of any officer which could be adduced in support of such a course. If they were to judge from the questions put by the Commissioners, it would appear that they had made up their own minds before entering on the examination; for, not content with examining, re-examining, and frequently cross-examining their own witnesses, they pressed them so hard as to torture them into the admissions they were anxious to procure. Sir Colin Campbell, Sir Duncan M'Dougall, and Lord West, supposed to be generally opposed to the system of purchase, were examined; though favourable to particular alterations, they were unanimous in condemning the plan recommended by the Commission. He should like to know whether the noble Lord, the Under-Secretary for War, or his chief, had considered the difficulties likely to accrue from the change proposed. No officer entering the army in future is to be secured in his advancement beyond the rank of major, in either the infantry or cavalry. What rule did the noble Lord propose to adopt with respect to the Guards? Would he allow officers to purchase their companies and obtain the rank of lieutenant-colonel, and so be able to ascend to the highest ranks in the profession, at the time that officers, entering the cavalry or infantry, could not be sure of attaining a higher rank than that of major? If such were the intention, did the House believe the country would tolerate it? If there were no other objection, in his opinion, that in itself sufficed to render the scheme impracticable. What was to be done with the Artillery? There was no selection in that corps, every officer must become a lieutenant-colonel in process of time; was it to be tolerated that artillery officers were to obtain, by seniority, that rank which would enable them to succeed to the highest grades in the army, while the officers of cavalry and infantry could only obtain it by selection? That was a difficulty which he saw no way of getting over. If once the principle is established that majors of other regiments are to be selected, the regimental major, as a rule, must be made ineligible, otherwise, there would be such a slur on his character and capacity, that he would be compelled to leave the service. He believed that there was no officer in the service so sensible of the extraordinary difficulties of the scheme as the Commander-in-Chief himself. He had had no conversation with the illustrious Duke on this subject; but he had read his evidence, and to almost everything that had fallen from him he entirely subscribed. The Government were attempting to lay upon the Commander-in-Chief a duty which it would be impossible for him to discharge. There was nothing in the world so difficult as to know beforehand who would make a good lieutenant-colonel. It rarely happened that a major had any opportunity of showing that he possessed the qualifications requisite for the command of a regiment; the illustrious Duke must be always doing injustice, for he defied the Commander-in-Chief to say that he had sufficient means for forming an opinion as to the relative merits of the officers from whom he would have to choose his lieutenant-colonels. The illustrious Duke knew that he had not, and he had, in fact, told the Commissioners so; and the consequence would be that he would have to fall back upon the worst of all systems—promotion by seniority. With one exception there was not a single word in the evidence given by the Commander-in-Chief before the Commission to which he (the Earl of Lucan) and every officer in the army would not subscribe. The illustrious Duke said that it was so unusual to veto the appointment of an officer he could not exercise the power, unless he received an unusual amount of support from the public. With great respect he must say that it was the duty of a Commander-in-Chief to consider the interests of the service before he thought of the individual. It had been stated before the Commissioners that under the present system improper persons were placed in the command of regiments; under what system must that not occasionally happen? It was, nevertheless, surprising how few cases had been brought forward. Sir James Simpson mentioned two; but he did not state how they had obtained their rank—whether by seniority, purchase, or selection. One had died in the service, and the other, for anything he knew, might be in it now. He (the Earl of Lucan) felt bound to say that the Commander-in-Chief, whoever he might be, neglected his duty if he allowed an inefficient officer to remain at the head of a regiment. By the reports of the Inspectors the Commander-in-Chief became acquainted with the capacity of all commanding officers; when one was reported unfit, he should intimate to the officer to withdraw. The illustrious Duke says that that was already done; but the Commander-in-Chief did not discharge his duty if he went no further. Unpleasant as the step might be, he ought, on the officer declining to retire, to send down two General Officers to verify the report and at once act upon their decision. They were told that in the French army the lieutenant-colonels were selected; but the Commissioners probably did not know that in that service the *chef de bataillon* performs the duties of our lieutenant-colonels; and these are not selected, and in their commands they can prove their qualifications to be selected for the higher rank of lieutenant-colonel. Majors in the English army seldom have the opportunity of showing their qualification for command. With regard to the seniority system, it was unnecessary for him to say a word. The Artillery, in which that rule prevailed, had actually memorialized in favour of purchase; for promotion in that service was so slow that it was hardly possible to keep it supplied with officers of an age fit for active service. Had it not been that seven or eight new battalions had been added, the efficiency of the corps in the field would have been most seriously injured by what he might almost term the senility of its officers. Again, to give promotion, £60,000 or 70,000 a year were spent in retiring allowances. He did hope that the Government would not attempt to carry out the scheme laid down by the Secretary for War without first giving it a most careful reconsideration.

THE DUKE OF SOMERSET said, the noble Lord who had introduced this subject to their notice (Lord Panmure) had expressed himself strongly in favour of maintaining the purchase system in its integrity. The noble Lord had expressed surprise that the Government should have taken another course, although well aware that two members of the Cabinet had subscribed their names to the Report of the Commission which proposed to modify the system. He was surprised that the noble Lord, if his mind was made up that the purchase system was excellent, should have raised the question by the appointment of the Commission. Why was the whole question opened, if the noble Lord was confident he was right? He (the Duke of Somerset) had never agitated the question, but it now seems that the noble Lord wanted to stifle an inconvenient question, and so appointed a Commission. He (the Duke of Somerset) had spoken in the other House against the exaggerated notion of the evil effects of the purchase system, which, although it had some evils, had great advantages. The noble Lord asked him to be at the head of the Commission and appointed other Commissioners. Why was that done? He called it hardly fair conduct on the part of the noble Lord. The Commission was "to inquire whether promotion in the army is to be advanced by the purchase of commissions at a fixed price, and to report whether it is expedient to make any change in the existing system." Why, if the noble Lord was convinced that change was not wanted—why in the world did he appoint the Commission? The Commission was appointed: was it intended that they should make a heavy blue-book and hang up the question —at least while the noble Lord was Secretary of State. But when the Commissioners came to look honestly into the question they came to results that did not at all suit the noble Lord. The Commission arrived at the conclusion—and he was prepared to defend it—that the command of a regiment was a most important trust and one which ought not to be bought and sold. That was the position which he (the Duke of Somerset) took, and he wanted to see it confuted. He said that the command of a regiment was a matter of deep importance to the honour of the country, because the issue of a battle might depend upon it. But further than that he believed it was admitted by every one that not only the whole management and efficiency of the regiment, but the health of the men, depended on the commanding officer. It was stated that the mortality in the Crimea varied very much with the efficiency of the lieutenant-colonels in command. Was it right then that they should allow a man, because he had money, to be put in command of a regiment, in which position he might sacrifice the lives of the soldiers and the honour of the country, rather than interfere with the system of purchase? He said the command of a regiment ought to be made by sleection, and he was prepared to show that there were means of making that selection. It had been stated over and over again, and it was stated by the noble Lord himself, that there are at the Horse Guards what are called confidential reports, which are open only to the eyes of the Commander-in-Chief, of the character, conduct, and acquirements of every officer in the army. General Sir George Brown said: "The Commander-in-Chief has the means of knowing the character for efficiency and intelligence of every field-officer in the army if he chooses to go to the Adjutant-General's office to get the information." These were the means of making selection, and yet they had been told by Sir James Simpson that men had often and must under a system of purchase rise to the command of a regiment who were totally unfit for it. They could not be passed over. The veto of the Commander-in-Chief was a very difficult and serious thing. They had the advantage of the evidence of the illustrious Duke the Commander-in-Chief, who told them how invidious it was to put a veto on the appointment of an officer; and the illustrious Duke also said that he felt it desirable to exercise that power, but that it was necessary for the Commander-in-Chief to be supported by public opinion if he should ever have resort to it. The power to veto an appointment does exist, but it is not exercised. That showed that some alteration in the existing state of things was required; and he said that it was far better to select in the first instance than veto an appointment when made. To veto a person appointed was far more invidious to the individual than to select another, because when they selected they did not say to him, "You are very bad," but only "There is somebody else who, under the circumstances, we think preferable." The real question involved was whether they were to consider the interests of the individual officers or the interests of the public service. In this country, with the House of Commons and the public strongly taking up individual cases, it was very difficult to decide individually for the interests of the public service; but the command of a regiment was so important that it ought to be done. There was no difficulty about non-commissioned officers. They were always selected. But it was said that, if it were attempted to apply the principle of selection to officers high up in the service, it could not be done. He believed the Commander-in-Chief had the means of doing it, and, if the illustrious Duke would permit him to say so, he thought he ought to do it if the declared opinion of Parliament called upon him to undertake the duty. No wonder foreigners thought us a nation of shopkeepers when they found us bargaining as we did at present about the command of our regiments. Even the Duke of Wellington in time of war, as is stated in the evidence of the Commission, when he wanted to name a man to a command, could not do it, because that officer did not possess the money. There was a practical evil and the Commission had indicated the remedy which ought to be applied—the opening of a wider field for selection. He would not go into the question how that ought to be done. That was a matter which the Commission did not proceed to consider, because, when it was found that the members of it were divided, it was thought best not to go further into details, but to set down their opinions on the general question and leave them for the Government to deal with. They only indicated the general opinion that selection ought to take place in nominating to the command of regiments. The noble Earl who had just spoken (the Earl of Lucan) said that no officer had been in favour of the recommendation. Well, but what of Sir James Scarlett, who considered that the principle of selection might be resorted to in all the higher ranks above that of captain? Up to captain it was proposed that when they came into the army by purchase they should be permitted to sell out. One great advantage of purchase was that it opened a way to retirement, and thereby tended to recruit the lower ranks with young men. Were the principle of selection adopted, he entertained very little doubt but it would be judiciously carried out by the illustrious Duke. The illustrious Duke had not only the advantage of position, but he was placed high above all the strife of party; he would not be hampered by the various relations of society, and he would be able to exercise the principle of selection so as to give real efficiency to the British army. There was no other army in the world where the principle of selection was not acted upon, and more especially in the command of regiments this was the case, even in the Indian army. As to making regulations against excess prices, those regulations would be futile—the only way to deal with them would be to adopt some such system as had been proposed by the Commission. High prices were not given until they came to high places. Of the existence of the evil there could be no doubt. Again, he said here was the evil—there was the remedy. A noble Lord had asked what if a regiment should be sent to China, and its commanding officer should

be sent invalided home? How meet that case? Would you send out an officer to take the command? He (the Duke of Somerset) had just done that very thing. A regiment of marines had been sent out to China, whose commanding officer had been invalided—the junior officer had the command for six months. He (the Duke of Somerset) tried to get the best man he could find. He told those whom he consulted he must have the best man to send out there. Well, he sent him. He hoped he had done right, though, according to what the noble Lord (Lord Panmure) said, it would appear as if he had not done so. As to selection, the whole merit of it would depend upon the ability and fitness of the scheme or plan devised for carrying it out. Let them lay down the general principle that all commands of regiments were not to be given according to money but according to fitness. He knew the Horse Guards possessed the means of carrying out this principle, and that it might be adopted. The Commission had laid down only the general plan; but the details of any scheme would, of course, require the grave and serious consideration of the military authorities, assisted by the advice of officers of experience in the different services. He had thought right thus far to express his opinion, having been a member of the Commission whose proceedings had been so much canvassed during this discussion.

EARL GREY agreed in the expendiency of not prolonging the debate. He would only say a few words at this time of the evening, and as the House was so thin. The noble Duke spoke of the importance of the office of commanding a regiment. He entirely agreed with him, and that the importance of obtaining the best men for that command could not be exaggerated. The noble Duke said, men ought not to be placed in such high posts merely because they had money to buy them. He (Earl Grey) replied, certainly not; but the question was how they were likely to get the best men for the command of regiments. The noble Duke said, by the system of selection. Well, but, in his opinion, however speciously the plan of selection sounded in the abstract, still its exercise implied an almost superhuman amount of knowledge and firmness—knowledge, to be rightly aware of the abilities of each officer, and firmness to resist all the influences which would be brought to bear directly and indirectly on any Commander-in-Chief. Such knowledge no Commander-in-Chief could ever fully possess—he must necessarily trust to the reports furnished to him. And would there be no danger of bias, or partiality, or envy, or other motives, in those reports? Could he—how could he be sure he had the most correct data to go upon in his selection? The Commander-in-Chief might be willing to do his best; but doing his best he must still trust to, and be to a great entent guided by, the opinions of others. But how was it possible, when a vacancy occurred in the command of a regiment, for any Commander-in-Chief, especially in time of peace, when officers had no great opportunity of showing their respective qualities, to obtain proof, satisfactory not only to his own mind, but to the mind of the public, that there was some other major in the army so decidedly superior to the senior major of the regiment in which the vacancy occurred that he ought to have the preference? The present system was a system of seniority qualified by purchase. But the practical effect of the system of selection would unquestionably be to substitute for the present system of seniority, qualified by purchase, a system of almost unmitigated seniority, for the habit would soon become established of giving vacancies in command to senior officers except in the case of marked and glaring disqualification. That was his own opinion, and, judging from the evidence of the illustrious Duke before the Commission, such was the opinion of the Commander-in-Chief also from his experience in that high office. Would they, under the new system and the proposed manner of its working, get better officers? He (Earl Grey) would reply, certainly not. The noble Duke was quite wrong in saying a man was made lieutenant-colonel merely because he had money, for it was the bounden duty of the Commander-in-Chief to see that no unfit person was allowed to make the purchase. Moreover, the system of purchase gave great facility to the Commander-in-Chief for passing over those officers who, in his opinion, were not efficient. It was difficult to say to a man against whom there is no positive fault to be found, who has discharged his duties honestly but is deficient in the qualities required for the command of a regiment, "Remain in the service; I must pass you over—cast a slur upon you, and blight your prospects, and you will be exposed to the disrespect of all your brother officers; but still you must remain." Whereas by the purchase system he might say in a friendly way to this officer, "I advise you to sell out. I cannot promote you. I feel it to be my duty to appoint some one else, therefore take my advice as a friend and sell out." He knew that had been done. This prevented unfit men from being promoted to the command of regiments. Let it be borne in mind too that the British military service was one of the hardest in the world. We sent our regiments to the most distant parts of the globe—to the most unhealthy climates—they had no opportunity of distinguishing themselves—Were they then to promote an officer to whom chance afforded an opportunity of distinguishing himself, over the head of an equally brave and efficient officer, who might have been quite as much or more capable, but who had not been afforded the same opportunity of bringing himself into notice? The system of selection, too, would, in his opinion, cause much jealousy, and might, perhaps, lead to appeals to public opinion—to attempts to depress brother officers in the estimation of the press and the public, and to increase their own importance, than which nothing could, in his opinion, be more pernicious. They had seen a little too much of that already. He feared that officers would be desirous of increasing their own importance at the expense of others in the same service, which would be, he repeated, a most serious misfortune. There were two courses open to them, either to adhere to the system of purchase or to abolish it altogether. A great deal had been said, and perhaps might be said, in favour of each of these courses, but with respect to the proposal of the Commission he confessed he could see nothing to recommend it, on the contrary it ingeniously united the objections to both the other plans without the merits of either, and he had never heard any man, not a member of the Commission or of the Government, who was in favour of the scheme. In his opinion it would be better to abolish the system of purchase altogether than to adopt their recommendation. It had been argued that abolishing the system of purchase as to lieutenant-colonelcies and retaining promotion by purchase in all the inferior ranks would put an end to the practice of paying what were called illegitimate prices for commissions. Notwithstanding all that had been said on this point his opinion was that there was no objection whatever to these high prices except that they were in contravention of a certain law or regulation. That regulation ought, in his opinion, to be altered. It would be necessary to have a regulation price, for it could not be permitted to an officer to carry on an auction for the sale of his commission. There ought to be a regulation price, and then, if the senior officer said he was ready with this sum, he ought to have the commission; but if by mutual agreement between the parties a sum beyond the regulation were paid for a commission, he saw nothing to condemn in the arrangement. What was the objection to it? Whom did it injure? If it was done by common consent, instead of being an injury, it was an advantage, since it promoted the greater frequency of these transactions and kept the army young. If the reason for this change was to compel lieutenant-colonels to go out, taking the regulation price, then it was a plan of downright robbery. He advised Her Majesty's Government, if they made the change proposed, not to shirk the honest obligation to meet existing interests. He knew, and all the world knew, that the payment of prices beyond the regulation had been the general practice for years with the sufferance, to say the least, of the highest military authorities. In former years he believed there had even been cases in which negotiations for the sale of commissions beyond the regulation price had actually been carried on through officers at the Horse Guards. To turn round upon officers who had been thereby encouraged to pay high prices for their commissions now and say they must go out with only the regulation price would be nothing better than robbery. If the Government made any change in the existing arrangements they were bound to ask Parliament for the means of making a fair compensation to officers whose interests would be affected. He should advise Her Majesty's Government, if they wished to abolish the system of purchase gradually, rather to begin at the lower end than the higher. An ensign never paid more than the regulation price, and there would be no objection to say to the ensigns, "The public will pay you the money you advanced;" and then in a few years they might get rid of the system of purchase without injustice; but, for his own part, he deprecated the change altogether, and believed the system to be attended with great advantages. In the first place it was most desirable that the officers of the army should be of a younger age than they could be otherwise kept, without going to an enormous expense for retiring pensions. Then in the next place, the political advantages of the present system were most important. It was highly useful that gentlemen of wealth, who were afterwards going to occupy important situations in the country, should in their younger days be placed under the control of military discipline. The system of sale and purchase also prevented the army from being too exclusively professional in its character. He was old-fashioned enough to think that to keep up a large standing army was, under any circumstances, rather a dangerous thing to a free country. It was formerly regarded as a political axiom that standing armies were dangerous to free institutions, and he believed that what had rendered an army compatible with our free Government was that it was officered by gentlemen closely connected with the general society of the nation, having interests in common with the rest of their countrymen, and not looking to promotion as their only object. A body of officers who had their profession only to trust to would be animated by very different feelings, and would naturally be very favourable to war. The system of purchase had mainly contributed to preserve our army from this spirit, and we had thus avoided many serious evils existing in other countries; our system had both ensured a rapid succession of officers in the army, and a community of interests between those officers and the gentlemen of the country.

THE DUKE OF CAMBRIDGE: My Lords, I do not think it would be respectful to your Lordships if I allowed this discussion to close without saying a very few words to this effect—that in my peculiar position it would be very indelicate in me to enter into any arguments on this subject, inasmuch as my opinions are known. They have been given before the Commission of which my noble Friend the noble Duke (the Duke of Somerset) was the President. Those opinions were given before this question was under your Lordships' consideration. They were given in the most unbiassed manner to the Commission, and I request to say that I have not changed them since. This is all that I will observe; except to add thus much, that, whatever may be the decision that may be come to, I can assure the noble Duke, I can assure this House and the country, that as far as I am personally concerned, it shall be my earnest and anxious endeavour—difficult as it may be, and, as I may perhaps consider it, impossible—to carry out that decision in such a manner as to promote the best interest of the army, and, if of the army the best interests of the country also.

Viscount HARDINGE wished to express the opinion that the compromise proposed by the Secretary for War would not work satisfactorily. He thought it had been clearly shown by the two noble Earls who had spoken that evening, and by the noble Lord who had introduced this discussion, that such a system would lead to heartburnings and to great dissatisfaction in the army. The result would be that political pressure and private friendship would be brought to bear upon the authorities, which it would be very difficult to withstand, and that *esprit de corps*, which ought to exist among the officers of the British army, would be destroyed. He had at one time entertained the opinion that the principle of selection by merit was one that might be introduced into the service with advantage; but after reading the evidence of the noble Earl opposite and of His Royal Highness on the subject he confessed he had changed his opinion, and he was now of opinion that it could never be fairly or practically carried out. The Commander-in-Chief had stated before the Commission that if a vacancy occurred in a regiment in the West Indies, and a major were sent out from home to supersede all the captains in the regiments, it would be a great hardship upon those officers who had been serving there in a bad climate with their colours. Then, what was to be the test of selection—was it to be the fact of an officer being a good drill, or being well acquainted with the interior economy of his regiment, or was it to be scientific acquirements? On all these points every Inspector of a regiment in their reports would differ. Then, what did the noble Duke (the Duke of Somerset) say? He said he would not enter into details, and could not explain how those were to be carried out; but when the Secretary for War came down to the House, and propounded so crude and imperfect a measure, the House had a right to ask how those details were to be carried out? The Secretary of War had stated he viewed with alarm and apprehension the total abolition of the purchase system. He (Viscount Hardinge) hoped the Under Secretary for War shared somewhat in that alarm, for in the House of Commons he made able speeches in favour of total abolition. The late Lord Raglan stated before the Commission of 1840, that he should be very sorry to see the system of selection introduced into the army under any circumstances, because he thought it would lead to every possible abuse. The scheme of the Government he considered very objectionable, and he trusted, if it were not too late, that the Government would reconsider the question, and not introduce into the army any sweeping measure or hastily considered changes.

Lord PANMURE said, that an accusation had been made against him by the noble Duke (the Duke of Somerset) that he had had a Committee or Commission appointed for the purpose of shelving this question. He entirely repudiated that accusation. He appointed the Commission, not because he was convinced that it was necessary, in order to promote the character of the British officer, but in order to satisfy the demands that had constantly been made for it in the House of Commons. He must say he thought that Commission had taken evidence in a most extraordinary manner. For example: the whole evidence of Sir C. Trevelyan consisted of questions and answers, the whole of which were written by that gentleman himself and placed in the hands of the Commissioners, and in many cases the witness corrected the questioner.

The Duke of SOMERSET expressed his regret if he had said one word that would cause pain to his noble Friend, or that could be deemed an imputation upon his personal character.

Motion *agreed to.*

Bill read 2^a accordingly; and *committed* to a Committee of the whole House on *Monday* next.

House adjourned at a quarter before
Nine o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 23, 1860.

Minutes.]—New Writs Issued.—For Norwich, in the room of Henry William Schneider, esq., void Election; Right Hon. William Coutts Keppel, commonly called Viscount Bury, void Election.

Public Bills.—Benefit Societies Rules Amendment; Companies (1860).

2° Mines Regulation and Inspection.

3° Endowed Schools (No. 3).

NEW WRITS FOR NORWICH.

MR. T. DUNCOMBE said, he was aware that Motions for the issue of new writs had, by recent practice of the House, been made subject to notice, and Mr. Speaker had a right to enforce that practice, if he (Mr. Duncombe) attempted to violate it. Indeed, he believed he was now moving by the indulgence of the House; but this practice was altogether inconsistent with the original privileges and rights of that House to issue writs, for there was no part of its constitution more important than that which related to the keeping up of the full complement of Members, and the representation of the people through that means. At the present moment there were nine seats vacant —two for Sudbury and two for St. Alban's (these were vacant by Act of Parliament), two for Gloucester, one for Wakefield, and two for Norwich. If he were precluded from making his present Motion now in consequence of his having been prevented from rising at half-past four, the city of Norwich might be kept in a state of excitement till he could give two days' fresh notice. On the other hand, if the Motion were not made till a late hour of the night, the writ could not reach the returning officer by the ordinary course in time to be proclaimed at Norwich before Monday. He begged therefore to move—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of two Citizens to serve in this present Parliament for the City of Norwich, in the room of Henry William Schneider, Esq., and the Right Hon. William Coutts Keppel, commonly called Viscount Bury, whose Elections have been determined to be void."

MR. DARBY GRIFFITH said, he objected to the issue of the writ. The borough of Norwich was one of those that had manifested so determinedly corrupt a character as to require some very serious step to be taken with regard to it, and the hon. Gentleman himself seemed to be aware of it, for he placed Norwich in the same category with Gloucester and Wakefield. He believed the only way to punish the electors was by the non-issue of the writ. He found no fault with the late Members, for he believed more respectable Gentlemen never sat in the House. But the fault of this corruption lay chiefly with the constituencies; for he dissented from the doctrine, or rather as he would call it—the jargon, that was so common in the House, that it was the candidates who seduced the electoral innocence of the constituencies. He believed, on the contrary, that the primary inducements to bribery came almost universally from the electors. Surely it was to the interest of every candidate to get himself returned for as little expense as he could. Candidates generally went down sheltering themselves under the Corrupt Practices Act, which he believed, in spite of all that had been said against it, had been productive of much good, and, but for some defects in its machinery, would be productive of much more. But the candidate when he met his agent was sure to be told, "It is of no use your coming down unless you are prepared to spend money;" and they all knew what spending money was. In his opinion it was absolutely necessary, if the House wished its professions in favour of purity of election to be believed, that an example should be made of a constituency so notoriously corrupt as that of Norwich.

MR. BRIGHT said, he did not rise to object to the issue of this writ, but rather to make an explanation on behalf of certain persons in Norwich from whom he had presented a petition last Session respecting the corruption that had existed in that city. That petition was agreed to unanimously by a very numerous meeting of the corporation of Norwich. It alleged that there had been great corruption in that city, and besought the House to institute an inquiry with the view of applying some remedy to the evil. Unfortunately the Election Committee did not report—and for sufficient reasons—that there had been extensive corruption at Norwich. Hon. Gentlemen were aware that when a petitioning party had proved sufficient to obtain its object, and overthrow the sitting Members, all further evidence was withdrawn. Nobody had any interest in incurring either the expense or the odium of promoting further inquiry, and thus the vast cesspool of electoral corruption was concealed from the House and the country. There was, indeed, an Act of Parliament under which a Special Committee could be appointed on petition, but it required that the petition asking for the Committee should be presented within a certain time after the alleged corruption had been committed. In this case the petition was presented too late for that object, and therefore he had found himself unable to move for an inquiry under that Act. The general result, therefore, was that the corporation of Norwich had petitioned for an investigation into what, under the present state of things, there was no power to cause to be investigated; and accordingly no investigation took place. He was informed that the persons bribed at Norwich during the general election were more in number than all those bribed in the two constituencies of Gloucester and Wakefield together; and it was a great misfortune that no inquiry had been instituted. The gentleman who promoted the petition from the corporation of Norwich extremely regretted that the inquiry could not take place, and had desired him to say—what he believed to be perfectly true—that they were greatly disappointed at this result. They had, however, done everything they could to prevent the screening of the great electoral iniquity which they alleged to exist in that city.

MR. ROEBUCK: I rise, Sir, expressly for the purpose of endeavouring to do something in this matter. Now, Sir, the hon. Member for Birmingham has stated how it was he failed, and his friends failed, to punish the borough of Norwich, but there remains at the hands of this House one means yet, and that is to prevent the issuing of the writ. Now, Sir, I will explain how that is. When a man is bribed it is his interest to be bribed again, and to that end it is to his interest to have as many elections as possible. Now, acknowledging that statement of the hon. Member that he has failed to bring this matter to light—I take his words as he uttered them, and the House will recollect that he said there was as much or more corruption than in the two boroughs of Wakefield and Gloucester in the one single city of Norwich, it would appear that this House has failed to reach the evil by its defective legislation, and I now appeal to the House to take advantage of the means at their hands. If we could pass some Resolution, which I do not suppose we can, not to issue the writ for ten years, I think it would serve the city of Norwich right; and I will tell you why. I do not believe that corruption takes place in any town without the sanction of its leading men. I do not believe that the public opinion of that town is a guide to anything but the opinion of the persons most distinguished in that town. I know that bribery is considered a venial offence, and the man who has been bribed in Norwich a few months since will be bribed again if you issue your writ. Your cry for purity will be a mere pretence unless you take the matter into your hands, and refuse the issue of this writ. I want to know why the Member for Finsbury was selected to move the issue of this writ. I have always thought my hon. Friend the great friend of purity of election. No man more than he can depend on his own individual character to be elected to this House. Well, then, why is he selected to be the instrument in this dirty business? I say it is a dirty business, and this House ought now, by their negative of this Resolution, to mark their sense of what is going on in various other parts of this country. I call on them not to issue this writ as a punishment to the whole body of the people of Norwich. That will go far to prevent any further recurrence of that corruption, of which we all complain.

MR. E. P. BOUVERIE said, that whatever might be the inclination of hon. Members, they could not refuse to issue this particular writ, and therefore, the opposition of the hon. Gentleman opposite (Mr. D. Griffith) was too late. The House had already acceded to the issuing of the writ rendered necessary by the unseating of Mr. Schneider. [*Cries of* "No, no."] It was a fact; the question had been put, and it had been carried, that a new writ should issue for the city of Norwich to return a citizen in the room of Mr. Schneider, who was unseated last Session on account of bribery, since which no writ had been issued. But what was the case with regard to Viscount Bury, whose seat was now in question? With regard to Viscount Bury there had been a subsequent election, and his seat had been declared void on account of bribery in the April election of 1859. The House would recollect the particular circumstances of the case. Viscount Bury accepted office while there was a petition pending against his return for corruption. The noble Viscount went to Norwich again and was returned, and the Committee having taken the petition into their consideration, decided that the seat was vacant, because he was disqualified from standing at that election, on account of the bribery which had occurred in the course of the previous contest. The House had no evidence with regard to Norwich except notoriety. There was a general impression, in which he himself shared, that there was great corruption in Norwich; but, unfortunately, the Committee which tried the election petition did not report that there was extensive corruption in that city, which was an essential preliminary to any subsequent inquiry. What had they done in a similar case within the last few days? The hon. and gallant Member for Clare (Colonel Vandeleur) was unseated on account of certain cases of bribery alleged against him, and yet a new writ had been issued for a new election. How could they substantially distinguish between the cases of Norwich and Clare? It appeared to him there was only one rule to go upon. Where the Committee decided that bribery existed they could suspend the writ, but if they went on suspending writs wherever hon. Members were unseated for bribery, they would have the House sitting without a very large proportion of its Members. Looking at the general features of the case, he thought they were bound to agree to the issuing of this writ.

Mr. COLLINS said, the case of Norwich differed from that of Clare, because a petition had been presented from the corporation of Norwich praying for inquiry. The petition alleged that extensive bribery had prevailed, and that a sum of money was subscribed in London for election purposes in Norwich. Under these circumstances he thought the writ ought to be suspended. If the other writ had been ordered to be issued that might be remedied by a *supersedeas.*

Sir GEORGE GREY thought that the House had before it no sufficient reasons for which to refuse the issuing of this writ. He did not press the point that the other writ for Norwich had been ordered to be issued, the hon. Member opposite having risen too late to oppose it.

Mr. DARBY GRIFFITH explained. He understood the hon. Member for Finsbury had moved the issue of a writ, but he was not aware that the question had been put from the Chair.

Sir GEORGE GREY said, that the general ground on which he supported the Motion of the hon. Member for Finsbury was, that if the House did not agree to the issuing of this writ they would be confounding mere rumour and notoriety with absolute proof after full inquiry and examination into the facts. They would be treading upon very dangerous grounds if they adopted, and acted upon, statements in petitions without having subjected them to any investigation or examination. He was not denying that corruption prevailed in Norwich; it might be notorious that it did so. For the reasons stated by the hon. Member for Birmingham (Mr. Bright) no investigation had taken place or could take place—a circumstance which he much regretted—and he did not think that the House would be justified in acting penally in any case except those in which there had been a full and complete inquiry into the facts. He agreed with the hon. and learned Member for Sheffield (Mr. Roebuck), that extensive corruption could not prevail in any borough without the guilty connivance and even encouragement of the more influential inhabitants. In all such cases there should be a penal suspension of electoral privileges for a certain period, but such a course could not fairly be adopted in the present instance, because it had not been proved that extensive and systematic corruption had prevailed in Norwich.

Captain JERVIS said, he thought it proper to state that the hon. Member for Devizes (Mr. D. Griffith) rose to address the House when the hon. Member for Finsbury resumed his seat, and, as he believed, before the Question was put from the Chair.

Mr. VANSITTART said, he could speak to the fact that the hon. Gentleman (Mr. D. Griffith) certainly rose before the hon. Member for Finsbury reached the foot of Mr. Speaker's Chair.

Mr. SPEAKER: The hon. Member for Devizes rose immediately after the hon. Member for Finsbury had concluded his speech; but that was too early, because I had to put the Question to the House. I did so in the usual way, and the hon. Member did not rise again until after the Question had been decided. That Motion has been disposed of; the second Motion has been put, and is now under the consideration of the House.

Mr. BENTINCK said, it appeared to him the hon. Member for Birmingham was wrong on one point. The hon. Gentleman had stated that it was not worth while following up a petition after it had been disposed of by a Committee. Many people would be disposed to do so, but that they believed that all discussions in Parliament on the subject of bribery and corruption were mere matters of form, and meant nothing; that there was never any real or any *bonâ fide* intention to deal with such questions. He believed that to be the real state of the case. The whole thing was treated as a joke. Having proved during the past year that great bribery and corruption existed among the £10 householders, the House was now gravely discussing whether it would not be desirable to extend the franchise to a class of men, who, being much poorer, would be more accessible to bribery. It was a perfect farce for any hon. Member to get up in that House and say he wished to put a stop to bribery and corruption.

MR. T. DUNCOMBE said, he could assure the hon. Member for Sheffield that he had not been selected to do this dirty work, as the hon. Gentleman had thought proper to term it. He had selected himself, because he thought it due to the electors of Norwich that it should be done. No case had been proved against them, and a borough was not punished for bribery and corruption, until it had been proved guilty. The hon. Member for Devizes (Mr. D. Griffith) was not only too late in his speech, but he was twelve months too late, seeing that the circumstances to which he had alluded occurred in April and in June last. In April the seat was vacated, and a new writ was issued, on the ground of corruption. The election which then took place was pure, although it was void. If any other person than Viscount Bury—who was personally disqualified—had been returned, he would now have been Member for Norwich. And he believed that Major Boldero, who had polled a few votes, might have had the seat, if he had claimed it.

MR. G. W. HOPE said, that as a Member of the last Norwich Committee, he wished to explain that Major Boldero could not have the seat, because it was doubtful whether, when Viscount Bury accepted office, a new writ should have been issued. The doctrine laid down by the late Speaker on a previous occasion, on a Motion for the issuing of a writ in the case of the present Lord Chief Justice Cockburn was, that, in cases where a petition was presented, and the seat prayed for, a new writ could not be issued on acceptance of office; but, if the seat was not asked, then a new writ might be issued. That doctrine was questioned before the Committee, and he thought the House should come to some understanding upon it.

SIR HENRY WILLOUGHBY remarked, that as bribery and corruption had not been legally proved against the city of Norwich, the House was bound, on constitutional grounds, to issue the writ.

SIR WILLIAM SOMERVILLE said, that after the speech of his hon. Friend opposite (Mr. Hope) it seemed to him that they were treading on rather dangerous ground. The Committee up stairs had thoroughly investigated this case, and had come to the decision that Viscount Bury was not duly elected at the last election, and that it was consequently a void election. The Committee had not inquired into the question of bribery, and he hoped that the House would not re-try the point on which the Committee had actually pronounced a decision.

MR. G. W. HOPE said, all he wished was that the House should determine what course they would pursue in similar cases for the future.

MR. DEEDES protested against being included in the sweeping censure of the hon. Member for Norfolk, who said that when questions of bribery and corruption came under consideration the House was unwilling to deal with them. He would, if it were in his power, adopt on the present occasion the course recommended by the hon. Member for Sheffield; but there were two reasons why he was not prepared to oppose the issuing of the writ in the present instance. The first was that he believed that by suspending the writ they would do an act of injustice, because there was no legal proof of corruption, however, much they might believe it took place; and the second was, that inasmuch as a writ had been issued for one of the seats, it would be an invidious course to refuse to issue a writ for the other.

Motion *agreed to.*

EDINBURGH POST OFFICE.

QUESTION.

SIR JAMES FERGUSSON said, he rose to ask the First Commissioner of Works, Whether he will state to what resolution the Government has arrived with regard to the erection of a new General Post Office at Edinburgh?

MR. COWPER said, that the subject was not yet decided on. The Government had called for a statement of the accommodation required by the Post Office at Edinburgh, and until that statement was furnished he could not answer the question now asked.

THE CENSUS OF 1861.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary of State for the Home Department what course he proposes to take with regard to the introduction of a Bill for authorizing the Census next year, and whether he sees any objection to the appointment of a Select Committee to consider the best mode of procuring such information in connection with the Census as may be thought desirable?

Sir GEORGE GREY said, a Bill in reference to the taking of the census was in course of preparation, and would in due time be laid on the table. The hon. Member, after seeing the Bill, would have an opportunity to move, if he thought it desirable to do so, for an inquiry before a Select Committee.

H.M.S. "THE QUEEN."

QUESTION.

Sir JOHN PAKINGTON said, he wished to ask the Secretary of the Admiralty, Whether it is true, as stated in the *United Service Gazette* of January 21st, that the Assistant Surgeon of H.M.S. *The Queen* was refused a cabin at a time when four cabins were vacant, and whether, if the statement is true, any notice has been taken of it by the Board of Admiralty?

Lord CLARENCE PAGET said, the Admiralty had no intelligence of this transaction having taken place, and he sent to-day a telegraphic message to Portsmouth, where *The Queen* was at the time, and the answer returned was that they knew nothing about it there.

BOOK-POST IN THE COLONIES.

QUESTION.

Mr. PEACOCKE said, that he would beg to ask Mr. Chancellor of the Exchequer, Whether printed papers sent to a Colony by the Book Post are not merely forwarded to the nearest seaport of such Colony and no further? And whether any steps will be taken by the Government for having such printed papers so sent by such Book-Post forwarded on to their address?

The CHANCELLOR of the EXCHEQUER said, the hon. Member had put the question under some misapprehension. It was not a fact that printed papers were forwarded to the seaports of the Colonies and no further. On the contrary, the rule was that such papers sent out to the Colonies were forwarded to their address, and either delivered to the person to whom they were addressed or to the nearest post town. There was, however, an exception in regard to the Cape of Good Hope, where printed papers were not sent beyond certain considerable towns in the colony. This was not owing to any measure of the Imperial Government, but in consequence of the Colonial Government not finding it convenient to forward such packages by the inland mails. But the authorities of the English Post Office had given notice to the public of this fact and had advised persons sending packages to the Cape to take care and consign them to those who would forward them to their proper destination.

CHANCERY EVIDENCE COMMISSION.

QUESTION.

Mr. HORSFALL said, he wished to ask Mr. Attorney General when the Report of the Chancery Evidence Commission is likely to be presented to the House; and whether the Government intends to introduce any measure this Session to carry out the suggestions of the Commission?

The ATTORNEY GENERAL said, that the Chancery Evidence Commissioners had met several times to consider the subject, and their Report would be prepared in such time as would enable the recommendations to be carried into effect by a speedy appeal to Parliament, if that should be necessary; and, if not, then they would be carried into effect by the orders of the Judges.

HARBOURS OF REFUGE.

QUESTION.

Mr. DANBY SEYMOUR said, he would beg to ask the President of the Board of Trade, Whether he is about to bring in any measure founded on the Report of the Harbours of Refuge Commissioners; and whether such measure will contain provisions for facilitating the raising of money by small seaport towns for the improvement of their Harbours?

Mr. MILNER GIBSON said, he hoped the hon. Gentleman would allow him to defer his statement with regard to any measure upon the general question of Harbours of Refuge until the subject should be brought formally before the House. He would only state upon the present occasion that it was his intention to introduce a measure for the improvement of such Harbours as those to which the hon. Gentleman referred.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

Mr. KINGLAKE said, he rose to ask the Secretary of State for Foreign Affairs, Whether there will be any objection to lay upon the Table of the House the following papers relating to the proposed Annexation to France of Savoy and Nice, namely:—M. Thouvenel's last Despatch on that subject, the Answer of Her Majesty's Government thereto, and the Note recently addressed to Her Majesty's Government by the Government of Switzerland; and also (if they had been communicated) the protest addressed by the Swiss Government to the Government of France, and the answer of M. Thouvenel thereto?

Lord JOHN RUSSELL said, that he thought it would be injurious to the public service that he should at present produce those papers.

Mr. KINGLAKE said, he wished to know when it was likely they could be produced?

Lord JOHN RUSSELL said, he would answer that question on another day. He could not answer it at that moment.

INDIAN FINANCE AND THE INDIAN ARMY.—QUESTION.

Mr. H. BAILLIE said, he wished to ask the Secretary of State for India, Whether he is about to sanction the issue of a Paper Currency by the Government of India, and, if so, whether he intends to communicate the details of the scheme to Parliament and take the opinion of the House upon the subject, and whether the Government has come to a final decision with respect to the re-organization of the Indian Army?

Sir CHARLES WOOD said, that he had sanctioned the issue of a paper currency in India. The details of that measure would be brought before the Legislative Council of India, and it was not his intention to make any statement on the subject in that House. An hon. Friend of his had already moved for papers respecting it, and they would be laid on the table of the House on Monday. As to the second question asked by the hon. Gentleman, the Government had not yet come to a final decision upon the re-organization of the Indian Army.

"THE GREAT TASMANIA."—QUESTION.

Captain ARCHDALL said, he would beg to ask the right hon. Gentleman, Whether his attention has been called to the Verdict given by a Coroner's Jury on the bodies of the unfortunate Soldiers who had died on board the *Great Tasmania* during the voyage home from India. The paragraph in the Verdict to which he referred was as follows:—

> "That the provisions supplied by the Government as stores for the use of the troops were bad and unfit for human food, with the exception of the tea, pork, pickles, and rice. That there was an entire absence of proper disinfectants, and that the lime juice had lost its medicinal properties when put on board. That the officers who signed the 'General Inspection Report' are the culpable parties, so far as the quality of the stores is concerned. That the captain and officers of the ship are entirely free from blame, and that the ship's contract was satisfactorily fulfilled. That the military officers and the surgeon did their best, under the circumstances in which they were placed, to promote the health of the men under their charge."

He would also beg to ask the right hon. Gentleman whether any steps have been taken to prevent the recurrence of such treatment as those men have received, and for which the Indian Executive were, he apprehended, responsible; and whether the right hon. Gentleman is prepared to order the immediate dismissal of the officials whose conduct was declared to be culpable, and through whose neglect of duty this lamentable loss of life has arisen?

Sir CHARLES WOOD said, it must be remembered that the Secretary of State for India could only act in conjunction with his Council. The evidence in this case would, of course, be brought before the Council, but meanwhile he could not say what steps would be taken in the matter. Great blame was, no doubt, attachable to some persons in Calcutta, but it was certainly not possible to decide offhand on the punishment to be inflicted.

On Motion "That this House, at its rising, do adjourn till Monday,"

STAFF APPOINTMENTS.

QUESTION.

Captain LEICESTER VERNON, Referring to Clause 18 of the Warrant of October, 1858, which specifies, "that the commands of General Officers and other situations on the Staff, both at home and abroad, shall not be held for more than five years, unless by re-appointment under special cases," To ask the Secretary of State for War, Whether it is to be understood that an Officer, having held one Staff appointment for the period named, can be considered eligible for immediate nomination to another Staff appointment; and, if so, whether there be any, and what, limitation to such successive appointments? The clause in question was rather hazy, and he should be glad to have information on a point so important to the service. For instance, in the event of a deputy adjutant-general having served the whole of his five years, could he, on the expiration of that term, be appointed to a brigade at Aldershot, and after that again be eligible, say, for command in the West Indies? Could an officer, immediately on vacating one Staff appointment, be re-appointed to another, or was there to be any limit to these re-appointments? He should like also to know whether the same rule was to apply to the Ordnance.

DISEMBODIMENT OF THE MILITIA. QUESTION.

MR. MAGUIRE said, that an order had been issued two or three months ago for the disembodiment of certain regiments of Militia, among which were some Irish regiments. These regiments had been disembodied accordingly, but it seemed that for some reason the 2nd Staffordshire Militia had not shared their fate, and that a new supply of clothing for 1860-1 had been issued to the latter regiment. He wished to know whether that regiment was to be excepted from the proposed disembodiment of the Militia force, and the grounds of the exception? The colonel of the regiment, he believed, occupied comfortable quarters in the Phœnix Park, Dublin, and it was intelligible enough that he should be unwilling to return; but that was not the case with the men, and as there was plenty of employment for them in the pottery and mining districts, he was at a loss to know why the rule laid down in other cases had here been departed from. He therefore wished to ask the Secretary of State for War whether his attention has been called to the fact that a new supply of clothing has been issued to the 2nd Staffordshire Militia regiment; and whether it is contemplated to except that regiment from the proposed disembodiment of the militia force, with the grounds for such exception?

LORD LOVAINE said, he could not conceive why the gallant Officer referred to should not occupy a house in the Phœnix Park, and he regretted that the hon. Gentleman should give a personal colouring to this subject by referring to matters which had nothing to do with it. With regard to the 2nd Staffordshire, he believed it was one of the best militia regiments in the service.

THE ARTILLERY.—QUESTION.

CAPTAIN JERVIS said, he wished to ask the Secretary of State for War, Whether it is true that, instead of raising the two brigades of Artillery, 15th and 16th, which are named in the Army Estimates, amounting to 2,206 men, it is intended to raise only one brigade of 1,000 men? He asked this question with the more anxiety inasmuch as he understood that the Militia Artillery were to be disembodied, and in their place only 1,000 regular Artillery added. Perhaps the right hon. Gentleman would also inform him whether there was any intention to add a half battalion to the Royal Engineers?

STAFF APPOINTMENTS.—QUESTION.

MR. ELLICE (Coventry) said, he rose to put a question on a subject which had been brought forward by the hon. and gallant Member for Berkshire (Captain L. Vernon). He saw in the newspapers of Saturday that—

> "Brevet-Lieutenant-Colonel J. E. Thackwell, unattached, succeeds Brevet-Lieutenant-Colonel James Connolly, as Assistant-Adjutant-General of the South-West District. Colonel Connolly proceeds to Canada as Assistant-Adjutant-General of the Forces in that colony."

Colonel Connolly had before this been Brigade-Major at Portsmouth. Now, the recommendation of the Committee on this subject was that officers should hold Staff appointments for only a limited time, as a matter of fairness to other officers, whose turn would thus come round. He wished, therefore, to know on what grounds Colonel Connolly had been promoted three times from one Staff appointment to another?

SIR DE LACY EVANS said, he thought that the system of continuing the same officers on staff appointments for an unlimited period was unjust to the public service, and towards the Commander-in-Chief, who was deprived of the means of ascertaining who were the most competent officers for Staff appointments. There appeared to be a sort of life-tenure of those offices, particularly of those well-salaried offices at the Horse Guards. Those appointments seemed to be limited to some thirty or forty gentlemen in the whole army; and even when a change was made, those who were dispossessed were comforted by other nice appointments. From a reply he received to a question put the other night, he understood there would be no objection to furnish the particulars of salaries of the ambassadorial and diplomatic Staff in the Chinese seas, and he had consequently put a formal Motion on the paper for Returns. He now understood that, though there would be no objection to give the particulars in regard to Mr. Bruce and Mr. Alcock, there was an objection to giving any such particulars in regard to the Earl of Elgin. He was inclined to believe from the tenor of the noble Lord's (Lord John Russell's) statement the other night that we were about to have two Plenipotentiaries in China, and two sets of salaries. He hoped some information would be afforded upon this point.

COLONEL NORTH said, he did not seek to defend a system of life tenure in staff appointments, but he thought the proposition to limit the tenure to five years was worthy of a few remarks. Many officers holding staff appointments had been commanders of regiments or regimental field officers, from which appointments they could not be removed save for misconduct. By a rule of the service no regimental field officer could hold an active Staff appointment and remain on full pay in his regiment, and it was not likely that any man in his senses would give up a full pay appointment, from which he could not be removed, and perhaps the command of a regiment to go upon the Staff, if he was to be removed as a matter of course, in five years, and then to be placed on half-pay without any compensation. He would take the opportunity of asking for some explanation from the right hon. Gentleman as to a statement made by a noble Earl, the Under Secretary for War, in "another place," as to its not being the intention of the Government to continue the Militia Act for another year. Many persons imagined, from that statement, that it was intended to disband the Militia altogether, but he imagined that it referred merely to the Act of 1857, which enabled Her Majesty to embody certain Militia regiments, to supply the places of portions of the regular army sent to India in consequence of the mutiny, and which Act had been by a subsequent enactment continued until 1861. He could not help thinking, that though the cause for which that power was given had ceased to exist, yet considering the present critical state of Europe, it would be unadvisable to deprive Her Majesty of the powers which that Act conferred, of calling out the Militia on the shortest notice. No doubt the Volunteers were a very fine body of men, and the movement reflected the highest credit upon the patriotism of the nation. But however useful such a force might be in case of emergency, it could not be regarded as an actual auxiliary to the Militia or the regular army. In conclusion, he would refer to a circumstance mentioned in the papers that four volunteers on Wimbledon Common had amused themselves with shooting a lady's dog, and very nearly shooting the lady herself. He thought an immediate example should be made of those persons if they could be discovered, and that they should be deprived of the right to carry arms. He felt so much respect for the body of Volunteers that he would desire to see such incidents prevented in future.

COLONEL DICKSON said, he merely rose to corroborate the statement of the hon. Member for Dungarvan (Mr. Maguire). Similar complaints had been forwarded to himself, but as the regiment which he had the honour to command was one of those marked out for disembodiment, for obvious reasons he had declined to take the matter up. It was perfectly true, as the hon. Gentleman had stated, that the lieutenant-colonel of the regiment in question did occupy a house in the Phœnix Park rent free, and no doubt he did desire to keep the regiment embodied. However, his complaint was that in disembodying the Militia regiments no attention whatever was paid to the wishes of those who had done their duty so creditably, and more especially that the younger officers had met with such little encouragement. Such conduct tended to impair the feelings of loyalty and patriotism which the Militia had always evinced up to that time. He would ask why it was that clothing had not been issued to the regiments disembodied as well as to those still embodied? Surely it was not intended to renounce the services of those regiments altogether.

MR. SIDNEY HERBERT said, that in answer to the question put by the hon. and gallant Member for Berkshire (Captain L. Vernon) he had to state that it was true that Committees and Commissions had for some years recommended that Staff appointments, both at home and abroad, should be limited to five years, and that no exception should be made in this respect to the Headquarters Staff of the Horse Guards. A short time ago he (Mr. S. Herbert) made a proposal that the exception should be discontinued in compliance with that recommendation, and the Commander-in-Chief agreeing, it was arranged that the Staff appointments at the Horse Guards should rest upon the same rule as other Staff appointments. When he made his statement on the Army Estimates he added that it was only fair that the officers at the Horse Guards who had accepted their appointments under a totally different regulation, and regarded them as for life, and many of them having filled their offices for a great number of years—indeed, one Quartermaster General had filled his for nearly forty years—that those officers, on their removal, should be immediately reappointed to other Staff employments. He considered such a course was both just to those officers, and politic as regarded the service—for if they made arbitrary regulations without in some degree consulting the feelings of those who were affected by them, it would be impossible to carry them out satisfactorily. With respect to the re-appointment of officers, he should observe that it was not the fact that all were re-appointed, as was exemplified by the case of General Sir G. Brown, who had obtained a new appointment in Ireland, in the room of Lord Seaton. Lord G. Paget, who had been chosen to command the Cavalry at Aldershot, also, it should be recollected, had not held a command since he had been employed, with much credit to himself, in the Crimean war. Then there were also General Cameron and General Dalzell, who had been appointed for the first time. But it was quite obvious there must be re-appointments—for they could not tie up the hands of the Commander-in-Chief by any fixed rule, if they desired to maintain the efficiency of the service. Take the three recent appointments in India. Sir Hugh Rose had held a divisional command in that country, and was now promoted to the chief command in Bengal. No one would say that was an improper appointment. The same might be said of the promotion of General Mansfield, who had been appointed to the chief command in Bombay, and Sir Hope Grant, who had been appointed to the chief command in Madras. They were all experienced officers who had seen much service in India, and were peculiarly fitted for the appointments to which they had been promoted.

The case of Colonel Connolly had been mentioned. He did not know the exact circumstances of that case, but he understood that that officer, so far from having served his full time of five years on the Staff, has not served above a year, and is desirous of taking foreign service, and some consideration was due to him in that respect. With regard to Lord W. Paulet, he had commanded a brigade at Aldershot, and that being rather a school for Staff officers, the Commander-in-Chief said with justice that those who distinguished themselves in commands and had showed capacity there, had a just claim to Staff appointments as they became vacant. He fully concurred, however, with the spirit of the observations made by his right hon. Friend the gallant Officer opposite, that the one object to be kept in view was that the Staff offices should be open to as great a succession of officers as possible. At the same time, as he had already observed, they could not lay down a fixed rule that no man should be eligible for reappointment who had completed the period of service.

The next Question he had to answer had reference to the disembodiment of the 2nd Staffordshire Militia, and was put to him by the hon. Member for Dungarvan (Mr. Maguire). The hon. Member made a double complaint as to the disembodiment of the Militia. It was, according to him, a hard thing for the English regiments to be kept embodied; and it was a hard thing for the Irish regiments to be disembodied. He would tell the hon. Member what the facts were. The Government began by taking the regiments to be disembodied in the order in which they had been embodied, and of the first five it so happened that four were Irish regiments. When, however, they came to the 2nd Staffordshire, though he had no communication with the colonel of the regiment, he received a communication from the Lord-lieutenant of the county, who was the father of the colonel, in which he had not at all expressed his disapproval of the disembodiment of the regiment, but had stated that as there was some uneasiness in the iron district in that quarter the regiment might as well not, if it were a matter of no great importance to adopt a contrary course, at once be disembodied. He (Mr. S. Herbert) had not, however, rested satisfied with that communication, but had laid the statement in question before his right hon. Friend the Secretary for the

Home Department, who concurred in the expediency of acting upon the advice which the Lord-lieutenant of the county had conveyed. That being so, and it being matter of no importance whether the regiment were disembodied in April or in May, he had not disembodied the 2nd Staffordshire, but had placed both the Staffordshire regiments in the second class to be disembodied. He trusted this explanation would be sufficient to show that no injustice had been done to either the Irish or the English regiments.

With regard to the Question of the hon. and gallant Member for Harwich (Captain Jervis), as to whether the Government intended to raise only one of the two brigades of Artillery announced in the Army Estimates, all he could say was, that at the time that announcement was made the Government had understood from Earl Canning that there was no probability that any British Queen's regiments then serving in India could be spared to be sent home for some time. He (Mr. S. Herbert) had consequently to meet the deficiency in the army at home by the augmentation stated. Since the Estimates were laid on the table, however, he had received despatches from Earl Canning to the effect that owing to the improved state of India there was every reason to expect that he would be enabled to send home three battalions of infantry immediately, three more battalions somewhat later, and another regiment of cavalry forthwith. This was, of course, welcome news to him (Mr. S. Herbert), as it enabled him to keep up the force at home with much less difficulty than by an augmentation which would have to be put down hereafter. They would, therefore, be enabled to disembody the militia regiments gradually, keeping up a certain number until the troops from India arrived in this country. It was also true that the contemplated addition to the Engineers was to be abandoned, but there was to be a small addition to the brigade at the depôts, and also an addition of 100 men to the Coast Artillery. He had stated before, the view the Government took of the impolicy of employing a military force in time of peace. It was far better to have a regular soldier with a militiaman behind him than a militiaman with no regular soldier at all. They were stronger if they had the reserve behind the regular force to resort to in case of an emergency, than they were if they should employ that reserve when it was not absolutely necessary, and have nothing to fall back upon when the emergency arose. The Militia would never answer its purpose until it was distinctly understood that it was a force not to be embodied except in case of war.

Mr. ADDERLEY said, he wished to ask whether, as the North Staffordshire Militia were to be disembodied within a month or two, the clothing for the year 1860-61 would be issued to that regiment?

Mr. SIDNEY HERBERT replied, that every regiment of Militia disembodied subsequent to the 1st of April would get their clothing or compensation, but those disembodied before that date would not.

TANGIERS.—QUESTION.

Colonel DUNNE said, he rose to ask the Secretary of State for Foreign Affairs, Whether he is aware of the intended advance of the Spanish Army on Tangiers, and what guarantee he has received from the Government of that Country that there will not be a permanent or even protracted occupation of a place so essential for the supply of the fortress of Gibraltar? At present the contract price of provisions at Gibraltar had been raised, in consequence of the projected advance of the Spanish army on Tangiers, whence the supplies of Gibraltar had heretofore been derived. The permanent occupation of Tangiers would, no doubt, lead to war, but even its protracted occupation would be most objectionable and dangerous. He, therefore, hoped the noble Lord would state, if not inconvenient for the public service, that he had received a guarantee from the Spanish Government that their occupation of Tangiers would not be protracted.

THE INDIAN ARMY.
QUESTION.

Sir JAMES FERGUSSON said, he would beg to ask the Secretary of State for India, Whether it is in contemplation to bestow honours or promotion upon any Officers who have been recommended for such rewards, in consideration of distinguished services in the suppression of the late Mutiny in India, but who have not yet been so rewarded; and to call his attention particularly to the case of the 2nd Regiment of Bombay Light Cavalry. It would readily be understood that the number of officers whom it would be thought right to reward for the services they had performed during the mutiny in India must be very large; and he begged leave to say that the

Government had been very liberal in giving rewards to so many officers. But the circumstances were very peculiar; indeed, he supposed there never was an occasion when there was so great a call for the recognition of distinguished military services. In the crisis of the fate of India, when it seemed probable that the greatest blow that could be struck at the prestige of England would fall on it, our supremacy in India was maintained by the gallantry of a very small force in that country; and he thought that Government could not be too liberal in rewarding the services of those who aided by their zeal and self-sacrifice in the suppression of the mutiny. If that was so, then those who by their energy, courage, and forgetfulness of self succeeded in averting the horrors of mutiny in any particular station were still more deserving of reward. One particular regiment, and more especially the commanding officer of that regiment, did the most signal service, as had, indeed, been stated in several despatches from India. He alluded to Major Taylor, and the 2nd Regiment of Bombay Light Cavalry. The regiment was employed with the central field force of Sir Hugh Rose, whose services had been so justly recognized in placing him at the head of the army in India; and the actions in which it was engaged since 1857 were all very formidable, namely, attack on the fort of Neimbara, attack on the fort of Jeerun, defence of Neemuch, storm of fortified village of Rowah, siege and destruction of Awah, siege of Kotah, action at Chota Dodypoor, action at Pertabgur, fight at Byrana, fight at Parkier, field service against Tantia Topee from the 1st of August, 1858, to the 24th of May, 1859. Major Taylor was specially thanked for his services in the Guzerat Horse by the Governor of Bombay in Council in July, 1857. He was also thanked for his services while in command of the Guzerat Horse, by her Majesty's Government, in a despatch to the Bombay Government, by the Secretary of State for India, dated the 31st of August, 1859. He was again brought to the notice of Her Majesty's Government and the Secretary of State for India, for promotion and honours, by the Governor of Bombay and the Governor General of India, in their Minutes dated 18th of August, and 17th of September, 1859, regarding the services of officers during the late mutinies, and addressed to the Secretary of State for India, as published in the *London Gazette*, December 1st, 1859. He would, with the permission of the House, read an extract from a despatch of Lord Elphinstone, dated the 5th of December, 1859, on the same subject:—

> "I now come to the last category, military officers who have done good service in their military capacity otherwise than in the field. Among military officers the name of Major Taylor, of the 2nd Light Cavalry, who was wounded in arresting the mutineers who tried to excite the Guzerat Horse to raise the green flag and join the rebel cause, should also be brought under the notice of the Secretary of State for India."

He thought that an officer who had performed such services, which had been noticed so favourably, was entitled to some reward.

THE ABOLITION OF THE NATIVE INDIAN ARMY.—QUESTION.

COLONEL SYKES said, there had appeared in the morning papers within the last day or two a communication from Calcutta, to the effect that the whole of the Native Army in India was to be abolished, not only the remnant of the mutinous Army of Bengal, but the two loyal Armies of Madras and Bombay. The mischievousness of such an impression getting abroad could not be too broadly stated. Of course the friends and relatives of the thousands of officers who had read the statement would be in the utmost alarm; the officers themselves in India must have received it not only with alarm but with indignation, and there must be great agitation among the troops. He could not believe for a moment that any old Indian, unless his brains were paralyzed by a sun-stroke, would believe that a handful of Europeans would be able to rule two hundred millions of people in India except through their good will and with the assistance of a Native force. He could not believe, therefore, that there was any foundation for the assertion that was made, and he believed his right hon. Friend the Secretary of State for India would be glad of the opportunity of making a statement on the subject. As to the second part of his question, the officers to whom these returns related happened to be in this country with their regiments, and the returns were prepared, but unhappily they required the formality of going through the Adjutant General's office at Bombay. His impression was that they would comprise the cases mentioned by the hon. Baronet (Sir James Fergusson). He would therefore beg leave to ask the Secretary of State for India, Whether there is any and what foundation for the statements in a part of the newspaper press of the last few days, that the Native Regular Army of India is to be abolished, including the Armies of Madras and Bombay, whose recent loyalty and efficiency have been of such vital importance to British interests; and, when the Returns ordered by the House, of the services of the Bombay Regular Cavalry, and the Returns of all Officers recommended for brevets or honours during the late mutiny, will be laid upon the table of the House?

MR. TORRENS said, that reverting to the subject of the question of the hon. Baronet (Sir J. Fergusson) he wished to remind the House that in the month of October last the right hon. Gentleman had authorized the publication of a despatch from the Governor General of India, which adverted in enthusiastic terms to the conduct of Sir Robert Hamilton and Colonel Durand. Sir Robert Hamilton had returned to this country in 1857, with the intention of retiring from the service; but when the mutiny broke out he resumed his post in Central India, and gave the greatest assistance to the Government in putting down that mutiny. The services of Sir Robert Hamilton had, moreover, been acknowledged by both Houses of Parliament, and the Earl of Derby in the other House, and the noble Lord, the Member for King's Lynn, in that House, in conjunction with the present Lord Lyveden, had borne testimony to his great merits. The House, however, would hardly believe that, eminent as had been the services of Sir Robert Hamilton, they had yet received no substantial recognition at the hands of Her Majesty's Government, and the Sovereign had not been advised to requite them with any mark of her royal favour. He hoped, therefore, that some explanation would be afforded on the subject.

OFFICIAL RETURNS.—QUESTION.

SIR CHARLES DOUGLAS, referring to a Return moved for by the Under-Secretary of State for the Home Department, and ordered to be printed on the 5th day of March [showing the comparative increase or diminution of Electors, and number of Members, for the periods 1832-3 and 1859-60], said, he wished to call the attention of the House to the inaccuracy of the Return (No. 129). His object was to point out certain important inaccuracies in the return affecting the town which he had the honour to represent (Banbury). In a scheme published in *The Times* Newspaper more than a year ago, for the Representation of England and Wales, "equitably adjusted with reference to population and assessment of property," Banbury was set down for disfranchisement, as a borough having 8,715 inhabitants, and an income tax assessment of only £16,998. Now, the fact was, that at the period in question, Banbury was assessed to the income and property tax at no less a sum than £41,000. In the Return to which he had referred, it was stated that the number of electors in Banbury in 1832-3 was 329, and in 1859-60 was 361; showing a difference of only 32. Now, the increase had been six fold as great as that stated; for, instead of 361 electors being the present number, the correct number was 561. It was obviously most essential, when the House ordered returns to be prepared, which were afterwards taken as supplying the data for important proposals, that every possible care should be bestowed to secure their accuracy.

THE PAPER DUTY.—QUESTION.

MR. BOVILL said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in the Bill for repealing the Paper Duty, in order to avoid injury to Printers, from the probable stagnation of their trade during the next five months, the Government will consent to allow them a drawback of the Duty on their stock of Paper purchased and printed after the passing of the Bill, and remaining in sheets unbound at the time it was proposed that the duty shall cease, or whether the Government will consent to the Duty being repealed at a date earlier than the 15th day of August next? Unless that were done, he said, the necessary effect would be to suspend the operations of printers and publishers until the duty was abolished.

MR. SPEAKER observed, that the question stood for discussion that evening on a distinct Motion, and it was not in order, on the Motion for Adjournment, to anticipate a Motion which was set down for discussion the same evening.

MR. BOVILL said, that in that case he would ask the right hon. Gentleman the Chancellor of the Exchequer, to state whether the Bill is to come on to-night?

MR. SPEAKER: I must repeat that the discussion on a subject which is specifically to come before the House, cannot with propriety be anticipated on the Motion for Adjournment.

THE ECCLESIASTICAL COURTS (IRELAND) BILL.—QUESTION.

LORD FERMOY said, he rose to ask the Chief Secretary for Ireland, when the Government intend to introduce the Ecclesiastical Courts and Registries (Ireland) Bill, which was introduced by the late Government, and had passed through the House of Lords, and had been read twice in the Commons before the Dissolution of Parliament. Nobody would deny that the Ecclesiastical Courts in Ireland, as well as in England, were in a state which rendered them utterly unfit to administer justice. In 1856 the present Attorney General for England drew a Bill dealing with the Ecclesiastical Courts both in England and Ireland. That admirable Bill was calculated to do as much good to the Church of the two countries as his Bankruptcy Bill was calculated to do good to the trading community. It was lost however in the Upper House upon a division, on which all the English Bishops voted against it, whilst all the Irish Bishops voted for it. That put an end to dealing with the subject by a single measure. Last year the present Lord Chancellor for Ireland and the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside) drew a Bill which met with universal approval in Ireland. It was introduced into the other House and passed through the various stages, and it was afterwards read a first and second time in this House; but it was, as the Bills of many hon. Members, were cut short by the dissolution. He (Lord Fermoy) was now told that the official gentlemen of Ireland were too busy to give any attention at present to this subject. If the right hon. Gentleman in that House had his head and hands too full, why did he not have the Bill introduced in the other House? He found that there were three Irish Bills on the paper of the House. He would ask where they were? On the 9th of February last notice was given that these Bills would be introduced on the 14th, and then they were postponed to the 27th. On that day they stood first and second on the paper, and yet he found that instead of their being brought on they were "transplanted" to the 13th of March, and then another notice was given to the 22nd of March. On that day they stood 5th and 6th on the notice paper; but the House was counted out. They were consequently still again postponed to the 29th of March, when, in all probability, the Irish Members would be gone over to Ireland for the recess. Up to the present moment, on this most important subject, not a single idea had been given as to what these Bills contained. He would ask why these important measures had been deferred? Because, it would be said, the right hon. Gentleman was too full of business! Three weeks ago the right hon. and learned Gentleman the Member for Cork (Mr. Serjeant Deasy had told his constituents in Cork, at his late election, that they were of the utmost importance. It was paltering with the country to act in that manner; and if the Government were not able to bring on their Irish measures in that House, they could bring them on in the other House, where there was surely some one who knew something about Ireland. He therefore asked the right hon. Gentleman to give some good reason for not having brought on these Bills.

MR. CARDWELL said, that it was no doubt desirable that Parliament should pass some measure upon the subject, and the reason why Government had not yet brought in such a Bill was that they had had no opportunity of securing the attention of the House for it. With regard to the other Irish measures, he explained that they stood upon the paper the other evening when the House was counted out; he was in his place ready to move for leave to introduce them, and it was only that occurrence which prevented his doing so. They were on the paper for Thursday next, and if he then had an opportunity of bringing in these Bills he should avail himself of it. If the evening were occupied by other business it would not, of course, be his fault that he could not proceed with the Irish Bills.

MR. DANBY SEYMOUR said, he did not conceive the right hon. Gentleman had given any answer to his noble Friend's question. He could not believe that the reasons given for the delay in the introduction of this Bill were the real reasons. There must be an objection on the part of certain persons to the principle on which the Bill was founded, else why should it not have been introduced, as it was last year, in the House of Lords? Under the latter Bill the Irish clergy were willing to give up a great amount of the patronage they possessed, and were thus setting a good example to the English clergy. The Bill had passed the other House of Parliament without opposition, and it had passed the second reading in the House of Commons. The Conservative Government had brought the Bill through these stages, and now this Government said it had not had time to continue its progress. He thought some better answer should be given by the Government than that just proffered by the right hon. Gentleman the Secretary for Ireland, for people were found who were bold enough to say that the question of patronage had much to do with the defeat of the Bill of 1856 in the House of Lords. He wished to know why the right hon. Gentleman the Member for Kilmarnock (Mr. E. P. Bouverie) had changed his opinions? In 1850 he was Chairman of the Committee appointed to inquire into the taking of ecclesiastical fees, and the right hon. Gentleman then questioned the registrars and judges of the bishops, and put some pertinent questions to them, and he declared that they had acted in defiance of the Acts of Parliament and Canons of the Church, and he stated that it was desirable the present system should be done away with before another Session of Parliament passed. But now the right hon. Gentleman held the office of Ecclesiastical Commissioner, and he (Mr. Seymour) supposed he represented the right rev. Bench in that House, and perhaps the right hon. Gentleman would presently get up and expostulate with hon. Members for not being satisfied with the answer given by the right hon. Gentleman the Secretary for Ireland. The agitation of this question was injuring the Church, and it ought to be settled at the earliest moment.

MR. WHITESIDE said, he thought it right to state that there was a question with reference to this Bill, namely, the question of compensation that had been claimed by the registrars of those courts, which might require some consideration. He quite agreed with the noble Lord (Lord Fermoy) that the people of Ireland were interested in the Bills to which he had referred, and he would, therefore, suggest that the Government should withdraw their Reform Bill and proceed with those Irish Bills at once.

ANNEXATION OF SAVOY AND NICE TO FRANCE.—QUESTION.

MR. DANBY SEYMOUR said, he would beg to ask the Secretary of State for Foreign Affairs if he will lay upon the Table of the House the *Memoire sur les rapports entre la Suisse et la Savoie neutralitée*, untranslated, if its length be considerable, which forms enclosure No. 2 in No. 9 of the Correspondence respecting the proposed Annexation of Savoy and Nice, presented to this House on the 28th day of February; and also the Map mentioned in No. 15 of the same Correspondence, having marked upon it, besides the military frontier alluded to by the President of the Swiss Confederation in the same Despatch, the frontier of France with regard to Savoy and Switzerland as it was fixed by the Treaty between the Allies and France in 1814, and the frontier of France as it will be if the whole of the present Province of Savoy be conceded to her. So early as last summer, when our Foreign Office was incredulous as to the intention of the French Emperor to annex Savoy to his dominions, the Swiss Government had the whole of their frontier surveyed and mapped. They sent a copy of the map, showing the alterations which would be required in the event of the annexation taking place, to our Foreign Office. They had also presented a copy of their memoir upon the relations between Switzerland and Savoy to our Minister at Berne. Both memoir and map were mentioned in the correspondence recently laid on the table, and, as the annexation of Savoy was now an accomplished fact, he thought the House should know what were the alterations which the Swiss Government wished in their frontier in order to preserve a neutrality guaranteed by Europe. This question appeared about to assume dimensions of greater importance from what he had read in the evening papers, as a report coming from Paris, that six Swiss regiments had marched to take possession of Faucigny and Chablais. Perhaps the noble Lord would state whether the report in question was true.

MR. STIRLING said, he rose to ask the noble Lord (Lord John Russell) if he will lay upon the table those portions of his Private Correspondence with Her Majesty's Ambassador in Paris which are referred to in the Ambassador's published Despatch of the 5th of February, and which report certain observations of Count Walewski on the necessity of the annexation of Savoy and Nice to the French Empire. The passage in Earl Cowley's Despatch, on which his question was founded, was the following:—

"I had an opportunity of ascertaining from Count Walewski that he recognized the accuracy of the Report which I had sent to your Lordship of his declaration to me in July last, but he reminded me that he had made that declaration in view of the strict accomplishment of the treaty of Zürich, and that he had more than once afterwards maintained that if Sardinia was to be aggrandized by the annexation of the Duchies, it must be at the cost of Savoy and the county of Nice, which must pass to France."

Earl Cowley went on to say:—

"This is perfectly true, and on more than one occasion I alluded to these observations in my private correspondence with your Lordship."

It would be remembered by the House that in the course of December last a rumour from Paris, that Count Walewski was about to resign, formed a principal topic of discussion. The resignation took place on the 2nd of January, and on the 5th of January his successor was announced in the *Moniteur*. Therefore, it was plain that the important conversations mentioned by Earl Cowley must have taken place at the very latest in December of last year, and as it was not likely that questions of so much difficulty and delicacy would be handled by a Minister on the eve of resignation, it was probable these conversations took place at a much earlier period. This much, however, was certain, that in December last at the latest, Count Walewski made most important statements to Earl Cowley, and the noble Earl, as appeared from his despatch, duly communicated to the noble Lord at the head of the Foreign Office, but the latter took no notice of them whatever — in an official form, at least—until the 28th of January. In the same despatch Earl Cowley said:—

"It is not, however, to be inferred that I allowed Count Walewski to suppose that the realization of this scheme would be seen with indifference by Her Majesty's Government."

But if this passage actually represented Count Walewski's observations, how very feeble was the reply of Lord Cowley when compared with the spirited despatch of the Foreign Secretary, written in July last. The language of the Ambassador was different from that of his chief. The language of Count Walewski was very strong, but the language of Earl Cowley was feeble, while the noble Lord, the Foreign Secretary, met that language with official silence. Were they not then justified in thinking that the French Emperor had some ground for supposing that the Government of England, as represented by the tone of its Ambassador, had changed its views between July and December. It was impossible to forget that when Earl Cowley was using this feeble language and the noble Lord (Lord John Russell) was so unaccountably silent, the negotiations for the Commercial Treaty were actually in progress. What was the language now used by the Emperor's press? It was said openly that a Treaty of Commerce was a great concession to England, and not only so, but the Emperor had actually instructed his press to say that that Treaty was a measure by which he hoped to keep his noble Friend, the present Prime Minister in power, by obtaining for him and his Government the cordial support of the hon. Member for Birmingham and another Friend of the Emperor's and the French party. Such was the language of the French press, and he wanted to know whether the Emperor was likely to have made these great concessions, or have done these good offices for nothing at all, or even for "an idea." Certainly not. It was much more likely that he had acted as he had done in consequence of the silence of the noble Lord (Lord John Russell), upon this most important subject, and that the Emperor had gained, if not English neutrality, at any rate the forbearance of Her Majesty's Government towards his aggressive policy, and thus that course of conduct—the annexation—which in July was regarded as a matter of great concern, was in December looked upon with, if not indifference, at least diminished apprehension. He thought that this was a fair inference from the facts and papers before the House, but he was quite aware that further information might show them that this was an opinion hastily formed. He did not wish to prejudge the question, or say whether it was so or not. He knew the difficulty of stating the substance of three or four important conversations in a despatch; but though he admitted that difficulty, he thought they had a right to call upon the Government to give them information that would enable them to decide the point. He would not go into the question of public despatches and the duties of public servants, in reference to private letters written to each other. Before an important and delicate point was exhibited in a public despatch it ought to be discussed in private letters, and he knew that they could not at all times expect them to be produced; but the point in question had been discussed in several public despatches, and had then relapsed into private letters, and these letters had actually been referred to in a public despatch as an authentication of grave and vital facts, the knowledge of which was necessary rightly to understand the whole matter. The noble Lord told them on Friday night that the House would have to consider the conduct of the Government with regard to these matters, and to pronounce their verdict. He therefore wanted the noble Lord to give them a link which was wanting in the chain of evidence—a link which was of great importance, and which therefore it would well consort with the dignity, and interest, and honour of the Government that it should be supplied. Before sitting down he must express the regret with which he had heard the answer the noble Lord gave to his hon. and learned Friend the Member for Bridgwater (Mr. Kinglake), who asked him to lay upon the table the despatch which had been received from Count Thouvenel, with his Lordship's answer. The answer the noble Lord now gave was hardly that which the House was entitled to expect after the expression used by the noble Lord on Friday night, when he stated that as soon as the answer he had written to the despatch should receive the approbation of Her Majesty, he would lay it before the House. He must say that, with the exception of what took place on Friday night, he thought the Government had shown a disposition rather to withhold information. He did not think that the frequent appeals which the noble Lord had made to the hon. and learned Member for Bridgwater to withdraw his Motion were very creditable to him or satisfactory to the House. He did not indeed believe that the noble Lord was capable of writing anything he was ashamed of. But it must be remembered that the French Government were not ashamed of their despatches. The despatch to the Government of Berne, which they all read with so much emotion yesterday, appeared the day before in the *Moniteur*, and therefore he hoped that the answer to the despatch, as well as the other papers to which he had alluded, would soon be laid on the table of the House.

LORD JOHN RUSSELL: Several questions have been addressed to me in the course of this discussion, to which I shall now proceed to answer as distinctly as I can. In the first place, I must say, in reply to the hon. and gallant Member for Westminster (Sir De Lacy Evans) who complained that I am not ready to give an account of the salaries and allowance to Lord Elgin and the officers going out in his suite. The gallant Officer explains his object to be that there should be only one mission to China, and that Mr. Bruce should be recalled on the Earl of Elgin going out. Now with regard to that measure, in the first place, I have always understood that when an individual undertakes a special mission, besides his salary his actual expenses are to be paid. The only time when we can obtain an account of these disbursements is after the mission is concluded, so that we cannot have it in the case of Lord Elgin till after the financial year is over. It is, therefore, impossible that I should make any estimate of the expense. But with regard to the recall of Mr. Bruce, I never could have gone to Lord Elgin and insult him by telling him that it was intended as a mark of degradation to his brother that I asked him to go out to China. Lord Elgin will go for the time—a short time, I hope—that his services may be necessary; and in the meantime the regular mission will be maintained there. Lord Elgin has recently been to Paris and has had an interview with the Emperor of the French, with M. Thouvenel, and with Baron Gros, and I am happy to say we have come to a general agreement as to the instructions to be given; and I hope that before long Lord Elgin will be able to set out on his mission, and Baron Gros, on the part of the Emperor of the French, will set out about the same time; and I trust this House will not be induced to diminish the efficacy of their mission by any discussion in the meantime. The next question referred, I think, to Morocco. The gallant officer who put it (Colonel Dunne) might have seen some months ago in the *Gazette*, and since in the papers laid before Parliament, the securities which we have taken with respect to Tangier. The Spanish Government when they contemplated asking from the Morocan Government reparations which Morocco was not likely to give, stated that their warlike operations could not be confined to any particular spot. We asked them that they should not attempt to take or to occupy Tangier. We said it was of great importance to us. And, therefore, while we took no part in the war, and did not mean to take any part, we could not interfere with the military operations of Spain; but we asked in the most friendly manner that if Spain should occupy Tangier it should not be permanently annexed, and that it should not be retained as a guarantee for any indemnity to be paid after the ratification of peace. To that proposal the Spanish Government agreed. The correspondence on the subject has been already laid before Parliament, and I have no doubt that the Spanish Government will adhere faithfully to her engagements. The Moorish Government have lately proposed a large indemnity to Spain, and if the Spanish Government accept those terms and the ratification of the territorial boundaries of Ceuta, be settled in the manner Spain desires, the war will soon be concluded. If not, it is impossible for me to say how long Spain may occupy Tangier and the other points on the Moorish coast. The next question put to me relates to the memoir which the Swiss Government have sent to this country some time since. The hon. Member for Pontefract (Mr. Monckton Milnes) before asked me if that memoir would be presented, and an address has been ordered for it. It is now in the printer's hands, and, though it is of considerable length, I hope it will soon be on the table of the House. The map which accompanied it is one of great detail, and could not be produced without great expense and time; but we are endeavouring to give an outline of it, showing the boundaries of the provinces as they stood by the treaty of 1814. I trust also that that map will soon be on the table. Now, the hon. Member for Perthshire (Mr. Stirling) next asks me whether I will lay on the table extracts from my private correspondence. I cannot accede to such a proposition. I cannot lay on the table of this House parts of my private letters. But I think the hon. Gentleman, if he had looked to the papers on the table, would have found the substance of them contained in the public despatches. Thus, on the 4th of July, when Earl Cowley gives a report of a conversation he had had with Count Walewski, and he says:—

> "I regret to say that his Excellency's language was not over satisfactory. He stated, indeed, that he could give me the positive assurance that there was no understanding whatever upon the subject between France and Sardinia, but he did not deny that the Question had been more than once discussed, and that the Emperor had entertained the idea that if Sardinia was to become a large Italian kingdom it was not unreasonable to expect that she should make territorial concessions elsewhere."

The language of this despatch is more than once repeated. Lord Cowley always spoke of Count Walewski as maintaining that if

Sardinia should become a large kingdom he should not consider it unreasonable that the French territory should be strengthened by the annexation of Savoy. Still further, on the 27th of January, speaking of an interview with Count Thouvenel on this subject, Earl Cowley says—

> "I mentioned the matter this afternoon to M. Thouvenel. I said that I had no authority from your Lordship to speak to him, but that as Count Walewski had, some months ago, given me a solemn assurance that the idea of annexation, if once entertained, had been abandoned, I could not avoid asking, in the midst of all the rumours that were in circulation, whether His Excellency had any information to give me."

Therefore Lord Cowley stated that on the 27th of January this idea of annexation was abandoned, on the signature of peace. Count Walewski always maintained that the peace of Villafranca, and, after that, the Treaty of Zurich, obliged the French Emperor to use every means, short of actual force, to restore the Archdukes of Tuscany and Modena; and then he went on to say—

> "But if that should not be effected, and if the King of Sardinia should have his territories very much increased, recollect what I before told you, that some territorial concession on his part will be expected."

That, therefore, was mere conversation, it did not allude to anything that was going to be done. What was going to be done was to call a Congress, and before that Congress I had no doubt that, among other things, Count Walewski would have brought the question of the restoration of the Grand Duke and the Dukes of Modena and Parma. If he had made any proposition at all, that undoubtedly would be the proposition he would have made. Therefore it was not immediately in question whether the King of Sardinia should cede Savoy; for if the Grand Dukes had been restored there would have been no question whatever of the annexation of Savoy to France. I do not see that the production of my private correspondence would add anything to this information. The hon. Gentleman says further, that he regrets I will not produce the despatch we have received from M. Thouvenel, and the answer of Her Majesty's Government. Well, I certainly said, when I informed the House I had received the Despatch, that I hoped to be able to produce both it and the answer immediately afterwards. But I am obliged by a sense of duty to act inconsistently, because other negotiations have since intervened. Switzerland has made an appeal to us, which I received only this morning;

and the production of a despatch in the midst of negotiations would be like inviting the House to dictate the answer before the other papers are properly considered. Such a course would not only be contrary to precedent, but contrary to every principle recognized by the constitution. The question, I repeat, is still matter of negotiation, for it is necessary that we should communicate with the different Powers of Europe. It is, therefore, impossible for me to produce those papers in the midst of such negotiations. As soon as I can produce them consistently with my sense of duty I will do so, for I have no inclination to keep back from the House any part of this correspondence. The hon. Gentleman says that the French Government have published their despatches. But I think he must be aware that the position of the French Government is somewhat different from ours. M. Thouvenel's despatch is no doubt printed in the *Moniteur*, but there is not an assembly there where discussions can be raised upon it, nor newspapers to make free comments on it. It remains in the pages of the *Moniteur* no doubt for the consideration of the French people, but certainly it is not exposed to the freedom of hostile criticism. I do not think that is a benefit. In this country the case is wholly different, and I am glad that it is so, but still it is prudent, under such circumstances, that the English Government should display some reserve.

Mr. DISRAELI: I am quite sure, Sir, that no Minister will appeal in vain for the forbearance of the English Parliament whilst important negotiations are pending, and, therefore, after what has fallen from the noble Lord, I should not have offered a single observation on the subject to which he has alluded; but he has made a statement as to the intimation given by the French Government, and his official silence between June of last year and January of the present year respecting this annexation, which appears to me so calculated to mislead the House—of course unintentionally—that I cannot allow it to pass unnoticed. During the discussion the other night, I understood the noble Lord to vindicate the apparent neglect with which he treated these intimations throughout, because he was of opinion that they were, in fact, intimations of no great authority—of a threatening character, no doubt, but not seriously practical in their bearing. But the First Minister, who followed the noble Lord, did not seem to be satisfied with that position, and took the ground that it was the then expected Congress which was the reason why these intimations were not attended to with the sedulous care which might have been expected upon a point of such importance. Accordingly, the noble Lord has now changed his position, and has adopted that taken by the First Minister. In order to explain and vindicate his apparent neglect, the noble Lord now says—" A Congress was expected, and there it was we thought that these questions would be settled." But the noble Lord can hardly suppose that the House of Commons will accept, as a conclusion which is to influence their judgment on this subject, the statement that these important points were to be decided at a Congress. We all know, practically, that a Congress is not a deliberative assembly. What should we think of the noble Lord, if, not having brought forward a Reform Bill, and being called upon to redeem his pledge, he were to say, " We have no such measure prepared, because we knew that Parliament was going to meet, and could do all that is necessary?" Now, a Congress was never yet called together without previous discussion by the Ministers of the different Powers of the principal questions for settlement there, or otherwise the Plenipotentiaries could do but little. A Congress is called upon to settle details and register decisions; and if in this case a Congress was expected, it is only natural that, long before it met, the utmost communication should take place between the English and French Governments, in order that an understanding should be arrived at on the chief points of difference between them. I cannot, therefore, either from the First Minister, or from the noble Lord, accept this as any excuse whatever for their still mysterious silence. The very fact that a Congress was about to take place, furnished an additional reason why, some time before it met, much more frequent, precise, and earnest communications should have taken place between the two Governments than are to be found in the papers, in order that when our representatives went to the Congress, they should be prepared for so startling a proposition as that for the annexation of these provinces. If that proposition had been made for the first time in a Congress, it could have led to nothing else than a break up of the assembly. Besides, all expectation of a Congress had vanished towards the end of the year, and therefore we have heard no sufficient explanation of the silence and seeming negligence which have been adverted to. I must now, also, refer to another point, and that is the question of private letters. I lay it down, as a principle in the management of affairs, that there ought to be a complete record in the Foreign Office of all the transactions of the Government. Upon that principle the House ought to insist. The noble Lord says he will not lay his private letters on the table. Sir, we do not ask the noble Lord to produce his private letters. All we ask of the Government is, that they should keep a complete diplomatic record during their tenure of office, and that they are bound to furnish. There are instances in the blue-book respecting Italy, placed on the table by the late Government, in which extracts from private letters are printed. The noble Lord is, in my opinon, equally bound to give in the present papers extracts from his private letters, but those extracts ought to have been registered in the Foreign Office for the guidance of those who come after him. So far as I can gather from the noble Lord's observations on this most important topic, there is at this moment no complete record of the transactions in which the country has been engaged respecting this very grave subject. The noble Lord retains his private letters in his despatch-boxes, and they give him all the information he requires; but I maintain that as there is no public despatch on these points, and as the results of these private letters have been intimated in the despatches on the table, it is the noble Lord's duty to place in the Foreign Office a complete narrative of the diplomacy of the country for the information of his successor. The noble Lord speaks as though it was a violation of confidence to publish an extract from the private letters of an ambassador; but he has not, generally speaking, shown an over-sensitive delicacy on such points. In the third part of the Italian papers is a despatch, dated Berlin, March 3, 1860, from Lord Bloomfield, and if ever there were a diplomatic communication which should have been withheld, this is one. It gives—what could only have been known to Lord Bloomfield in the strictest confidence—a narrative by the Prussian Minister of a communication which he had received from the French Minister at Berlin, Prince de la Tour d'Auvergne. To my great surprise, and to the astonishment, I should think, of all the diplomatists in Europe, this letter is given; and what communications will ever be made to the present Government by the representatives of foreign Powers after such a publication is very doubtful. Compared with it the private letters of Ambassadors are nothing, and yet this is quietly published. The noble Lord, therefore, has shown that he is not influenced by a too delicate susceptibility; and, indeed, in the very last papers issued, bearing on the state of Naples, there is a letter of menace addressed virtually to the King of Naples, which His Majesty cannot at this moment have received, and which has yet been laid on the table. I make no comment on the Neapolitan papers at present. I take it for granted that, having placed them on the table, the noble Lord challenges by that act our decision with respect to them. I think that decision must be given. I think it necessary that this portion of the noble Lord's diplomacy must be examined, and that for the sake of dignity and decorum in our intercourse with foreign and independent Sovereigns the letter to the King of Naples should be fully considered by this House. However, I shall pass over that point now. I merely rose to point out that the reason given by the Government to show why they took no notice of the intimations made by the French Government—namely, the expected meeting of a Congress—rather aggravates their negligence than excuses it, because, believing that a Congress was imminent, it was even more decidedly their duty to have arrived at such an understanding with the French Government as would have ensured that the Congress would not break up without coming to any decision at all, which it would certainly have done if the noble Lord's view as to the mode of conducting public business had been adopted.

VISCOUNT PALMERSTON: I cannot allow the doctrine of the right hon. Gentleman respecting the functions of a Congress to pass unquestioned. "Everybody knows," he says, "that a Congress is not a deliberative assembly, and that it meets only to record decisions." Now I take leave to say, with submission, that the functions which he ascribes to a Congress are precisely those which a Congress does not perform. The special duty of a Congress is to deliberate. It is for that purpose that the representatives of different Powers meet, in order to discuss and consider round a table matters which, if discussed by correspondence between the respective Cabinets, never could be brought to a satisfactory conclusion. Indeed, the very invitation which in this case was sent to the different Powers implied deliberation, because the Congress was to take cognizance of the Treaty of Zurich and also to deliberate upon measures for establishing for the future the external and internal independence of Italy. That was a question for deliberation, and, if there was not to be deliberation, there was no need of a Congress. The right hon. Gentleman says it was the duty of Her Majesty's Government to settle beforehand with France this question of Savoy, in order that, having settled it, a Congress might ratify the arrangement thus come to. Now, whereas upon that question France held one opinion and England another, if a Congress were called together our object would have been to enlist on our side the opinions and the influence of the other Powers represented in the Congress. And it is obvious that such a measure would be more likely to induce the Government of France to yield something upon this question than to expect England and France, meeting together and discussing the matter between themselves, should come to a decision such as we should wish the result to be. Therefore it is quite plain that if your object is, in any question between England and a foreign Power, to induce the foreign Power to yield an opinion and to forego an intention, the best method of doing that is to wait until you meet in the presence of four or five, or a greater number of other Powers, because it would be easier for the Power whose opinion was changed to yield its opinion in deference to the wish of the assembled Congress than to give way to the wish of a single Power. The right hon. Gentleman has, therefore, misled the House as to the nature and functions of a Congress, and of the expediency of the course that has been taken by Her Majesty's Government. Now as to private letters. According to the doctrine of the right hon. Gentleman every private letter should be converted into a public despatch. [Mr. DISRAELI: "No, no."] I say yes—any private letter that contains anything of public matters. [Mr. DISRAELI: "No, no."] I repeat my assertion. Surely the right hon. Gentleman, who has been in office, and from the office he held must have followed the course of diplomatic transactions carried on by his noble colleague the late Foreign Minister, must know that every packet from abroad bringing public despatches also brings from the Minister who sends the despatches private confidential letters referring to circumstances not sufficiently certain or not sufficiently important to be placed in the formal shape of a despatch, in which communications are made of circumstances learnt from conversations, and which it would be impossible for the person who receives them to lay before Parliament without placing the agent who wrote those letters in a position that would exclude him thereafter from all means of information which it is essential he should obtain. I do not think the right hon. Gentleman has established the doctrine that my noble Friend has departed from the usual course in drawing a marked line of separation between private letters and public despatches. The right hon. Gentleman, in his argument, very easily changed the word applicable to the matter of which he was speaking. He said, "Here is a letter from Naples, and here is another from some other Foreign Court. You produce them but you do not produce the letters from Earl Cowley." But they are not letters, they are despatches; and the right hon. Gentleman should remember to apply the proper word to the proper thing. What my noble Friend produces are despatches placed upon the records of the Foreign Office. What he declines to produce are confidential letters, which it was his duty to receive, and which it is equally his duty not to lay before the House.

MR. DISRAELI: What I said was this:—That no Minister should lay papers upon the table of the House referring to private letters without producing them, if they relate, of course, to public affairs. A Minister may receive twenty private letters a-day and give no account of them; but, if in the papers laid upon the table of the House there is a reference to private letters, then the Minister is bound to produce those letters or extracts from them.

MR. HORSMAN: Sir, I was glad to hear from the noble Lord the Foreign Minister at the conclusion of his speech that the Government were about to enter into communication with the other Powers concerning the protest of Switzerland. The whole of this question about France and her territorial aggrandizement is of European interest, and we ought to know that Her Majesty's Government have not treated it as a question simply to be discussed between England and France, but one in which the joint action should be invited of all the Powers that were parties to the treaties of 1815. I agree that, in a case where negotiations are pending, the House of Commons cannot be too forbearing in pressing for information, but the withholding of information may be carried too far because there are cases in which it is the duty of Parliament to interfere. I felt long ago that the question of the threatened annexation of Savoy was one of those cases. We know that the French Emperor is very amenable to public opinion, and particularly to the public opinion of England. We know that any expression on the part of this country carries greater weight on the Continent, both in deterring the strong and encouraging the weak, than the despatches of any Minister or any Cabinet. I believe that if at an early period of this question a discussion had been allowed to take place, and an expression of opinion to be given strengthening the policy and views of the Administration, it would have had a great effect in averting some of the events which we are now all deploring. The hon. and learned Member for Bridgwater came forward weeks ago and warned us of the direction in which events were marching, and he was always stopped by being told of the responsibility he would incur by interfering, and which this House would incur by forcing on a discussion. We were told to allow the Government to deal with the French Emperor unincumbered by the assistance of the House of Commons. The House of course was obliged to bow. But now matters have progressed—what might have been averted has come to pass, and the fact of Her Majesty's Government being in communication, and properly so, with the other Powers, shows that we are approaching something similar to what may be called a crisis, which I think an earlier discussion in this House might have prevented. But while the House is thus forbearing, those in authority ought also to be forbearing. I heard a speech of the noble Lord the First Minister last week with surprise and regret. He went out of his way to become not only the apologist, but even the eulogist of the Emperor of the French.

Mr. SPEAKER : The right hon. Gentleman is out of order in referring to a past debate.

Mr. HORSMAN : It was a debate upon the same subject.

Mr. SPEAKER : It was an incidental discussion on a Motion for the adjournment of the House. In the progress of a Bill reference may be made to debates on former stages; but that rule does not apply to debates raised in this way on Motions for adjournment.

Mr. HORSMAN : We are discussing the correspondence upon the affairs of Italy. The noble Lord the Secretary of State has himself alluded to a despatch which he told us he received last week from M. Thouvenel, and I was about to allude to the speech he made then. I believe I am in order in saying that on Friday last we were informed by the noble Lord that he had received a despatch from M. Thouvenel, which he said was of great gravity, in which it was announced that the annexation of Savoy was about to take place, and that the consent of the other Powers would not be required. We had received just before from the noble Lord at the head of the Government a very different declaration, in the expression of his belief that the annexation of Savoy would not take place without the assent of the great Powers. That was in the middle of last week, at a time when no one in this House had received information that the annexation was determined upon, and when all the newspapers in Europe spoke of it as an accomplished fact, and yet we were told by the First Minister of the Crown that his firm belief was that the annexation of Savoy would not take place without the consent of the great Powers. He strengthened that opinion by reminding us of the previous career of the Emperor of the French—his assurance that "his empire was peace," and also telling us that the campaign in Italy was not at variance with that declaration. After that—

Mr. SPEAKER : The right hon. Gentleman is transgressing the rules of order.

Mr. HORSMAN : Then, I will only say that while, on the one hand, we are refraining from discussing this question, and have been refraining for a whole month at the request of the Government—while we do that, we ought to be sure that the Government will not, on their part, give expression to views against which we feel it our imperative duty to protest.

Mr. BAILLIE COCHRANE said, he could not but express his deep regret that there had been no discussion on this subject to elicit the feeling of the House. In confirmation of what had fallen from the right hon. Gentleman, the Member for Stroud, he would read an extract from a letter from Nice, dated the 20th inst., in which the writer said—"Nine-tenths of the population of Nice are opposed to the annexation." The result of the conduct of the noble Lord, the Secretary for Foreign Affairs, in deprecating discussion, has been that we have entirely lost all *prestige* with the Piedmontese, for they say—"It is evident that the English Government is truckling to the French Emperor, and that is the opinion of every individual I have seen." As the Easter vacation was approaching, he (Mr. Cochrane) thought the noble Lord ought to assure the House that an opportunity would be afforded for a clear expression of its opinions before the annexation of Savoy to France became irrevocable.

THE CHANCELLOR OF THE EXCHEQUER: I may be permitted to say, on behalf of my noble Friend, who is precluded from again addressing the House on this question, that he is not aware that, in expressing his opinions with respect to it, he has ever done more than state what is unquestionably a matter of fact—that there was a declaration made by the Emperor of the French to the effect that it was his intention to consult the great Powers of Europe in reference to the proposed annexation of Savoy. My noble Friend merely added that the construction which he should put upon that declaration was, that it was the purpose of the Emperor, in consulting the great Powers of Europe, to do something more than simply state his intentions in the matter. I think it also necessary that I should, on the part of the Government, say a few words in reply to what has fallen from my right hon. Friend the Member for Stroud, (Mr. Horsman), because any one who listened to him might suppose that during the last month or six weeks the name of Savoy had never been mentioned in this House. Now, it is quite true that there has been on this subject of the annexation of Savoy no full discussion, terminating in a clear and satisfactory expression of the opinion of the House of Commons with respect to it; but my right hon. Friend, as well as the hon. Gentleman opposite, would appear to be unaware of the fact that the question has been repeatedly raised of late in the course of our proceedings. The fact is, that within the last few weeks we have heard speeches delivered within these walls, in which the strongest language has been used in reference to the whole question, and judgments have been pronounced, and epithets employed, which, in the opinion of Her Majesty's Government and others, might have hereafter the effect of exercising a detrimental influence on the state of public feeling in a neighbouring country. I cannot, however, suppose that my right hon. Friend is really unaware of this fact, for he himself has taken a leading part in the discussions to which I allude. No hon. Member, indeed, has been so precipitate as he in his treatment of this question, so far as the use of language is concerned, which could have no other effect than to inflame, exasperate, and, in the natural course of things, produce angry feeling in the minds of the French Government and people, who would be likely to be urged on rather than impeded in the pursuit of a particular line of policy, by having insulting expressions employed with respect to the course which they were taking.

MR. ROEBUCK said: Sir, the private Members of this House are placed in a difficult position, particularly with regard to foreign affairs; for when negotiations in reference to a particular question are pending we are told it is too soon to discuss the matter, and then when the question is almost settled we are told we are too late. A statement which has just been made by the Chancellor of the Exchequer ought, however, I think, to be placed before the House and the country in its true light. He has told us that the noble Lord at the head of the Government expressed it to be his opinion that the Emperor of the French would not proceed to the annexation of Savoy without consulting the great Powers of Europe, and that he would not be contented with simply stating his intention on the subject. Now, all I can say is that at this very moment I believe the question of annexation to be settled, and settled, too, without any reference whatever having been made by the Emperor of the French to the great Powers of Europe. Let the House, then, judge for itself as to the value which ought to be attached to statements emanating from that quarter (the Treasury bench). For my part, I held such statements very cheap even before this evening, but after the very candid acknowledgment which we have just had from the noble Lord at the head of the Government, there is no term which I could use sufficiently expressive of my estimation of their utter worthlessness.

MR. HORSMAN said, he wished to make an explanation in reply to the observations of the Chancellor of the Exchequer. The right hon. Gentleman had said that he had made use of exasperating language.

Mr. SPEAKER: The hon. Member may make an explanation of anything which has fallen from him if his words have been misunderstood; but he cannot, in accordance with the rules of the House, reply to the speech of the Chancellor of the Exchequer.

Mr. HORSMAN: I was merely going to observe that when the right hon. Gentleman imputed to me the use of insulting language.—[*Cries of* "Order, order!"]

Mr. MONCKTON MILNES said, he trusted that under present circumstances the debate would not be allowed to go on. He had long believed that the annexation of a large part of Savoy to France was inevitable. There was now, however, before Europe a great question of public right with respect to the frontier and neutrality of Switzerland. He hoped the attention of the Government would be directed to that point, and that they would consult with the other Powers of Europe in order to secure the neutrality of the provinces on the Swiss frontier.

Sir CHARLES WOOD said, he would take advantage of the opportunity at length afforded him of replying to two questions which had been put to him in the early part of the evening. He would first refer to the question of the hon. Baronet (Sir J. Fergusson) as to the rewards to military officers, though he must decline to go into the case of individual officers. The Government at home were mainly guided in bestowing rewards for military services in India by the recommendation of the Commander-in-Chief in that country. The rewards which were conferred on military officers consisted, for the most part, of promotion and the Order of the Bath, and he might state that every officer who had been recommended by the Commander-in-Chief for brevet promotion had obtained that reward. With regard to the Order of the Bath he had to observe that the number of officers who had been recommended for it was so great as to exceed the proportion in which that honour was allotted to officers in the Indian service. It had, however been conferred on some, and the remainder had been brought under the notice of his right hon. Friend the Secretary for War, with the view of their obtaining the distinction when the reduction of the number enjoying it had been brought below the appointed level. Nothing, he might add, could be more distinguished than the services of the 2nd Bombay Light Cavalry, and two of the officers of that regiment had consequently been raised to the rank of major. In the case of the Civil Service, some delay in conferring the honours which it was in contemplation to bestow had arisen. That delay had its origin in the fact that a despatch had been received from Earl Canning which contained only a partial report as to the persons whom he desired to recommend for reward, while he at the same time announced it to be his intention to send a supplementary despatch embracing, in conjunction with the first, the names of all those persons. It had been deemed the more satisfactory course, therefore, to defer taking any steps in the matter until that despatch had arrived, and now that that was the case he trusted no further delay would take place.

The next question was, that of his hon. and gallant Friend behind him (Colonel Sykes)—whether there was any foundation for the report that the whole Native army of India was about to be abolished? Well, his answer was that there was no foundation whatever for the statement. He was very much grieved to see such a statement in the newspapers, which would, no doubt, cause great excitement among the officers of that branch of the service in India. But he repeated there was no foundation for the report of any reduction being made in that force. He was afraid his hon. Friend (Colonel Sykes) would be alarmed in another direction when he told him that the military expenditure in Bombay was higher this year than last, while the expenditure in Madras was no less. They could not go on long with an expenditure exceeding the income. A portion of the returns moved for by his hon. Friend could not be made out without reference to India; but as to another portion he might say that two additional clerks had been employed in their preparation ever since they were ordered, but he was afraid it would be some considerable time yet before they were completed.

Sir JAMES FERGUSSON begged to state that he had used the case of Major Taylor merely for the sake of illustration.

CONDUCT OF DEBATE.—OBSERVATIONS.

Mr. KINGLAKE: Sir, I rise only to express my great astonishment at the charge which the right hon. Gentleman the Chancellor of the Exchequer has thought proper to throw out against my right hon.

Friend the Member for Stroud. Sir, I hold that one of the great duties of a Member of Parliament is to observe due decorum while speaking in this House of foreign potentates, and my right hon. Friend would have been grievously wanting in his duty had he indulged in any improper language with reference to the Emperor of the French. But, Sir, I have been present during all the discussions, on this Savoy question, and I can declare that I know of nothing said by my right hon. Friend that justifies the charge which the Chancellor of the Exchequer has thought fit to throw out against him. And, before I sit down, Sir, I must express the great dissatisfaction with which I heard the appeal that the Chancellor of the Exchequer attempted to couple with this charge. He seemed, as I understood him, to endeavour to influence the mind of this House by suggesting to it something like a fear that the language used by Members here may give displeasure to the Emperor of the French. Sir, I protest against the notion that language in this House is to be adapted to the taste of the Emperor of the French.

MR. DARBY GRIFFITH said, he would confess that his inclination was to draw closer the ties that existed between this country and France. At the same time he could not help thinking that on several occasions since the commencement of the Session there had been something like moral intimidation used by Ministers towards independent Members of that House. He admitted the difficulties of the Government with reference to the Savoy question, arising not from their conduct, but from the lust of dominion manifested, and the changing views of other parties; but Ministers ought not to forget the deference they owed to the independence of the House from which they derived all their authority.

Motion *agreed to*.

House at rising to adjourn till *Monday* next.

WAYS AND MEANS.—INCOME TAX.

COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER moved that the House do resolve itself into a Committee of Ways and Means.

Order for Committee read.

Motion made and Question proposed "That Mr. Speaker do now leave the Chair."

MR. AYRTON said, he would take that opportunity of calling attention to a very serious subject in connection with the collection of the income tax which had been brought under the notice of the House by a petition from the inhabitants of one of the largest parishes in the metropolis. The matter did not interest them merely, but the whole country—for similar proceedings might occur in any parish in the country. The management of the income tax in the parish of St. Leonard's, Shoreditch, was under Commissioners appointed by the Crown; and a surveyor was also appointed by the Crown. The petitioners stated further that a conspiracy had been entered into between the surveyor and the collectors to defraud the inhabitants and the Government. The nature of the conspiracy was that, the collector should deliver to the inhabitants notes of charge, while the surveyor should make a return of charge to the Commissioner very much less than that which ought to be made on the inhabitants in respect of their income; and that the charge so entered on the roll, having been approved by the Commissioners, then a note should be delivered demanding a higher rate from the taxpayers. Thus a difference being established between the roll delivered in to the Commissioners on the one hand, and the claim made upon the inhabitants on the other, there would be a sum which, if they could collect it, would be put into their own pockets without accounting to the Crown. In pursuance of that system the inhabitants received the usual note, stating that they had been assessed at a certain sum, while the surveyor made the roll bear a much smaller amount. The larger sum was demanded from and paid by the inhabitants, the smaller one being accounted for to the Crown, and the balance was divided between the collector and the surveyor, and appropriated by them to their own advantage. That was a most extraordinary mode of collecting the income tax, and showed that a door was open to the perpetration of fraud in any part of the kingdom, if the duties of the Commissioners, the surveyor, and the collectors might be discharged as they had been in the parish of St. Leonard's, which had presented its complaint. When these malpractices were discovered the serveyor absconded, but it did not appear that any effective measures were taken either by the local Commissioners, or by the Commissioners of Inland Revenue, to follow him, and he had hitherto entirely escaped. One of the collectors, however, among the rest was seized, taken before a magistrate, and prosecuted. He had been subsequently indicted for obtaining money under false pretences, by demanding from an inhabitant a sum which he was not entitled to demand according to the roll of assessment. That indictment was tried in the usual way at the Central Criminal Court; but in so serious a case, involving an extensive system of fraud upon the public revenue, adequate steps were not taken by the Government to carry on the prosecution in an efficient manner. The case was not entrusted, as it ought to have been, to any counsel of the standing and experience necessary for conducting it; and the result was that on a technical point the collector was acquitted. No one else had been punished; no proper course had been pursued for probing these frauds to the bottom; and the inhabitants of the parish had been brought to the conclusion that the Commissioners of Inland Revenue were really desirous of throwing a veil over these unpleasant transactions, and, in short, wished to hush them up. Any such proceeding must be detrimental to the public interest; for it was obviously of the highest importance that if surveyors and collectors of taxes were guilty of these delinquencies they ought to be punished to the uttermost. That, then, was the complaint deliberately made by the inhabitants of the parish of St. Leonard's under their common seal. He had communicated their petition to Her Majesty's Government, who had had an opportunity of making inquiries into its accuracy; and he was very anxious to hear what measures had been adopted by the Commissioners of Inland Revenue to examine into these frauds and prosecute their perpetrators with effect. Had those Commissioners taken steps to prevent the recurrence of these delinquencies? For it seemed plainly in the power of any surveyor and collector, combining together in the manner he had described, to take advantage of the reluctance of the income tax payer to undergo the vexation and exposure of his affairs incidental to an appeal against surcharge, and thus to put into their own pockets the excess over the sums returned in the assessment roll furnished to the Government. Under these circumstances he had felt it incumbent on him to bring under the notice of the House what appeared to be a neglect of duty on the part of the Government authorities.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am sure no person could think of finding fault with the hon. Member for drawing the attention of the House to a subject of this nature. There are, if I understand him, two points of view in which he is disposed to consider it; but to one of them I do not attach great importance, because I am not aware that there is any evidence to lead us to suppose that any grievance has been suffered by the inhabitants of this parish. They have undoubtedly been subjected by certain officers to an assessment higher than the amounts paid over in respect of their incomes to the Government. But it does not appear that they have been assessed above the sums legally due from them, or that they have suffered any loss in this particular case any more than the rest of the community. I am far from complaining of their petition. On the contrary, I think it important that the inhabitants of every district in the kingdom should take an interest in the collection of the revenue of the country; and therefore, I hold that their conduct in this respect is laudable. But there is no reason to suppose they have been overcharged. Indeed, whatever may be the grievances incidental to the collection of the income tax, I do not think over-assessment is one of them. But the hon. Gentleman points out the great loss sustained by the public treasury from the frauds of those engaged in collection. It is certainly to be regretted that the public revenue has suffered that loss, but the hon. Gentleman is wrong in supposing that all the persons guilty of these frauds were appointed by the Government. The surveyor is certainly one of these persons, and was an officer appointed by the Government. But the collector, whom I take to have borne a much more important part in this matter, and another individual, who may be called an under clerk, were both of them the officers of the local authorities. This question is of great importance, inasmuch as it directs the attention of the House to the way in which the public revenue is occasionally jeopardized, perhaps from the want of that control over the collectors of the Queen's taxes which the Government might possess if those collectors were in their apppointment. The hon. Gentleman rather seems to charge the authorities of Somerset House with indifference, or even opposition, to the due collection of the revenue, and with a desire to hush up cases of this kind. This is the first time I have ever heard any insinuation of want of zeal thrown out against those gentlemen in the discharge of their very arduous duties; and I do not think there is any colourable ground for complaining of them in this instance. The surveyor has absconded, and it has been found impossible to lay hands on him. That is a misfortune that may happen without implying any lack of energy or vigilance on their part. The prosecution against the collector failed, and failed, as the hon. Gentleman says, on a technical point; but there is not the slightest reason for attributing that failure to any blameable conduct of the Revenue Department. They felt it their duty to take the highest legal opinion as to the means available for doing justice in this case; and the unfortunate result is not due to any want of prudence or diligence shown by the Board. It is my intention at a later—but I hope not a very late—period of the Session, to propose to Parliament a Bill which may have the effect of giving satisfaction to a feeling which appears to prevail to some extent in the country—namely, that the collection of these taxes should be brought, at least in certain cases, under the direct control and responsibility of the Government. At present the control possessed by the Government is very imperfect, their responsibility being imperfect in the same proportion. I shall not, however, forestall that subject. I only mention it to show that we shall have an opportunity of discussing it and the other important topics which this petition raises.

SIR STAFFORD NORTHCOTE observed that he was glad to hear the announcement just made by the right hon. Gentleman the Chancellor of the Exchequer. The petitioners might not have suffered any special grievance in this case; but the payers of taxes had a direct interest in the honesty of the collectors, and in the prosecution of any defaulter by the Government, because there were instances in which, owing to such frauds, persons had been called upon to pay their assessed taxes over again. He rejoiced that there was a prospect of an early remedy for these serious irregularities.

MR. SLANEY said, he had heard many statements made in that House about the injustice and impolicy of the income tax; but he was convinced, after a most careful inquiry of the whole question that upon every ground of fairness, policy, and justice, that tax ought to be continued. At the same time he thought it ought to be so levied as to press equally on all classes. He contended that the poor man who indulged himself at the close of his day's work with a glass of spirits and water, or a pipe of tobacco, contributed by doing so a larger proportion of his earnings to the revenue than the more opulent classes did. The same remark applied to the case of tea and sugar, cocoa, and other colonial and foreign articles of produce. The revenue derived from these indirect sources of consumption amounted in the aggregate to £36,000,000, and of this sum a much larger amount was contributed by persons of £150 a year and less, in proportion to their incomes, than the wealthier classes of the country. This fact should, in his opinion, reconcile the rich merchants and landowners to a somewhat higher rate of income tax, in order to relieve those who could so ill afford it, and who could only pay it by denying themselves the few luxuries, and even some of the necessaries, they enjoyed.

Motion *agreed to.*

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER said, he should put the Resolution relating to the income tax into the hands of the hon. Gentleman in the Chair, without any lengthened explanation, because, in point of fact, in the various discussions on the Budget and the Commercial Treaty almost all the general topics which bore on the subject had been considerably dealt with. The exact state of the case was, that according to the calculations he made on the 10th of February, which he believed were the safest possible at that period, the anticipated revenue, in case of the House should vote all the regular charges, and should vote the income tax, as expressed in the Resolution he held in his hand, would leave a probable surplus of £400,000. A reduction of the tax proposed in that Resolution would result in a deficiency of probably the same amount. He should be most happy to give any explanation on the subject in answer to any observations that might fall from Members of the Committee, but he must decline at that moment to enter into a discussion of the general question.

Motion made, and Question proposed,—"That, towards raising the Supply granted to Her Majesty,

"There shall be charged, collected, and paid, for one year, commencing on the 6th day of April, 1860, for and in respect of all property, profits, and gains, charged or chargeable under the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, either by assessment, contract of composition, or otherwise, the following rates and duties, that is to say: Upon any assessment on the annual value or amount of any property, profits, or gains (except property, profits, and gains chargeable under Schedule (B) of the said Act), the rate or Duty of Ten Pence for every Twenty Shillings of the annual value or amount of all such property, profits, and gains respectively; and for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B) of the said Act, the rate or duty of Five Pence in England, and of Three Pence Halfpenny in Scotland and Ireland respectively, for every Twenty Shillings of the annual value thereof."

Lord WILLIAM GRAHAM said, that the proposition to limit the operation of this tax to one year was a mere delusion. He would remind the Committee that the right hon. Gentleman had said in his financial statement that the only way in which the income tax could be affected was by the reduction of our military and naval expenditure; but could any one suppose that, under existing circumstances, such a reduction would take place? Looking at the unsettled state of Europe, and to the consequences which might be expected to result from an attempted or accomplished act of spoliation and aggrandizement, no one could help arriving at the conclusion that henceforth our only security for peace would be in the maintenance of an armed watchfulness and continued state of military and naval preparation. So long as that expenditure was necessitated the income tax must be kept at 10*d*. It was therefore a mere delusion, and an attempt to throw dust in the eyes of the people to endeavour to persuade them that the income tax would only last a year. The Chancellor of the Exchequer, however, in his anxiety to carry his Budget, was quite willing to throw the responsibility of continuing the tax upon some future minister. The right hon. Gentleman had thrown away a large amount of money derived from indirect taxation, and it must be quite obvious that no further reduction could be made except by impairing our strength. It had been stated that the estimate for the military expenditure was not quite sufficient for this year, and also that the Government had not taken money enough to pay for the Chinese expedition, but that the Chancellor of the Exchequer trusted to some clever arrangement and ingenious mystification—to some *hocus pocus* arrangement between the Indian Treasury and the Downing Street Exchequer to provide for the deficiency. After it was all over the right hon. Gentleman would come down to the House and say he had made a mistake, and that the expenditure had exceeded the income, but as the money was all actually spent it was necessary that they should make it good. The present measure was not a wise and well-considered measure, after the example of the late Sir Robert Peel, who looked to the interests of futurity, but a mere patching up of the present revenue at the expense of the future. The right hon. Gentleman used formerly to sit on Conservative benches, and act on Conservative principle, but certainly this was not a Conservative measure. On the contrary, it was a proceeding quite in harmony with the rash and imprudent conduct of the ministry with respect to the whole of their financial arrangements. He could no see how it was possible for the Chancellor of the Exchequer to hold out any well-founded hope that the income tax would not be required next year; but if he had he trusted he would explain the grounds of it to the Committee.

Mr. P. W. MARTIN said, that he did not see any reason why the naval and military expenditure should necessarily remain at their present high figure—namely, £10,000,000 more than in 1857, when right hon. Gentlemen opposite were in power and when he could not but suppose that, according to their view, the public service was efficiently provided for. He looked upon this extra £10,000,000 as so much capital invested, and which had become necessary in order to place our navy and our army upon an efficient footing as compared with the military forces of other powers, which had of late years been making great exertions in that direction. But it was not to be supposed that we should be going on every year increasing the number of our steam war-ships, or adding to the stock of Armstrong guns and Enfield rifles. Next year, or the year after, the House must look this subject of the military expenditure of the country in the face, and decide the limit to which it should, under ordinary circumstances, extend; and whether they had ships enough, and weapons enough of a proper description, £20,000,000 a year would not be sufficient to cover all the charges of our army and navy. The income tax was in all respects objectionable. It was inquistorial and unfair between one man and another, and of which, after the repeated pledges that had been given, the country was heartily weary. He agreed to it on the present occasion, regarding it as, in effect, a war tax, and limited in its duration, according to the present intentions of the Chancellor of the Exchequer, to the present year, and to be reduced or totally abolished next year. It might seem absurd to some hon. Gentleman that he should expect this, but they must remember that the £10,000,000 increase in the military estimates since 1858 exactly represented the whole of the tenpenny income tax, and if he was right in supposing that that £10,000,000 might be regarded as so much invested capital, and not as a permanent charge, there was no reason why next year or the year after the tax should not be abolished, unless, indeed, it was the pleasure of the House to make it a part of the permanent system of taxation. He now supported the income tax as a war tax, because they virtually had war Estimates; but he reserved to himself a full right to oppose it in a future year.

MR. GARNETT said, he was not sanguine enough to suppose that this tax would be abolished next year, and he had therefore given notice of his intention to move an Amendment, which it would be his duty at some future stage to bring under the notice of the House. As that Amendment stood upon the paper, it proposed to extend the 7*d.* rate which was to be allowed for incomes under £150 a year to all incomes under £500; but since giving notice of it he had come to the conclusion that considering the large amount of revenue the adoption of that proposal would sacrifice, it ought not to apply to incomes of above £300. His object was to relieve as many persons as possible, with the least loss to the revenue. It appeared that, according to a Return laid before Parliament last year, No. 119, taking schedule D, the number of persons paying on incomes between £150 and £200 was 41,031; from £200 to £300, 33,611; but if they exceeded this amount, and came to incomes between £300 and £400, there was a great and sudden drop in the number of individuals paying on them. The immediate decrease in the number, by the return, was 50 per cent, the number of persons possessing incomes between £300 and £400 being 15,524; whilst of incomes between £400 and £500 there were only 7,528. In Schedule E the diversity of incomes was even more remarkable. By extending the exemption he asked for, to incomes of £300, the revenue would lose £231,720 under these two Schedules. With the surplus the Chancellor of the Exchequer calculated on, he would ask him whether he could not afford to make this exemption. Probably he would say he could not; but he had hoped that he would have even extended it to incomes of £200. For, in 1853, when he was holding out a hope of the income tax ceasing, the right hon. Gentleman himself extended the tax to incomes of £100. Sir Robert Peel fixed the charge on incomes of £150, but the Chancellor of the Exchequer laid it on the lower income, alleging the advantages the payers had derived from the remission of duties on articles of indirect taxation. His chief object in proposing the exemption was to decrease the pressure of the tax on persons of moderate means and precarious incomes.

SIR CHARLES NAPIER said, he wished to warn the hon. Gentleman (Mr. Martin) that there was no chance of the income tax being reduced or ceasing. The House must not fancy for a moment that the expenditure for the navy would be a shilling less next year than in the present one. They might even make up their minds that it would be more expensive. In 1857 the navy had got to a very low state. The right hon. Member for Droitwich (Sir J. Pakington) had put it on a better footing. But we had been obliged to build an entire new navy. It was a wooden navy, and they had obtained some very fine ships. But what guarantee had they that this navy would be permanent? He had no notion that it would be so. Then they had to provide new guns for the whole navy; they would have to expend enormous sums in Armstrong's and Whitworth's guns. The sums charged this year would not give guns to more than one or two ships. France had six new iron frigates; the English Government was building two. If some arrangement could be made by which France would stand as she was as to ships, and England stand fast also, then the Chancellor of the Exchequer might hold out some hopes of the income tax ceasing next year. But England was compelled to build ships faster than the Emperor; England had more colonies, and it was impossible she could remain with only the same naval force as France and be in a state of safety. Then they had been told by the Secretary of the Admiralty that France had the means of manning a fleet—that England had not; that was a serious question for the House of Commons to consider. New establishments in which to build iron ships would be required, and new docks for them afterwards. What hope could the Chancellor of the Exchequer have of reducing the income tax? If the hon. Member for Rochdale (Mr. Cobden) had followed up his own views, and, when negotiating the French Treaty, made an arrangement that each country should only possess a certain number of ships of war, then both might be relieved from an immense expenditure, and they might have some hope of the income tax ceasing. But he believed the expenditure of the navy would be £14,000,000 or £15,000,000 in the next year. Then against the iron ships of war it was proposed to place iron forts all along the coast; there was a model of one in the Tea-room of the House, and if forts like it were to be built all round the country they would cost £12,000,000. A vote of £850,000 had been taken for the Chinese war; it was ridiculous to suppose that the war would be put an end to for that sum. They were sending 20,000 men and a large fleet to China; could they expect that £850,000 would do it? It was useless to think that the income tax would be reduced. They might make up their minds on having to pay 1*s.* in the pound next year. Europe was in a most unsatisfactory state; no one could tell to what lengths the Emperor of the French might go; he believed he meant mischief, and England must maintain a strong army and navy.

Sir STAFFORD NORTHCOTE said, he could not help regretting that his right hon. Friend the Chancellor of the Exchequer had departed from the understanding that before discussing the income tax they should have made some greater progress in the Estimates, in conformity with the rule generally laid down of voting supply before they came to discuss Ways and Means. It was not only a good rule in general, but there were particular reasons this year why it should not have been departed from. The House would then have proceeded to discuss the Ways and Means with minute information of what the expenditure would be. They were making a considerable change in the financial system, and it was important to know whether the Government could rely on the small surplus estimated by the Chancellor of the Exchequer. The only Vote yet taken on account of the Army and Navy was that agreed to a few evenings since, a Vote on account of the Chinese war, amounting to £850,000; but even that Vote was not for the year 1860–61, but for an excess in the year 1859–60. That Vote was taken late at night, and the explanations which were then afforded had not proved satisfactory to his right hon. and gallant Friend the Member for Huntingdon (General Peel) and others. That a discrepancy existed between the statements of the Chancellor of the Exchequer and of the Secretary for War was evident, for in bringing forward the Budget, the Chancellor of the Exchequer calculated that the amount of excess in relation to the Chinese expedition, which would have to be provided for in the Army and Navy Estimates for the year 1859–60, would be £1,170,000, whereas a Vote for £850,000 was all that had been taken. There was great difficulty in dealing with calculations of this description, and from his own experience at the Treasury he would say that Estimates coming from the War Office ought to be looked at with great caution. Parties there, if they had money enough for the purposes of the moment, were very much disposed to say that all was right, and to overlook claims which were outstanding. On one occasion the authorities at the War Office, he knew, had been extremely reluctant to admit that there was any deficiency at all, and yet it turned out that there was a deficiency of not less than a million. He should, therefore, rejoice if the Chancellor of the Exchequer or the Secretary to the Treasury could give an assurance that they had looked into the accounts and had satisfied themselves that the excess to be provided for was in reality not more than £850,000. Any additional payments, whether to the Governor General of India or otherwise, would most seriously affect the surplus on which his right hon. Friend had counted. He wished also to know whether there was any truth in the statement that a large sum was to be raised by way of loan for the purpose of fortifying the country. If such were not the case, an assurance to that effect ought to be given; but if it were intended that a sum of anything like £10,000,000 or £20,000,000 should be raised, it was very desirable that the House should know how this was to be accomplished, and what was the amount of interest which it would be requisite to pay. Otherwise, if such a measure were in contemplation, it would render necessary a

Supplementary Budget later in the year, a course which was always inconvenient to the House, as well as distasteful to the country. His right hon. Friend had indulged in one anticipation of a more agreeable character, to the effect that in the present year there would be a diminution of about £325,000 in the Civil Estimates. If this were really a diminution, it would be very important as laying the foundation of judicious retrenchment; but, on the other hand, if these were mere unexpended balances which were applied in payment of certain Votes, the diminution spoken of was only apparent. The House would doubtless feel that it was justified in being a little critical, owing to the peculiar character of the Budget which his right hon. Friend had introduced. He would not accuse the Chancellor of the Exchequer of any intention to "make things pleasant," as it was called; but he had certainly brought forward the Budget in such a way that the burdens which the country would have to bear did not at first sight appear in full force, and their extent could not be appreciated without looking very closely into the matter. They were not only called on to throw away sources of revenue, but the wants of the present year were made good by the employment of what might be called revenue, but which was in effect a forestalling of capital. £1,400,000 were taken up in this way on the malt and hop credits, and an additional million of Exchequer bonds were postponed or renewed. The income tax likewise was a burden of which the weight had not been fully estimated. It was regarded as a tax at the rate of 10*d.* in the pound levied in the usual way, but the severity of the impost was increased by the fact that they were about to pay the amount for three-fourths of the year in the same period in which one-half was ordinarily levied. Under the old system, if a 5*d.* income tax were imposed, there would be a balance of £2,400,000 at the commencement of the next financial year; by doubling the rate to 10*d.*, therefore, the balance ought in like proportion to be £4,800,000; but the fact was, that in 1861–2 the sum remaining to be received would be only £2,150,000—so that an income tax virtually amounting to 15*d.* in the pound was drawn this year from the pockets of the people. If this sum had been professedly and avowedly laid on, not only would there have been a larger sum in hand, and a smaller deficit to be encountered next year, but the people would have known the full weight of the burden which was to be laid upon them. As regarded the mode of its collection, the class which would suffer more severely than any other would be the tenant farmers, for whose benefit it had been stated this Budget was especially brought forward; because, not only would they have to pay their own income tax, but they would have to pay that of their landlords a quarter of a year earlier than usual. The right hon. Gentleman had given the House some very interesting statistics with regard to the increase of wealth in the country, more particularly that of the landed interest as represented in Schedules A and B. Since then the noble Lord the Member for Herefordshire (Lord W. Graham), and others had called attention to some of the fallacies, as they deemed them, in the calculation of the Chancellor of the Exchequer. This, at all events, was clear,—that the produce of taxation had increased in much greater proportion under the Schedules A and B than under any of the others, for it appeared that while the produce of taxation under Schedule D had only grown 9 per cent, that under Schedule A had grown 11, and that under Schedule B 19 per cent. The large increase in the local expenditure which had taken place likewise fell on these very classes, who, by the change in the system of taxation, were now called on to support much greater burdens than in former years. It should be remembered that a very large proportion of English capital went out of the country and found remunerative employment abroad, thereby freeing itself from the scope of taxation. This was a result of free trade, and to the same end there was every reason to believe that the recent Treaty with France would largely contribute. Under the new system there would be a great temptation to English capitalists to invest their capital in French manufactories, because they would have the command both of the French and of the English markets free of duty; whereas, if they invested in English manufactories, though they would still have command of the English markets, they would have to pay a duty of 30 per cent before their goods could be admitted to the French market. How far that would operate and on what class of manufactures he could not say, but he had no doubt that it would tell to a considerable extent, and his opinion was shared by men of practical experience. Of course, English capitalists were entitled to invest their capital wherever they pleased, but it was clear that if English capital went out of the country to any great extent our direct taxation would fall with increased severity upon the capital invested in land, which could not leave the country. There was another consideration, and one of a very painful character. In 1853 the Chancellor of the Exchequer, in comparing the pressure of the income tax upon Schedules A and B and Schedule D, pointed out that there were instances in which considerable frauds were committed by those who had to assess themselves under Schedule D. That statement was perfectly correct, and it so happened that, as a Member of a Commission appointed by the late Government, it fell to his lot to look into cases which had given him an insight into the way in which those self-assessments were carried on. Two years ago he was employed with his right hon. Friend the Member for Durham in investigating the claims of persons connected with the Ecclesiastical Courts for compensation in consequence of the abolition of their offices. Those claims were generally preferred with great fairness, and were substantiated by the production of books and accounts; but when he came to compare some of them with the returns which the claimants had made to the income tax he was astonished by the most painful disclosures. One gentleman, who stood very high in the profession to which he belonged, had paid income tax for some years on an average income of £3,000; but it was proved satisfactorily that his actual income had been double that amount, and in one year it had been £9,000. That gentleman, before he applied to the Treasury, paid to the Income-tax Commissioners arrears to the amount of £609, in order to enable himself to come into court. A very respectable firm proved that in five years they had made £31,432, but the amount they had returned to the income tax in the same period was no more than £8,800. In another case a gentleman claiming between £3,000 and £4,000 a year, and who was proved to have made more than £2,000 by his profession, had assessed himself for one year at £200 per annum. Afterwards his return rose to £1,161, and when questioned he stated that he had fixed upon that amount because he thought an odd figure would look better than a round sum. No doubt these were exceptional cases, but it was obvious that very considerable frauds were committed, and that the higher the income tax was raised the greater would be the temptation to persons who assessed themselves under Schedule D. This, at all events, was a matter which the Committee ought to consider before they resolved to retain the income tax as a permanent impost. But they were told that relief was to come in the shape of a reduction of expenditure. He was afraid that those who used that language were labouring under a delusion. Nobody who had listened to the speeches of the Secretary for War and the Secretary to the Admiralty, in introducing their estimates for the year, could believe that we had arrived at the limit of expenditure with regard either to the navy or to the army. There had been a large expenditure on the Armstrong gun, but it turned out that the Whitworth was better, and must be had, and perhaps in another year there would be something better than that. They were told that the introduction of improvements in naval warfare rendered a change necessary in our system of defence, by the substitution of screws for paddles, then gun-boats, then floating batteries, and then iron-cased frigates; and who could tell with all these new and great inventions cropping up, where the limit could be assigned, or what new improvements and inventions would not have to be taken advantage of? Then it was said the strength of our navy must bear a certain proportion to the strength of the navies of France and Russia. It would, therefore, be impossible to stop in the career of expense. On the other hand, could we even be sure, after what had been stated by the Chancellor of the Exchequer himself, that we had reached the limit of sacrifice in respect of the casting away of sources of revenue? It was clear that next year we should have to take off, at least, the war duties on tea and sugar—very possibly more; and, therefore, even though our expenditure might, to some extent, be reduced, we could by no means reckon upon the maintenance of our present income. But it was said that we should soon have a Reformed Parliament—a Parliament of an economical character—which would put an end to aristocratic extravagance. Upon what was the expectation grounded that the working classes, if they were really to have a predominant voice in the Legislature, would be more economical than the middle classes? The working classes had happily much improved in condition, through the whole period during which our financial and commercial reforms and our great increase of expenditure had been going on. They had derived great benefit from the increase of our expenditure, coupled with the reduction of indirect taxation; and though it was true, as stated by the Chancellor of the Exchequer, that expenditure had advanced more rapidly than wealth, it was equally true that wealth had advanced in a much greater ratio than population; and the effect of this was a rise of wages. The effect of our recent expenditure on the army and navy, had been to take a larger proportion of the labouring classes away from the industry of the country, to employ them as soldiers and sailors, and thus to increase the price of labour. In 1841-2 we raised only 164,000 men for the military services, while the population was 27,000,000; but in 1860-1 we were raising 301,000, exclusive of the Militia and reserve, while the population was 30,000,000. In 1841-2 the per centage of armed men in the population was 6 in 1,000; in 1860-1 it was 10 in 1,000. The population since that period had increased only 11 per cent, while the Army and Navy had increased 34 per cent. That was one way in which the expenditure on military services had raised wages and benefited the population. No doubt the bounty offered to seamen entering the Royal Navy, had had the effect of raising the wages of merchant seamen; and whenever men were withdrawn by active recruiting from the manufacturing or agricultural districts, the effect must be to create a scarcity of labour, and thus to raise the rate of wages. In a volume of miscellaneous statistics lately issued by the Government, there was a table of the comparative rate of wages in Manchester (prepared by Mr. D. Chadwick), and the neighbourhood for the last ten years, from which it would be seen that the wages in the cotton and silk trades, and in the mechanical trades, had considerably increased within that period—some of them to the extent of nearly 45 per cent. The comforts of the labouring classes, therefore, were increased in every way, They had higher wages, shorter hours of labour, and provisions at a reduced price. Was it reasonable, therefore, to suppose that a Parliament elected by them, would be particularly anxious to keep down expenditure, by some parts of which they, to a certain extent, greatly benefited? What he was more afraid of was, that such a Parliament, leaving expenditure where it was, or even calling for more, would be inclined to throw the burden more and more on the upper classes, and on realized property, which could not escape from it. That danger was aggravated by the practice of voting the income tax from year to year. The Chancellor of the Exchequer had himself objected to this practice in 1857, and expressed his opinion that it marked the transition from a solid and steady system, to a vacillating and merely provisional system of finance. He was as anxious as any one to maintain the credit of the country, and, as the House had agreed to throw away certain sources of revenue, and as there seemed no present prospect of cutting down expenditure, he was ready to vote the income tax at the rate asked for by the Government; but he hoped this would be the last time the House would be called on to vote it for one year only; a form which had the effect of disguising from the country the full extent of the sacrifices which it was called on to make.

Sir MORTON PETO said, he had received an unusual number of letters from his constituents on the subject of the income tax. They did not so much object to the tax itself as to the mode in which it was levied. If it were to be continued there should be a thorough and sifting inquiry into the mode of its assessment. He was aware that difficulties beset the question, but if they could not have perfect justice let them have rough justice. He should propose three gradations of incomes—those arising from fixed property, those arising from trades in which capital was largely employed, and those obtained from employments where no capital whatever was employed. The latter source of income was of all others the least to be depended on; few professional men attained to a large income till the close of their career, and at their deaths little was left for their families. Before another year he hoped that the Chancellor of the Exchequer and the House would look to the question carefully and fully. The Budget had been described as a peculiar one. No doubt it was so; but he believed that no measure of the kind had ever been presented that was so acceptable to the country. Several persons had individual complaints; but there was a universal approval of the measure as a whole. The hon. Baronet (Sir S. Northcote), had spoken of the Chancellor of the Exchequer throwing away sources of income. He (Sir M.

Peto) did not agree with him in that respect. The right hon. Gentleman the Chancellor of the Exchequer simply followed in the steps of his predecessor. He had done that which would enable the country to bear taxation to a larger degree than ever. He had only thrown away such sources of revenue as had bound the energies of industry. Then the hon. Baronet had expressed a fear that unfixed capital would leave this country. There was no fear of that, and as to the idea that it would be invested in foreign manufactories, the English manufactories paid too well to allow such a notion possible. There was no disposition on the part of capitalists to invest in foreign countries. An auctioneer had told him the other day that those who generally bought landed estates were men who had realized large incomes in trade and manufactures, chiefly those from Yorkshire, Lancashire, and Scotland, and as to the position of the tenant farmers referred to by the hon. Baronet he believed that no class in the country lived so comfortably as the tenant farmers, or supported their families at so little expense. But the Budget could only be contemplated as a whole, and, so considering it, he had determined not only to accept it, but to vote for the full amount of the income tax; but he felt he should not be doing justice to his constituents if he did not warn the Government that in a future year he should expect, before it was reimposed, a full and fair investigation would be entered into for the purpose of devising a more equitable mode of levying the tax.

Sir HENRY WILLOUGHBY said, that there were two questions that he was anxious to submit to the Committee, namely, first, whether the Committee had before it sufficient grounds for the expenditure upon which they were about to enter, namely, £70,100,000; and, secondly, assuming that such an income must be raised, whether a tenpenny income tax was the proper mode of providing the funds. The Committee should bear in mind that that was not a time of war, or any great crisis, requiring the imposition of an income tax, or rather an addition being made to an existing income tax, but the alleged necessity for this addition arose from a deficit which had been artificially and intentionally created by Her Majesty's Government. He had not thought it right in any way to oppose the arrangements of Her Majesty's Government as far as the repeal they proposed of various taxes was concerned, because when the Government, backed by the revenue officers determined on repealing a tax it was useless for that House to resist. But notwithstanding all that had been said he had his own opinion that, with respect to some of those taxes, revenue had been thrown away. Were they not, he would ask, throwing away revenue on the higher classes of wines and brandies? Were not the taxes on those commodities taxes on a sort of monopoly? And yet they were all to be thrown away, but the prices would not be reduced, and the difference would only go into the pockets of the producers. Nor did he think it politic to concentrate all the revenue upon a few articles. He also objected to throwing away the paper duty. It was certainly to some extent productive of inconvenience, but it was a growing revenue, and knowing this it was unwise in a moment of peace, when there was a positive deficit, to abolish a paper duty. But passing these matters over, he would put it to Her Majesty's Government whether, having repealed all these taxes, they were not bound to find a fair and just equivalent? A more unjust and unfair equivalent than the inquisitorial income tax could not be found. What was the conduct of the Whig party in 1842? What did the noble Lord (Lord J. Russell) do when Sir Robert Peel first introduced the income tax? At that time Sir Robert Peel had some justification for the tax, because there had been a chronic deficiency for five years of £10,000,000. But the noble Lord (Lord J. Russell) said he would resist the Resolution and the Report, and he would fight the Bill at every stage. And the noble Lord has kept his word, for the House was detained in Committee many days, and there were two or three divisions. Upon one occasion the noble Lord himself moved an Amendment which concluded in words of this description, that it was a tax inquisitorial in its nature and unequal in its pressure, one which had always been considered as a reserve by the nation in time of war, and one which was not then justified by any necessity. In that Motion the noble Lord was supported by the whole Whig party, who lavished, and most justly, every invective on the tax, and there never had been a battle better contested than the resistance then offered to that unequal tax in a time of peace. But he thought the House should have a little more information as to the real extent of the expenditure for which provision was required to be made. It was assumed to be £70,100,000; but what ground had the Committee for that but the statement of the Chancellor of the Exchequer? They had only passed one money Vote as yet; they had not even passed one money Vote for the army; they had not taken the ordinary course of considering whether they could make any reduction. He could not, certainly, as far as he was concerned, concur in all the observations that had been made in favour of entering into a race of expense in our dockyards with France or with any neighbouring country. On the contrary, he contended that the evidence on the table of the House showed that they ought to look another way; for that evidence showed that the dockyards had been scenes of great extravagance. He did not grudge a single ship nor a single man that was found to be necessary; but he did most heartily condemn the system of expenditure in the dockyards which the report of the Committee appointed by the Executive itself had established as having been pursued. That Report proved, beyond the shadow of a doubt, that the expenditure in the Royal dockyards, as compared with the expenditure in private yards, was as three to one, and that in the building of ships of the same kind, the difference between the various dockyards themselves amounted to 40 per cent. For instance, a certain class of ship at Woolwich cost £10,000; at Sheerness, £9,000; and at Chatham, £6,000. Therefore, he contended that before imposing an extra income tax the House should inquire into the manner in which the expenditure had been carried on in their departments. They had already had Committees to investigate the question, and these Committees had proved that those departments were not under proper control, that the expenditure was often left to subordinates, while an audit of a most feeble character, and scarcely of any—if of any—use at all, was the only check upon their proceedings. He should like to know, indeed, what effort the Chancellor of the Exchequer had made to check this expenditure? If the right hon. Gentleman would only show half the energy in that direction that he exhibited in adding to the taxes his exertions would result in some good. All that he (Sir H. Willoughby) had said of the navy would apply with equal force to the army. It was clear that in every department of the army great and grievous expenditure was incurred. With regard to the Civil Service Estimates the only effort made in the way of economy was the appointment of a Committee, on the Motion of the hon. Member for Stafford, with the view of reducing the expenditure, and even that the Chancellor of the Exchequer had not supported. He contended that it was the duty of the Government to do something to obviate this extreme income tax, and he was quite sure that the portion of the tax to which his Motion referred might be accounted for. There was another point, and that was in reference to the collection of the revenue. In the account given by the Chancellor of the Exchequer of the cost of collection the amount for this year was £4,700,000; and it was difficult to understand why it should be now so much, when last year it was only £4,300,000. He believed that under this head considerable reduction might be made. Then, again, let them look at the cost of useless Commissions, and at the enormous compensations which the country was called upon to pay. There was nothing so alarming as to hear a speech of an Attorney General going to improve the law; for it was quite sure to end in a charge upon the public of some £20,000 a year, and they were fortunate if they got off at such a price. It made him tremble at any proposal for the amendment in the law. He contended that it was the duty of an honest Government revising the Estimates to see if they could not first reduce the income tax. Another thing struck him as curious—the extent to which our income was usually understated. The policy of Chancellors of the Exchequer in their financial statements for the last five or six years seemed to be to understate the income. In the year 1856-7 the public income was understated to the amount of £700,000; in 1857-8 to nearly £1,500,000; and in 1858-9, speaking of the Estimates given at the beginning of the year, and the results as they came out when the financial year was concluded, there was an understatement to the extent of £2,300,000. In the year 1859-60, the year just concluded, he found there was an under-estimate to the extent of £1,118,000. Under these circumstances, he must respectfully infer that the income for 1860-61, for which year the ordinary income was estimated at £60,700,000, was understated; and, therefore, he made his proposal for a reduction of the income tax without the slightest fear or flinching. But he should not do justice to his case if he did not rest it on another ground; that this tax was so thoroughly unjust, iniquitous, and odious, that those who tried to impose it were called upon to make out their case. The Chancellor of the Exchequer in his remarkable Budget speech had stated the income for the last twenty-seven years. He said that in 1842 the expenditure was £68,500,000, of which £13,000,000 was local; it the next epoch it got up to £71,000,000, and in 1859 to £87,000,000, of which £17,000,000 was local. Let the Committee ask this question—upon whom did the great sum of local taxation rest? and they would find that it rested almost entirely upon those who held houses and land, the persons who were taxed under Schedule A. Now, was it fair or just that they should, whilst under no great pressure, and as a sort of luxury, fling to the winds £1,500,000 of paper duty, to which, whatever might be its inconveniencies, every person in the community contributed, and cast the burden on the particular class which paid income tax. It appeared to him that it was impossible to do so with any appearance of justice. He was disinclined to trespass on their attention at greater length, when he thought his case was so clear and unanswerable, and he should, therefore, conclude by putting before them his Amendment that in the income tax Resolution the word "ten" should be left out, and the word "nine" inserted.

THE CHANCELLOR OF THE EXCHEQUER: This debate has been so discursive that it is less difficult to say what questions connected with income and expenditure, or the circumstances of the country, have not, than what have been introduced. There are some few points however, and those were urged against the proposition of the Government, on which I wish to say a few words. The noble Lord who commenced the discussion complained that it was a delusion to ask for a vote of income tax for only one year. It would have been a delusion on the part of the Government to ask for the income tax for one year if they had asked it with the profession that they saw their way to a likelihood of its abolition at the close of the year. But they make no such profession. On the contrary, the reason why it was asked only for one year was very clearly and fully stated, in order that they might by so doing preserve to Parliament the fullest control over the expenditure of the country; and it is quite obvious that, if they had asked for it at 10*d.* this year, and at a declining rate for subsequent years, without sufficient warrant, they would have given countenance to the notion that they saw their way to its extinction; whereas, if they had asked for it at 10*d.* for a term of years, the answer would have been justly made, "You are not entitled in time of peace to request Parliament to vote for so high a rate except you are quite certain it is necessary." It may be error of policy or not, but as no expectation has been held out no delusion can take place. My hon. Friend behind me (Mr. Martin) has certainly given utterance to a very sanguine expectation, for he says he votes for the income tax this year with the expectation of its ceasing altogether next year; and, on the other hand, the gallant Admiral who represents a metropolitan district (Sir C. Napier) has pretty effectually corrected whatever of excess there was in that too sanguine expectation, by the view which he takes of the finances of the country, according to which, if his very confident prophecy be fulfilled, apart from the contingency of wars, there must be successive additions every year of several millions to the Navy Estimates; and each year we are told in stronger terms that the provision is totally insufficient for the ordinary and necessary service of the country. I do not think I am bound to accede to either of those extreme views—not to that of my hon. Friend, still less to the extravagant view, as it seems to me, of the gallant Admiral, because the gallant Admiral does not take into account that there are limits to the patience and power of the people to bear taxation, and seems to think that the sole end for which the race of man was created was to provide these huge, gigantic, and never-ending armaments. I think our duty plain, in a state of considerable uncertainty as to the future, to take that course which will least interfere with the free judgment and action of Parliament, and will best preserve its control over the expenditure. It is not to create difficulties for the future that we ask for the income tax for a year only, but on the definite principle that we think that the power of Parliament to apply itself to the reduction of expenditure, if such a reduction be possible, should be preserved full and unimpaired. My hon. Friend the Member for Stamford (Sir S. Northcote) made a very discursive and ingenious speech, and he has represented in very lugubrious accents the state of things to which we are tending. According to him we shall find on all sides increasing demands and uncomfortable prospects, and the only thing which I miss in his speech is the only thing which would be useful in these speeches—namely, the recognition of the primary but constantly forgotten truth, that taxation and expenditure must go together, and that efforts ought to be made, where they can be made, to reduce the expenditure of the country. If I had heard as much as a word in his speech which showed that he thought the reduction of expenditure was an object worthy a moment's consideration, I should say it was a useful contribution to our debates. The hon. Gentleman who has just sat down lays the blame on me. He says it is the fault of the Chancellor of the Exchequer that the expenditure is not reduced. I must say, that if there be a charge which my worst enemy cannot make against me, it is the not having laboured for a reduction of expenditure. He accused me also of not supporting the Motion of the hon. Member for Stafford (Mr. Wise); but the reason why I objected to it was, that it would have led to the institution of a general Committee, which I thought would prove a delusion. I told the hon. Member then, and I have told him since, that if he was able to conduct such an inquiry, every aid which could be given to him should be freely given. My hon. Friend the Member for Finsbury (Sir M. Peto) wishes to know whether I admit that the mode of levying and assessing the income tax is a fair case for inquiry by this House? I have not the least hesitation to answer that it is. I should consider, however, it the grossest breach of duty if I pretended the possession of any means by which a reconstruction could be safely and satisfactorily effected. But I do not presume to say that others may not be more fortunate. I think they are entitled to ask that it should be again the subject of Parliamentary inquiry, and, if such be the desire of the House, there will not be the slightest opposition on the part of the Government. The hon. Member for Lancaster (Mr. Garnett) referred to a notice for the partial exemption of incomes under a certain amount. It is not possible to make any modification of that kind, in the tax for the present year without causing a serious defalcation of revenue, and I do not think in the condition in which we now stand, inasmuch as every reduction on one class will require an augmentation on another, that it is convenient or expedient to enter upon a consideration of that proposal. But I frankly own that it is my opinion, especially if it is found impracticable to adopt any plan of general reconstruction, that the House should consider in a future year (should the income tax continue at a high rate in time of peace), of some extension, in some form or other, of a mode of mitigation or partial relief to the lower class of incomes. There is no doubt that the subject is one of great difficulty, because on the one side it is a severe tax, as it affects the lowest class; on the other hand, we touch on very delicate ground indeed when we enter largely on the question of mitigation. But the principle of mitigation has been applied in former years, and at a former period up to a higher point than the point to which we now extend it, because in the time of Mr. Pitt, the principle of mitigation went up to £200 a year. Therefore, I consider it quite open within safe and moderate limits to apply the principle of mitigation. The hon. Baronet (Sir H. Willoughby) asks on what grounds we think the expenditure of £70,100,000 is necessary. Well, I may put the same question to the hon. Baronet. No doubt, if I could make over to him the regulation of the year's expenditure, he would contrive so to handle it as to bring it within bounds. But he has seen the view and temper of the House; he knows that the House has passed the most important Votes of the Military and Naval Estimates—the number of men in the two services—those being the votes on which the general scale of expenditure depends; and he must have seen that the House of Commons, so far from showing any disposition to make reductions in those estimates, seems to wish to push on the Government in its expenditure. In the Miscellaneous Estimates we ourselves propose considerable reductions. I will not attempt now to give a more particular explanation of them than I have already endeavoured to state in general terms to the House; but what ground is there to suppose that by means of any number of Dockyard Committees or Commissions a great saving can be effected in the expenditure of the coming year under this head? In my opinion, he must be a very sanguine man if he expects any such saving. I say again that it is upon the tone and temper of the people that reductions depend. It is public opinion and the national sentiment which in the main determine our scale of expenditure; it is not by instruments like those suggested by the hon. Baronet, which are subordinate and secondary, that any great or early economy will be effected. There is no ground, then, to suppose that my statement of the expenditure necessary for the service of the year is an extravagant one. On the contrary, the prevailing tone of the discussion to-night is that our financial provision is altogether insufficient, and that our actual expenditure will be much more than £70,100,000. The gallant Officer opposite (General Peel) complains that our provision for the expedition to China, which may or may not have to carry on war, is by no means large enough. Well, then, if that be so, it is at any rate a good argument with which to answer the hon. Baronet, who thinks it is too large. Then the hon. Baronet says that the revenue is systematically understated, by which he means underestimated, though the two things are totally different. Now let the Committee see how this stands. It is the duty of the Chancellor of the Exchequer, and it is so recognized by them all, to be bound in his estimates of revenue mainly by the authorities of the permanent civil service. It is his duty to lay before the House estimates in the realization of which he feels a reasonable confidence, and, subject to the condition of their being safe estimates, they are to come as nearly as possible up to the probable revenue. That is the principle upon which such estimates are made. But then the hon. Baronet says they are underestimates. Well, it is very true that when you have a flourishing state of trade, when you have employment very active, when you are blessed with a good harvest, there is a tendency in the national revenue to exceed the expenditure, but it has always been a sound and recognized principle of statesmanship in this country to call on Parliament to provide some amount of surplus revenue in order that by a steady process, though by slow degrees, we may work for a reduction of our debt. Does the hon. Baronet adhere to that principle? Because, if so, I must tell him that I could not go beyond my estimate of revenue except upon grounds merely speculative, and upon assumptions, not of average circumstances, to which we are bound to look, but of the most favourable circumstances possible. If, therefore, the Committee accedes to his Amendment on such grounds it will be a departure from all safe and prudent principles of finance in making the provision necessary for the service of the year. Then he complains that I am asking for an extravagant sum for the revenue departments. That is an error. The sum taken last year under this head was £4,740,000, not £4,300,000; and he ought to remember that although in some portion of the revenue collection it is possible to proceed steadily in the way of reduction, as regards the most costly of the revenue departments—namely, the Post Office, where an enormous service has to be maintained in order to realize the revenue at all—the expenditure is an expansive one. Then, again, will the cost of our law reforms justify the hon. Baronet's Motion? The Attorney General's proposal will in the first instance throw a possible charge of £20,000 upon the Consolidated Fund. If the hon. Baronet thinks the Chancellor of the Exchequer admits such charges as these as matters of course without inquiry or examination, let him take the trouble to ask my hon. and learned Friend the Attorney General, and he will find that in this case there has been pretty full examination. Has the plan proposed been received with disfavour? On the contrary, it is regarded as one worthy the distinguished powers of the man by whom it has been framed, and this possible charge upon the Consolidated Fund is a just and necessary portion of the plan. Take it at its worst. Suppose we have to defray this £20,000 a year. Does that afford any reason why the hon. Baronet should cut away £800,000 or £900,000 of revenue, and should leave the Exchequer with an absolute deficit! I am by no means prepared to admit that the charge imposed by the Bankruptcy Bill is an extravagant one. My hon. and learned Friend convinced me that at the present moment the enormous cost to which suitors in bankruptcy are subjected is driving business out of the court, and that consequently while the suitors suffer great hardships the country would probably soon be obliged to assume a very heavy charge if the present state of things were allowed to continue. He has likewise shown the high probability that by a timely and judicious reform of the Bankruptcy Court you will bring back such an amount of the business now transacted outside as will entirely meet the estimated charge. I submit, then, that the hon. Baronet has advanced no valid reasons why the Committee should accede to his Amendment. It amounts to this—that whereas I have proposed to proceed with the very low surplus of about £400,000, he proposes instead to leave us with a deficiency of about the same amount, upon the speculative ground that possible reductions may be effected in the public expenditure during the year. But the hon. Baronet regrets the sacrifices of revenue we have made, and says—"Why throw away £1,500,000 on the paper duties?" Now, the right hon. Baronet has spoken with less than his usual accuracy on this point. [Sir H. WILLOUGHBY: I quoted a Return.] In the first place, he quoted a Return which showed a gross income from the paper duties of only £1,400,000; and next, he should have remembered that this includes the drawbacks which will have to be paid on paper exported, the expense of collecting the revenue, £50,000 or £60,000, which is about the amount of duty on paper used in the public service, so that the deductions to be made from this £1,400,000 are very considerable. At the same time it is, I admit, a large revenue, and the House has determined to part with it by a large majority. I do not intend to enter upon the question now. I put it to the candour of the Committee whether our having parted with that revenue is any reason at all for not making adequate provision for the service of the year? That is the question which is now before the Committee, and I tell you that that provision cannot be made without the income tax on the scale on which we propose it. I grant that, in our anxiety not to make the proposal too heavy, under the circumstances of the year, we have thought it allowable to apply to the service of the year sums derived from the malt and hop credits. That is a matter you may discuss and impugn. You may, perhaps, censure the Government in that respect; but it is at least a proof of our desire not to bear too hardly or suddenly on the taxpayers of the country. I put it to the Committee that the provision proposed to be made in the Resolution now on the table is absolutely necessary in order to enable us to go with credit through the service of the year, which, including among other matters a very costly military expedition to China, is involved in a degree of uncertainty as to the precise amount which is very unusual in a time of peace. One word as to the service in China. The Committee must be aware that it is absolutely impossible in the nature of things for the Government to propose certain estimates with regard to the cost of the expedition. It may be an expedition without any operations of war, or it may lead to a war which may continue throughout the year; and the difficulty is to form an estimate not more than sufficient for the first, and, at the same time, fully sufficient for the second contingency. We have endeavoured to form the best estimate of that service in our power, and have made provision for it on a scale which is exceedingly large as compared with the scale on which any military expedition has heretofore been provided, because the change in the Government of India has thrown on the Government of this country at once a great deal of the expenses which used to be borne, in the first instance, by the East India Company, and which only in subsequent years came to be accounted for by the Treasury. The sum we shall have expended on account of China in the present year, together with the sums we propose to vote for the next year, is not less than £2,500,000; and it is also to be remembered that a very considerable charge was borne by us before both on account of troops and ships for the service in China. That is a very large sum; but, considering the possibility of there being no war, I do not think we should have been justified in asking for a larger amount. Here we have again to apologise, not for asking too much, but for not asking a larger sum. I have only to repeat, I do not think the proposal of the hon. Baronet consistent either with the principles of prudent finance, or with the expectations entertained in regard to the present year.

MR. VANSITTART confessed that, placing reliance upon the repeated assurances given by the Chancellor of the Exchequer at former periods, he, in common with the public, generally, looked for the reduction if not the total remission of the income tax this year; instead of which it had been doubled. For his own part, he protested against the course taken by the right hon. Gentleman in laying his hands upon and appropriating moneys hitherto applied to certain purposes, and absorbing them into the expenditure of the current year. Neither could he approve the rashness which had led him, instead of providing for the liquidation of the actual deficit of £7,300,000, to create a fresh deficit of nearly £4,000,000, in order to conciliate certain gentlemen connected with the Manchester school. He maintained, moreover, that the country and the public had an undoubted right to the £2,100,000 a year, which would fall in in a few days by the terminable Long Annuities. How gracefully the right hon. Gentleman might have distributed that amount—one-half towards the reduction of the income tax, and one-half towards the reduction of the war duties on tea and sugar. By that arrangement he would not only have afforded very great relief to a vast number of his suffering countrymen who experienced the greatest difficulty in realizing a precarious income of £100 a year, but he would have enabled the poorer classes to obtain the necessaries of life at a much cheaper rate. But, instead of doing that, in his anxiety to remove duties on luxuries which the rich had no objection to pay, he was obliged to retain a heavy tax on the poor man's beer and tea; and, by his scheme of taxation, generally, he had sown the seeds of a discontent which before long would find utterance in a cry that would resound from one end of the country to the other.

Sir FRANCIS BARING wished to say, in a word, that he should vote with the hon. Baronet, because he believed the income tax to be one of the worst taxes ever imposed on the people, and because he did not think the reduction of the other taxes worth an increase of so objectionable an impost.

Motion made, and Question put,—"That, towards raising the Supply granted to Her Majesty,—

> "There shall be charged, collected, and paid, for one year, commencing on the 6th day of April, 1860, for and in respect of all property, profits, and gains, charged or chargeable under the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, either by assessment, contract of composition, or otherwise, the following rates and duties, that is to say: Upon any assessment on the annual value or amount of any property, profits, or gains (except property, profits, and gains chargeable under Schedule (B) of the said Act), the rate or Duty of Nine Pence for every Twenty Shillings of the annual value or amount of all such property, profits, and gains respectively."

The Committee *divided*:—Ayes 132; Noes 187: Majority 55.

List of the Ayes.

Adderley, rt. hon. C. B.
Baring, A. H.
Baring, rt. hon. Sir F. T.
Bathurst, A. A.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bernard, hon. Col.
Bond, J. W. M'G.
Bovill, W.
Bowyer, G.
Bridges, Sir B. W.
Brocklehurst, J.
Brooks, R.
Bruce, Major C.
Butler, C. S.
Cave, S.
Cavendish, Lord G.
Close, M. C.
Cobbett, J. M.
Cochrane, A. D. R. W. B.
Cole, hon. H.
Collins, T.
Cubitt, G.
Curzon, Visct.
Damer, S. D.
Deedes, W.
Dickson, Col.
Du Cane, C.
Duke, Sir J.
Duncombe, hon. W. E.
Dunne, Col.
Edwards, Major
Egerton, E. C.
Egerton, hon. W.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Gard, R. S.
Gavin, Major
George, J.
Gilpin, Col.
Gore, J. R. O.
Gore, W. R. O.
Greenall, G.
Greene, J.
Gray, Captain
Griffith, C. D.
Grogan, Sir E.
Hamilton, Lord C.
Hardy, G.
Hassard, M.
Hennessy, J. P.
Heygate, Sir F. W.
Holmesdale, Visct.
Hopwood, J. T.
Horsfall, T. B.
Howes, E.
Hunt, G. W.
Johnstone, hon. H. B.
Jolliffe, rt. hon. Sir W. G. H.
Kendall, N.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Lacon, Sir E.
Lanigan, J.
Leeke, Sir H.
Lefroy, A.
Lindsay, hon. Col.
Lockhart, A. E.
Longfield, R.
Lovaine, Lord
Lygon, hon. F.
Miller, T. J.
Milnes, R. M.
Monsell, rt. hon. W.
Morris, D.
Mowbray, rt. hon. J. R.
Mundy, W.
Naas, Lord
Newport, Visct.
North, Col.
Onslow, G.
Pakington, rt. hon. Sir J.
Papillon, P. O.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Pigott, F.
Potts, G.
Redmond, J. E.
Ridley, Sir M. W.
Rolt, J.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. Ker
Shirley, E. P.
Sibthorp, Major
Smith, Montagu
Smith, Abel
Smyth, Col.
Somerset, Col.
Spooner, R.
Stacpoole, W.
Stanhope, J. B.
Stirling, W.
Steuart, A.
Stuart, Major W.
Stracey, Sir H.
Sullivan, M.
Talbot, C. R. M.
Taylor, Col.
Thynne, Lord E.
Thynne, Lord H.
Tomline, G.
Torrens, R.
Trefusis, hon. C. H. R.
Upton, hon. Gen.
Vance, J.
Vandeleur, Col.
Vernon, L. V.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Whiteside, rt. hon. J.
Whitmore, H.
Wise, J. A.
Wyld, J.
Wynn, Col.

Tellers.
Willoughby, Sir H.
Vansittart, W.

List of the Noes.

Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, T. G.
Baxter, W. E.
Bazley, T.
Beale, S.

Bellew, R. M.
Bethell, Sir R.
Black, A.
Blackburn, P.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bright, J.
Briscoe, J. I.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Bulkeley, Sir R.
Buller, J. W.
Buxton, C.
Caird, J.
Campbell, hon. W. F.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Colebrook, Sir T. E.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Col. F.
Deasy, rt. hon. R.
Dillwyn, L. L.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Dundas, F.
Dunkellin, Lord
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Finlay, A. S.
Foley, J. H.
Forster, C.
Fortescue, C. S.
Freeland, H. W.
French, Col.
Gallwey, Sir W. P.
Garnett, W. J.
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Goldsmid, Sir F. H.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Hadfield, G.
Hanbury, R.
Hankey, T.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marquess of
Headlam, rt. hon. T. E.
Herbert, rt. hon. S.
Hervey, Lord A.
Hodgkinson, G.
Howard, hon. C. W. G.
Howard, Lord Edward
Humberston, P. S.
Hutt, rt. hon. W.
Ingham, R.
James, E.
Jervoise, Sir J. C.
Johnstone, J. J. H.
Kekewich, S. T.
Kershaw, J.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Laing, S.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Lennox, Lord H. G
Locke, Joseph
Locke, John
Lowe, rt. hon. R.
Mackie, J.
Mackinnon, Wm. Alex. (Lymington)
Maguire, J. F.
Martin, P. W.
Martin, J.
Miller, W.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Monson, hon. W. J.
Montgomery, Sir G.
Napier, Sir C.
Norris, J. T.
North, F.
Northcote, Sir S. H.
Padmore, R.
Paget, Lord C.
Palmerston, Visct.
Pease, H.
Peel, rt. hon. F.
Peto, Sir S. M.
Pilkington, J.
Pollard-Urquhart, W.
Pryse, E. L.
Pritchard, J.
Proby, Lord
Puller, C. W. G.
Raynham, Visct.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Rothschild, Baron L. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
St. Aubyn, J.
Salomons, Mr. Ald.
Salt, Titus
Scholefield, W.
Seymour, Sir M.
Seymour, W. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Smith, Sir F.
Smollett, P. B.
Stafford, Marquess of
Steel, J.
Stewart, Sir M. R. S.
Stuart, Col.
Taylor, H.
Thompson, H. S.
Tollemache, hon. F. J.
Turner, J. A.
Verney, Sir H.
Villiers, rt. hon. C. P.
Waldron, L.
Walter, J.
Warre, J. A.
Watkins, Col. L.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, Col.
Wickham, H. W.
Willcox, B. M'G.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.

TELLERS.
Brand, hon. H.
Dunbar, Sir W.

MR. W. E. DUNCOMBE said, that not having had an opportunity of addressing the House on the question, he felt it to be his duty, even at that late hour to intrude for a few minutes. The Chancellor of the Exchequer had altogether failed in showing any adequate reason for changing the whole course of policy which he adopted in the year 1853. He had listened attentively to the observations of the right hon. Gentleman, but he had found that no one single reason had been given why he came down to Parliament with this extraordinary demand upon the indulgence of the House. The right hon. Gentleman told the House in 1853 that he proposed the duty on the succession of real property as a means of enabling him to abolish the income tax in the year 1860. He had enjoyed all the advantage of the succession duty, yet he had now asked for an income tax into the bargain. The right hon. Gentleman ought, at all events, to reduce the income tax to the peace rate of 7*d.* in the pound, instead of laying on what he would call a war 3*d.* A strong feeling existed among all classes in the country that this was an ambitious Budget; nay, more, that it was an unjust one. The right hon. Gentleman might have reduced the duties on tea and sugar, instead of which he had given the people cheap wine and cheap brandy, which they did not care about. It had been said that the Budget was to conciliate France, and she had shown her appreciation of that by annexing Savoy. He looked with apprehension to the measures of the Government, believing them not only calculated to entail financial difficulties at home, but distrust, want of confidence, and loss of influence throughout Europe.

Original Question put, and *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER said, that he proposed to proceed with the Resolution relative to contract notes.

2. Motion made, and Question proposed,—"That, towards raising the Supply granted to Her Majesty,—

"Provided the restrictions on dealings in the Public Funds contained in the Act of the seventh year of King George the Second shall be repealed, for and upon every note, memorandum, or writing, commonly called a Contract Note, or by whatever name the same may be designated, whereby any contract or agreement is made or evidenced, for or relating to the sale or purchase of any Government or other Public Stocks, Funds, or Securities, or any stocks, funds, or securities, or share or shares of or in any joint stock or other public Company, to the amount or value of £20 or upwards, there shall be charged the Stamp Duty of One Penny."

MR. BENTINCK said, that the Resolution was one upon which he wished to make some remarks, and as it would likely give rise to discussion, he should move "That the Chairman report Progress, and ask leave to sit again."

THE CHANCELLOR OF THE EXCHEQUER said, he must appeal to the hon. Member not to persist in his Motion. The business of the evening had not been begun till nine o'clock, and it was necessary that the Bill to be founded on the Resolution should be passed before Easter, otherwise a considerable amount of revenue would be lost. This could not be done unless the Resolution received the sanction of the Committee that night.

COLONEL NORTH said, that the right hon. Gentleman had no right to appeal to that side, as the Government had allowed the House to be counted out on Tuesday, though the Reform Bill stood on the paper.

MR. BENTINCK said, he did not consider himself responsible for the difficulties in which the Government might have involved themselves, and must persist with the Motion for reporting progress. He had some observations to make which would occupy some time.

In reply to Sir HENRY WILLOUGHBY,

THE CHANCELLOR OF THE EXCHEQUER said, the intention of the Resolution was to include time bargains; to do that it would be necessary that time bargains should be legalized; and with that view he proposed to repeal the Act commonly known as Sir John Barnard's Act.

VISCOUNT PALMERSTON said, that it was for the public convenience that they should be allowed to proceed with the business before them. The present was only a preliminary stage, and the hon. Member might make his observations either then or at a future stage. The House on Tuesday was not counted out on the Reform Bill, for there were notices before it which would have occupied the whole evening.

In answer to Sir STAFFORD NORTHCOTE,

THE CHANCELLOR OF THE EXCHEQUER said, that the contract notes in this Resolution had been withdrawn as regarded sales of produce, and the only difference that existed in opinion was on the subject of dock warrants, which those interested thought ought to be limited to a penny. He, however, thought they should remain as they were in the act, but the matter could be discussed at a future stage.

MR. BANKS STANHOPE said, he would not vote for reporting progress if the right hon. Gentleman said the question was purely one of revenue; but, if the object was merely to enable them to go on with their Reform Bill on Monday, he would vote for the Motion of the hon. Member for Norfolk.

THE CHANCELLOR OF THE EXCHEQUER said, that great inconvenience would be the result if the Act of which the Resolution would be the basis was not passed before Easter. His proposal had no reference to the business fixed for Monday, for he proposed to fix the adjourned discussion on the Reform Bill for Friday, and to take the wine licences on Monday.

MR. PEACOCKE said, he wished to ask if he rightly understood, that in consequence of fixing the discussion on the wine duties for Monday, the adjourned debate on the Reform Bill was to be postponed till Friday next?

THE CHANCELLOR OF THE EXCHEQUER said, that the Report on the income tax would be brought up at half-past four on Monday, when it might be fully discussed, and in order to have Monday evening for the discussion of the financial questions, the adjourned debate on the second reading of the Reform Bill would not be taken till Friday next.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER then moved,

"That, towards raising the Supply granted to Her Majesty,—

"For and upon any warrant or document, commonly called a Dock Warrant, or any other writing or document, by whatever name the same shall be designated, which shall evidence the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods, wares, or merchandise lying in any dock or warehouse, or upon any wharf, such writing or document being signed or certified by or on behalf of the company or person in whose custody such goods, wares, or merchandise may be, there shall be charged the Stamp Duty of Three Pence."

MR. CAVE said, he wished to ask whether the checks passed by the dock company for every single part of a cargo on which a single delivery order had been originally issued were to be called dock warrants and bear a duty of 3*d*. each? If so, the duty would be extremely onerous.

MR. HANKEY said, he had presided at a large meeting of persons in London connected with the colonial and various other interests, who concurred in thinking that if the proposed tax on dock warrants was not reduced to a penny it would be exceedingly onerous. There was a large portion of the trade of London on which dock warrants were not taken at all, and the tax could be constantly evaded. Dock warrants were taken out for the purpose chiefly of enabling parties to borrow money upon them; they were valuable documents, and he did not object to see a tax imposed upon them; but so high a tax as 3*d*. would be evaded. He should move an Amendment that the tax be one penny instead of threepence.

Motion made, and Question proposed,—"That, towards raising the Supply granted to Her Majesty,—

"For and upon any warrant or document commonly called a Dock Warrant, or any other writing or document, by whatever name the same shall be designated, which shall evidence the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods, wares, or merchandise lying in any dock or warehouse, or upon any wharf, such writing or document being signed or certified by or on behalf of the company or person in whose custody such goods, wares, or merchandise may be, there shall be charged the Stamp Duty of One Penny."

THE CHANCELLOR OF THE EXCHEQUER said, he did not pretend to say that any charge, whether it was threepence or a penny, on dock warrants was a good thing in itself; but he might remind his hon. Friend (Mr. Hankey) that immense sacrifices of revenue had just been made for the general benefit of trade with the general concurrence of the House, but upon the understanding that trade should bear in another shape a portion of the burden which that change would render necessary. He was therefore of opinion that the charge was a most legitimate one, and, contrasting dock warrants, which were a symbol of value on which money could be raised, with delivery orders, maintained that a charge of three pence on the former was not higher, their average value being taken into account, than of a penny on the latter.

MR. CRAWFORD said, there certainly existed a difference of the description stated by the Chancellor of the Exchequer between a delivery order and a dock warrant; and in consequence of that difference he was prepared, in conformity with the views he had heard expressed upon that subject in the City, to vote against the Amendment.

MR. HANKEY intimated that he would not press the Amendment.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

THE CHANCELLOR OF THE EXCHEQUER said, he proposed to insert, after the words "value of Forty Shillings and upwards," the words "lying in any dock or warehouse, or upon any wharf."

MR. MITCHELL asked if the Resolution applied to the whole system of inland transfer, and how—it being proposed to exempt all goods under the value of 40*s*.—their value was to be ascertained?

THE CHANCELLOR OF THE EXCHEQUER said, he proposed in the Bill to insert a provision to the effect that goods should not be delivered without the stamp duty, unless the order bore on the face of it that either seller or purchaser valued the goods above 40*s*. There would be no difficulty in working this provision. There would only require to be a general indication of value. It would be impossible to exempt inland transfers in the Resolutions, but practically a Resolution of this kind would limit itself by reference to the mode in which business was carried on; because delivery on sale or transfer of property out of a warehouse or wharf was not usual, unless in ports in connection with seagoing trade.

In reply to Mr. HANKEY,

THE CHANCELLOR OF THE EXCHEQUER stated that the Resolution would not apply to the delivery order of a person desiring to obtain his own property out of the docks.

MR. CAVE asked if the Resolution would apply to deliveries over the side of the ship, as well as from the wharf?

THE CHANCELLOR OF THE EXCHEQUER said, there should be no distinction in such a case. The Resolution would apply.

Resolution *agreed to*.

4. *Resolved,* That towards raising the Supply granted to Her Majesty,—

"For and upon any writing or document commonly called a Delivery Order, or by whatever name the same shall be designated, entitling or intended to entitle any person therein named, or his assigns, or the holder thereof, to the delivery of any goods, wares, or merchandise of the value of Forty Shillings or upwards, lying in any dock, or warehouse, or upon any wharf, upon the sale or transfer of the property therein there shall be charged the Stamp Duty of One Penny."

On the Resolution with reference to Bills of Exchange and Bank Checks.

THE CHANCELLOR OF THE EXCHEQUER stated that he meant the Resolution to apply to all checks paid over the counter, though made payable to the drawer. But in the Bill he intended to exempt letters or orders between bankers and their customers.

Resolution *agreed to.*

5. *Resolved,* "That, towards raising the Supply granted to Her Majesty,

"For and upon every Bill of Exchange, Draft, or Order for the payment of money exceeding £4,000, now chargeable with the Stamp Duty of £2 5*s.*, there shall be charged for every £1,000 or part of the £1,000 of the money thereby made payable the Stamp Duty of Ten Shillings.

"And in the case of any Bill of Exchange drawn in a set of three or more for the payment of money exceeding £4,000, where every Bill of the set is now chargeable with the Stamp Duty of 15*s.* there shall be charged for and upon every Bill of the set for every £1,000 or part of £1,000 of the money thereby made payable the Stamp Duty of Three Shillings and Four Pence.

"And Bills of Exchange, Drafts or Orders, drawn or endorsed out of the United Kingdom for the payment of money on demand, shall be charged with the same Stamp Duties as Bills of Exchange for the payment of money otherwise than on demand, according to the amount thereby made payable respectively.

"And all Bills, Drafts, or Orders for the payment of any sum of money, though not made payable to the bearer or to order, and whether delivered to the payee or not; and all writings or documents entitling or intended to entitle to the payment of any sum of money any person whatever, whether named or designated therein or not, or whether delivered to him or not, shall respectively be deemed to be Bills, Drafts, or Orders for the payment of money chargeable with Stamp Duty as if the same had been made payable to bearer or to order."

6. *Resolved,* That, towards raising the Supply granted to Her Majesty,—

"For and upon every Certified Copy or Extract of or from any Register of Births or Baptisms, Marriages, Deaths, or Burials, there shall be charged the Stamp Duty of One Penny."

7. *Resolved,* That, towards raising the Supply granted to Her Majesty,—

"For and upon every note, instrument, or writing requesting or authorizing the purser or other officer of any mining company conducted on the Cost Book system, to enter in the Cost Book any transfer of any share or shares, or part of a share, in any mine, or any notice to such purser or officer of any such transfer as aforesaid, there shall be charged and paid the Stamp Duty of Six Pence."

8. *Resolved,* That, towards raising the Supply granted to Her Majesty,—

"Money secured on heritable property in Scotland, and money secured by Scotch Bonds in favour of heirs and assignees, excluding executors, shall be held and interpreted to be moveable property, and shall be included in any inventory to be exhibited and recorded in any Commissary Court in Scotland of the estate and effects of any person deceased entitled thereto, and in England and Ireland respectively shall be deemed to be estate and effects for or in respect whereof any probate of will or letters of administration shall be granted; and every such inventory, probate, and letters of administration shall be chargeable with Stamp Duty in respect of such moveable property."

On the Resolution with reference to Stamps on Agreements,

MR. AYRTON said, he must protest against this proposition, on the ground of the inconvenience of imposing a duty upon small transactions.

THE CHANCELLOR OF THE EXCHEQUER said, this measure was one of relief; and as a proof of the spirit in which it had been received, he must state that though the Resolution had been on the paper for the last six weeks, he had received no remonstrance in regard to it. It was a reduction from a high charge to a low charge, for the double purpose of narrowing exemptions, and of increasing the revenue by imposing a lower duty. It was suggested that adhesive stamps should be used, but there were some good reasons against them. The Commissioners of Inland Revenue had an objection to adhesive stamps; but he would consider, before bringing up the Report, whether the suggestion, which he considered a good one, could not be adopted.

MR. EDWIN JAMES said, there would be no relief, unless the penalty which was imposed before an agreement which was not stamped could be read in evidence, was lowered.

THE ATTORNEY GENERAL said, a corresponding reduction would be made in the penalty.

Resolution *agreed to.*

The remaining Resolutions were then *agreed to.*

9. *Resolved,* That, towards raising the Supply granted to Her Majesty,

"The respective Stamp Duties now chargeable upon any Agreement, or any Minute or Memorandum of an Agreement, made in England or Ireland under hand only, or made in Scotland without any Clause of Registration, and not otherwise charged nor expressly exempted from all Stamp Duty, where the matter thereof shall be of the value of £20 or upwards, whether the same shall be only evidence of a contract, or obligatory upon the parties from its being a written instrument, together with every schedule, receipt, or other matter put or endorsed thereon, or annexed thereto, shall cease; and in lieu thereof there shall be charged for and upon every such Agreement, Minute, or Memorandum as aforesaid, where the matter thereof shall be of the value of forty shillings or upwards, the Stamp Duty of Six Pence.

"And where the same shall contain 2160 words, then for every entire quantity of 1080 words contained therein over and above the first 1080 words, a further progressive Duty of Six Pence.

"Provided always, That where divers letters shall be offered in evidence to prove any Agreement between the parties who shall have written such letters, it shall be sufficient if any of such letters shall be stamped with a Duty of One Shilling."

10. *Resolved*, That, towards raising the supply granted to Her Majesty,

"Every Agreement for a lease or tack of any lands, tenements, hereditaments, or heritable subjects, for any term not exceeding seven years, and every Agreement, Minute, or Memorandum of Agreement, containing the terms and conditions on which any lands, tenements, hereditaments, or heritable subjects are let, held, or occupied for any such term as aforesaid, shall be chargeable with the Stamp Duty payable on a lease or tack for the term, rent, consideration, and conditions mentioned in such Agreement, Minute, or Memorandum.

"And any lease or tack of the same lands, tenements, hereditaments, or heritable subjects, afterwards made in pursuance of, and conformably to, any such Agreement, Minute, or Memorandum, which shall have actually paid the Duty payable on such lease or tack as aforesaid, shall not be chargeable with any higher Stamp Duty than 2*s.* 6*d.* exclusive of Progressive Duty."

11. *Resolved*, That, towards raising the Supply granted to Her Majesty,—

"The Stamp Duties payable by Law upon Probates of Wills and Letters of Administration, with a Will annexed in England and Ireland, and upon Inventories in Scotland, shall be levied and paid in respect of all the personal or moveable estate and effects which any person hereafter dying shall have disposed of by Will under any authority enabling such person to dispose of the same as he or she shall think fit."

12. *Resolved*, that, towards raising the Supply granted to Her Majesty,—

"For and upon every Declaration in lieu or in the nature of an affidavit, in any case where, if the same were an affidavit, it would be chargeable with any Stamp Duty, there shall be charged the same Duty as would be chargeable on such affidavit."

The House resumed. Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 26, 1860.

MINUTES.] PUBLIC BILL.—1ª Marriages (Extra-Parochial Places); Consolidated Fund (850,000).

INDIA.—MR. WILSON'S FINANCIAL STATEMENT.—QUESTION.

THE EARL OF ELLENBOROUGH asked whether the Government were prepared to lay on the Table of the House the financial scheme of which mention had been made in the newspapers as having recently been submitted to the Legislative Council of India, and also whether that scheme had obtained their previous sanction. He was the more anxious to obtain information on those points, because it appeared to him that there must be some mistake in the details which appeared in the newspapers. If, however, that statement were correct, income tax would have to be paid by every private soldier in Her Majesty's Cavalry and Artillery in India; the non-commissioned officers in the Infantry would also be liable to it, and he was not quite sure that it would not have in some instances to be borne by the privates themselves—at any rate they would only escape by the difference of a few shillings. But that was not all; every commissioned officer in the Native army, as well as privates in the Native Irregular Cavalry, would also come within the scope of the scheme; so that nearly all our troops in India, Native as well as European, would be combined together with the people by considerations for their own interest in opposition to the plan. And he might add, what everybody knew, the difficulty if not the impossibility of obtaining trustworthy Commissioners to hear and decide appeals from over-assessments.

THE DUKE OF ARGYLL said, that having received no notice of the noble Earl's question, he was not prepared to give to it an explicit answer. He might, however, observe that if his right hon. Friend the Secretary for India had received the financial statement to which the noble Earl alluded, it must have been since he last saw him, inasmuch as he had not then been officially informed of its details. He earnestly hoped the noble Earl, as well as others, would abstain from making any observations which might create prejudice against the plan of the Government of India until it had been fully stated and explained to Parliament, inasmuch as there might be many mistakes as to its details contained in the accounts which had been received. It was, he might add, physically impossible that the plan could have obtained the previous sanction of the Government at home.

PUBLIC BUSINESS.—THE ARMY ESTIMATES.—QUESTION.

THE DUKE OF NEWCASTLE thought it would be convenient to the House to state the course of public business Her Majesty's Government proposed to take before the Easter recess. There were five financial Bills in all; but two of them it was very essential to the public service should be passed before Easter; these were the Income-tax Bill and the Stamps Bill. These two measures he hoped would come up from the House of Commons on Thursday next, and in that case he proposed to take the second reading on the following day. But if unfortunately they should not come up till Friday, he hoped their Lordships would have no objection to take the second reading on Monday next, and the third reading on Tuesday, so that they might receive the Royal Assent before the House adjourned for the recess. If any of their Lordships wished to discuss the general question involved in the proposals of the Government, there were three other Bills which would be introduced after Easter—the Customs Bill, the Paper Duty Bill, and the Wine Licences Bill. On these measures the whole question might be raised if desirable.

THE EARL OF DERBY said, whatever objections his side of the House, and indeed the other side also, might entertain, he was not disposed, after the statement which the noble Duke had just made, to offer any opposition to the course he had suggested, large as was the addition to the taxation of the country, and objectionable as was the particular tax that would be brought before them. These Bills were especially connected with the other measures, and as it appeared that after the Easter recess they were to have a discussion on

the other Bills, that would probably be sufficient for those noble Lords who wished to take part in a financial discussion. He wished, however, to ask the noble Duke whether there was any foundation for a rumour that had reached him out of doors that Her Majesty's Government had felt it necessary to withdraw the Army Estimates, and to lay upon the table other and larger Estimates than were at first supposed to be necessary? Such a report was in circulation. He would be glad to hear from his noble Friend that there was no foundation for it. On the other hand, if new and enlarged Estimates were in course of preparation, he was glad to hear from the noble Duke that the Government did not intend to bring forward the Paper Duties Bill till after Easter, because in the present state of the revenue the retention of the revenue derived from that source might be found to be necessary.

THE DUKE OF NEWCASTLE said, that the information which had reached the noble Earl was in some respects correct, and in others not. It was true the Government were about to withdraw the Army Estimates, and to present new, but not of increased amount. The present Estimates were based on the supposed number of troops that were expected to arrive from India. Since the Estimates were framed a considerably larger number of troops—more than seven regiments—have arrived beyond the first calculation. A revision of the whole Estimates, therefore, had become necessary, and they were to be withdrawn for rectification to meet the altered circumstances, but not with the view of any increase in the amount.

THE EARL OF DERBY: Then we are to understand that there will be no increase?

THE DUKE OF NEWCASTLE: No increase whatever.

LORD MONTEAGLE said, that in discussing the financial scheme generally of the Government some arguments might be adduced against the Bills which would be passed before the recess, and it would only be fair towards those who might desire to raise any question that they should be allowed to do so. He hoped it would not be held that by passing the Income Tax Bill and the Paper Duties Bill before Easter, any noble Lord would be precluded from raising a discussion on these measures in connection with the other financial propositions of the Government.

THE DUKE OF NEWCASTLE said, that

there could be no objection to fully discussing all the financial plans of the Government on the three Bills which would stand over until after Easter.

PIERS AND BREAKWATERS.

RETURNS MOVED FOR.

THE MARQUESS OF CLANRICARDE moved for Returns of all Public Monies granted or advanced for the erection of Piers and Breakwaters on the Coasts of the United Kingdom since 1810. The noble Marquess said, that the subject to which his Motion referred was one of grave importance, and up to this time the professional men who had taken it in hand had more or less failed. Since he had first moved for Returns connected with this subject, a Paper had been issued, which, so far as shipwrecks were concerned, gave sufficient information for his purpose; and to that document he invited their Lordships' serious attention. A more melancholy record he had never read. It appeared from the Report of the Harbour of Refuge Commissioners, that the state of the harbours on the coasts of the United Kingdom was a disgrace to the nation; and it was stated in the Returns of Wrecks and Casualties made by the Board of Trade, that the annual loss of property upon the coast had been £1,500,000, and the average loss of life during a period of six years amounted to 780 souls; but in 1854 there perished on the coast no less than 1,549. During last year there were no less than 1,461 wrecks of vessels of different classes; and the number of persons on board these vessels was 10,538, nearly 4,000 of whom were in imminent peril of their lives, and out of that number 1,645 were lost. And all this had occurred notwithstanding the increased application of science to navigation, and the high state of perfection to which shipbuilding had been brought. Was this a visitation of Divine Providence, or was it one of those misfortunes which, under the blessing of God, might, through human agency, be averted or mitigated? He believed that if proper pains were taken, they might, by well-directed efforts, prevent many of the casualties which occurred. If that were so, there rested upon the Government, upon Parliament, and the nation generally, a most heavy responsibility, not only as regarded the safety of our maritime population, but as regarded our own interests. Our glory, our safety, and our greatness, mainly depended upon our maritime population. No doubt some efforts had been made to give shelter to the shipping on our coasts, but those efforts had been insufficient and ill-directed. The greatest diversity of opinion existed upon various experiments that had been submitted to the public for the construction of piers, harbours, and breakwaters; but the upshot had hitherto been only a persistence in the old system — that system which had existed for 3,000 years, probably among the Greeks, and certainly among the Romans, which last people had even adopted some improvements which we had neglected. Among the plans which had from time to time been proposed for affording increased protection to shipping, there were two projects which had attracted especial attention. That of the Rev. Mr. Glover, for the erection of artificial islands at the mouth of tidal rivers, had been submitted for years past to the opinion of many eminent authorities, and no opinion directly opposed to the principle of the invention appeared to have been given; while it had received the countenance of Sir John Burgoyne, Admiral Warren, Mr. Cubitt, and a number of other highly distinguished individuals. He by no means advocated the adoption of this plan or any extended scale without previous investigation; but when they perceived by the wreck chart the enormous loss of life that took place along the coasts of Norfolk and Suffolk, which, from their sandy character, would be particularly adapted for the formation of such islands, it was not too much to expect that the efficacy of the plan should be tested by experiment, the cost of which would bear no comparison to the life and property annually thrown away on that dangerous coast. The other proposition, by Captain Adderley Sleigh, for a floating breakwater, had been patented, and received the support of Sir T. Hastings, Colonel Rutherford, Admiral Hathorn, Sir E. Belcher, Colonel M'Dougal, and a great number of other distinguished persons. The invention, surely, was worth a trial, for if one large vessel yearly were saved through its instrumentality, the outlay incurred would be more than repaid to the nation. Some years ago the people of Folkestone were very anxious to have this invention tested, and they applied to the Admiralty for a loan of anchors and chains for the purpose. If the experiment succeeded, full remuneration would have been insured; and if, on the other hand, it proved a failure, the cost to the country would have been scarcely appreciable. The decision of the Admiralty, however, was adverse to the application, and the experiment, from which so much benefit might be anticipated, remained still without having been attempted. Whether good or bad, these inventions ought to be tested, if there appeared a possibility of saving by them more lives from shipwreck. There had been two or three Select Committees on this subject. One was in 1857, which recommended the appointment of a Commission to inquire into harbours of refuge. He did not blame the Harbour of Refuge Commissioners for disapproving of plans where they assigned reasons for disapproval, as in the case of several recommended for Dover, but what he did disapprove of was, their rejecting plans apparently sound in principle, without assigning any reasons at all. The floating breakwater which had been supported by the highest authority did not come directly before the Commissioners, and they were therefore not responsible. The principle of the invention was that of deflection. By the slope which it would give to the floating breakwater, the deflection would be so considerable that not only would protection and shelter from storms be afforded, but it could also be made applicable to floating batteries, for the deflection of the slope would, to a great extent, throw off the ball of the enemy, so that even one of Sir William Armstrong's guns at a comparatively short distance would glance harmless off a battery. He repeated, that the state of the coast was a disgrace to the nation. Look at the mouth of the Mersey, and they would find it on the wreck chart studded with wrecks. The great impediment, no doubt, to the testing such experiments, was the expense. But we were now going to a most absurd and extravagant expense in constructing harbours and piers acknowledged by every one to be faulty, and to be failures in many instances. In 1857, a Select Committee of the House of Commons had recommended the voting of a large sum of money for harbours of refuge; they recommended an expenditure of no less a sum than £2,000,000. They also recommended the appointment of a Commission; but the Commission also, instead of finding out any more economical way than hitherto of making harbours, adhered to the old plan, and proposed to extend the expenditure to £365,000. So that at this moment there was to be expended upon these works £2,765,000. And some of the works upon which this money was expended were held in such low estimation by nautical men that they were called "ship traps" and "wreck pools." The works at the mouth of the Tyne had already cost £300,000, and it was proposed to spend £250,000 more during the next year; and yet there was not one single man of science to be found who would say that these works would be of lasting use. It was with a view to discover how much had been spent by the State on useless works of this description that he had moved for this Return. To the first part he understood there would be some objection, on the ground of the time it would take in making up, and he would therefore draw it up in a different form; but to the second part there could be no objection.

Moved, That there be laid before this House,

1. Return of all Public Monies granted by Parliament, or lent or apportioned in aid of other Contributions towards the Construction or improvement of solid Stone Piers or Breakwaters (not including works of Fortification) at any Port or on any of the Shores of the United Kingdom, since the Year 1810; specifying the Sums granted and expended in each Case, and the estimated Cost of each such Work according to the first Demand and alleged Expectation; and stating how much had been repaid by Harbour Dues or otherwise in each Case of Loan: and also,

2. Return of any Sums granted or lent for Experiments upon floating Piers, Breakwaters or Sea Barriers, or artificial Islands, or other Inventions for the Protection of Shipping or the Facility of Traffic, during the same time.

THE DUKE OF SOMERSET said, the only objection he had to make to the Returns was that he believed they would take an enormous amount of time and labour, and could not be produced before the end of the Session. It was obvious that going back for fifty years would involve immense labour, for there were a great many places round the coasts where small contributions had been made in aid of trusts, where stone piers or other works were being built, and which, if all the returns asked for by the noble Marquess were to be furnished, must be all gone into. He had a few words to say regarding the expenditure that had been made through advances by the Exchequer Loan Commissioners. The noble Marquess was in error on this point. The Exchequer Loan Commissioners were not in existence in 1810—not until 1817. They had advanced since that time to different towns in Great Britain for the construction of harbours and docks,

£621,000, all of which had been repaid except £88,000. So that the public would be, in the end, no losers. As to Ireland the case was not quite so satisfactory. In regard to that country canals and harbours were classed together, and £152,000 had been advanced for their construction; and of that sum £135,000 still remained unpaid. With regard to the second part of the Return, the opinion of naval men was against expenditure upon experiments, which could only be really tested when a violent storm came, such as occurred, perhaps once in ten years, and the return of the Admiralty would, under that head, be "nil." If the noble Marquess would make an alteration, so as to limit the return within a reasonable time, he should be happy to give any information which the Admiralty could supply.

THE EARL OF HARDWICKE said, that the great loss of life from shipwreck had naturally excited a strong and painful interest in the public mind on the subject of harbours and breakwaters. Parliament had testified its feeling on the subject by the appointment of Committees, whose inquiries were directed to measures of prevention; but when it was suggested that large sums of money should be spent in the construction of harbours, and when we consider the enormous power of the ocean against anything that could be constructed, it became matter for consideration whether the Government should undertake large outlays for such purposes. The harbours that had been eminently successful were those which had been constructed without any engineer, but by the deposit of stones which nature had been left to place in their proper position. Such a one was the Plymouth Breakwater. He could speak from personal and familiar knowledge of the manner in which it was constructed. After a considerable quantity of stone rough from the quarries had been deposited or dropped at Plymouth, the ocean rushed in under pressure of a storm, and those stones which before had appeared above water were no longer visible; but the work was persevered with; the area became enlarged, and the stones ultimately stood above the ocean, a monument of human labour such as the world had never witnessed before, and a breakwater as secure as one of nature's own islands. Reference had been made to the Cherbourg Breakwater; but there was this difference between it and that of Plymouth—the latter had to withstand the Atlantic and its heavy surge, while the former had only to meet the waters of a Channel some fifty or sixty miles in width. When there was a quarry of proper stone near at hand, and nature was allowed to be the engineer, there was no doubt of success. This was the case at Portland; but wherever they attempted to make harbours by an engineer setting stone upon stone, and in a place behind which there was no river, these contrivances would only become mud traps and ship traps. Such works must be always unsatisfactory, the more so because those harbours were generally tidal harbours. Without two certain data he should never recommend the construction of a breakwater; one was the existence of a quarry near at hand; the other that the engineering should be left to nature, the inspection of the deposits of stone to be committed to those possessing a knowledge of the action of winds and floods. As to the experiments alluded to by his noble Friend (the Marquess of Clanricarde), there were two descriptions which he thought worthy of consideration: that of making a bar such as that which would be formed by a silt deposit might be tried at the mouths of many rivers; of the other, that of floating breakwaters, he would observe that if they could secure a floating breakwater, no doubt it would be very serviceable. But would the floating breakwater be more secure than the floating body behind it? The objection to this description of breakwater was that it must be held by anchors and cables, which were as liable to part as those of ships', in which case the breakwater would be driven on the fleet behind, and breakwater and ships and all would be destroyed together. An experiment might be made in a place like Lyme Regis for about £10,000, which would be sufficient to test the merits of the plan. He had thought it right to say this much on the matter as it was one to which he had paid no small attention, and on which it was desirable that naval men should state their opinions.

THE MARQUESS OF CLANRICARDE said, he would withdraw his Motion, and leave it to his noble Friend (the Duke of Somerset) to see what portion of the information he could present to the House in the shape of a return.

Motion, by leave of the House, *withdrawn.*

House adjourned at a Quarter past Six o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 26, 1860.

MINUTES.] PUBLIC BILLS.—1° Income Tax; Stamp Duties,
3° Consolidated Fund (£850,000).

BEAULAY AND NESS FISHERY BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MAJOR CUMMING BRUCE said, he should move that the Bill be read a third time that day six months. He contended, that, if passed, the effect of the Bill would be to confiscate the property of individuals who had as clear a right to their Salmon Fishings as any man had to his estate. The object was not to promote any public advantage, but to absorb private rights for the benefit of one or two great proprietors. If the object were public, let it be accomplished by a public Act.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. E. ELLICE (St. Andrew's) said, he should support the Motion for the third reading. The measure would only prevent a species of fishing which would soon prove completely fatal to the breed of salmon in those rivers.

MR. H. BAILLIE said, he objected to the Bill because it proposed to render illegal in two of the rivers running into the Moray Firth that which was left perfectly legal in the other rivers falling into that estuary.

MR. FENWICK said, as Chairman of the Committee to which the Bill was referred, he could state that all that the measure did was to regulate the mode in which the right of fishing should be exercised, and the Committee were unanimous in the conclusion they had arrived at on the subject.

THE EARL OF MARCH said, that if the House legislated at all upon the subject it ought to pass a general measure, and not one of an exceptional character.

MR. MASSEY thought the House was not in a position to review the decision of the Select Committee, and he hoped it would not undertake to reverse that decision.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 148; Noes 93: Majority 55.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

THE ARMY.

RETURNS MOVED FOR.

GENERAL PEEL said, he rose to move an Address for Returns of British Regimental Establishments for 1860-61, of all ranks; of Effectives, 1st day of April, 1860, of all ranks; of Indian Establishment for 1860-61; of Effectives, 1st day of April, 1860; of total number of Embodied Militia, 1st of April, 1860 of all ranks; and, of any transfers that might have been made, or of which notice had been given, from Indian Establishment to British, not shown in the Estimates.

MR. SIDNEY HERBERT said, that he had no objection to the early part of the Returns moved for by the hon. and gallant Member, and he took that opportunity of stating that owing to the return of some regiments from India, a considerable portion of the augmentation announced would not be carried into effect, because the regiments returning would absorb the number of men so voted, and would constitute a much more effective force than that which had been contemplated, which was merely an augmentation to make shift until these regiments returned. He wished also to state that though he had got a Vote for the men, he had got no Vote for the Money, and as the financial year ended on Saturday, it was necessary that the House should provide means to enable him to go on until after Easter, when the Estimates would be discussed. Therefore, as he apprehended that the House would not object to grant him Votes on account without discussion, and when the Estimates were again brought forward there would be ample opportunity for discussion on the part of those Gentlemen who had given notice of submitting any subject to the consideration of the House, he proposed to take the Votes on account on Wednesday, and to reprint the Estimates so that the House might clearly understand what stood for the year. With regard to the Returns now moved for, he had no objection to them with the exception of the last portion relating to transfers from Indian Establishment to British, because that would appear in the Estimates, and it would, therefore, be unnecessary to give it now.

MR. DISRAELI said, that there could be no objection to the right hon. Gentleman taking the Votes on account, but it would be convenient to the House if some idea were given of the nature of the changes in the arrangements, and whether they would affect the general Estimates before the House.

MR. SIDNEY HERBERT said, the changes will not affect the general totals.

COLONEL CONNOLLY.—STAFF APPOINTMENTS.

EXPLANATION.

MR. ELLICE (Coventry) said, that a question was asked last Friday of the right hon. Gentleman the Secretary for War respecting the changes made in the Staff of the Army; and he observed that he had seen a statement in a newspaper that an Officer had been moved three successive steps on the Staff, and asked whether that statement was correct. The gallant Officer in question, Colonel Connolly, supposed himself aggrieved by something he said on that occasion, though he took especial pains to avoid the expression of any opinion either with respect to the Officer, the appointment, or the transaction altogether, with respect to which he had thought it his public duty to ask an explanation. He was extremely sorry that the Officer in question supposed that any reflection on him was intended. He believed that Officer to be both very gallant and meritorious, and very fitly selected for appointment, though it had struck him that these successive changes of appointment required explanation.

POOR REMOVAL.

QUESTION.

MR. MAGUIRE said, he would beg to ask the Chief Secretary for Ireland. Whether it is the intention of the Government to introduce any measure in the present Session with a view of putting an end to, or, at least of materially mitigating, the hardships now entailed on Irish-born poor by their removal to Ireland by the parochial authorities of England, Wales, and Scotland.

MR. CARDWELL said, that the evils of the present system were universally admitted, and the Presidents of the Poor-law Board, in succession, had endeavoured, although hitherto unsuccessfully, either to remove or to mitigate those evils. The hon. Gentleman had taken so much interest in the subject, and so thoroughly understood it, that he need not repeat to him what steps had been taken. The right hon. Gentleman the present President of the Board had already given notice of his intention to move for the immediate re-appointment of the Committee on the subject. It was likely that their labours would be soon completed, and that a Bill upon the subject would be introduced in the course of the present Session.

AUSTRALIAN MAGISTRATES.

QUESTION.

MR. HOPE said, he wished to ask the Under Secretary for the Colonies, Whether or not he is in possession of any information bearing upon a statement which has been made that an Electioneering Agent has been appointed a Justice of the Peace in one of the Australian Colonies, he being at the time, and having continued after his appointment to be, a hired servant in the employment of a resident in the district for which he has been appointed such Justice?

MR. CHICHESTER FORTESCUE said, that no information had yet been received at the Colonial Office on the subject alluded to by the hon. Member. These subordinate appointments were not submitted to the Home Government, who had no control over them. He believed, however, that the Colonial Government of New South Wales had already under consideration whether they could not guard these appointments against party and political influences.

DIPLOMATIC ESTABLISHMENTS IN ITALY.—QUESTION.

LORD HENRY LENNOX said, he would beg to ask the Secretary of State for Foreign Affairs what steps it is his intention to take with regard to breaking up Diplomatic Establishments now existing at Florence; also, whether he intends to propose any and what change in the position of the Queen's Representative at the Sardinian Court, in consequence of the recent aggrandizement of that State?

LORD JOHN RUSSELL: Sir, I have advised Her Majesty to abolish altogether our Diplomatic Establishment at Florence, and Her Majesty has been pleased to approve that step. I have accoringly directed Mr. Corbett to consider his Mission at an end. With regard to the Mission at Turin, I some time ago raised it to a first-class Mission—after the annexation of Lombardy to Piedmont. I do not know whether it will be necessary to make any further change at present.

BOROUGH VOTERS.—QUESTION.

Mr. DARBY GRIFFITH would beg to ask the Secretary of State for Foreign Affairs, Whether the Returns of the number of Voters in Cities and Boroughs, at from £6 to £10, are not obtained from the Parochial Rate Books, through the instrumentality of the Poor-Law Board, and are therefore founded on statistics of rating, and not of rental; and, if so, whether such Returns, so based on rating, can afford any correct estimate of the number of Voters that a Rental Franchise of £6 would add to the Constituency?

Lord JOHN RUSSELL said, he understood that the Rate Books had a column for gross rental as well as for rateable value; but his right hon. Friend, the President of the Poor-Law Board, could perhaps answer the question more satisfactorily.

Sir JOHN PAKINGTON said, he wished to inquire whether the figures taken from the Rate Books, which formed the basis of the noble Lord's calculation, in estimating the probable increase of Voters to be added to the Constituency by the Bill of the noble Lord, were taken from the rental column, or the rating column?

Lord JOHN RUSSELL: One column, I believe, contains the rental, and the other the rateable value.

Sir JOHN PAKINGTON: The noble Lord, I think, misapprehends my question, which was, whether his calculations were founded on the figures taken from the rateable value or not?

Lord JOHN RUSSELL: I understand not, from the President of the Poor-Law Board.

COURTS-MARTIAL.—QUESTION.

Captain JERVIS said, he wished to ask the Secretary to the Admiralty upon what principle Officers in the Royal Navy, tried by a Court Martial, are unable to obtain a copy of the depositions of that Court until a year has elapsed from the date of the Court Martial?

Lord CLARENCE PAGET said, that the depositions were kept back in order to allow time for allaying animosities and ill-feeling; but any prisoner under trial was allowed to have the assistance of a friend. The whole proceedings took place entirely in public, and the prisoner and his friend had the opportunity of taking notes of all the evidence.

MURDER OF THE CAPTAIN OF H.M.S. "VIXEN."—QUESTION.

Colonel KNOX said, he would beg to ask the Secretary of State for Foreign Affairs, if the Government propose to take any steps in connection with the barbarous assassination of the Captain of the *Vixen* at Lima, and whether they have sent out instructions to the Naval Commander on that station to demand redress?

Lord JOHN RUSSELL said, that if the hon. and gallant Member would repeat his question on Thursday or Friday, he would be in a position to give him an answer.

WAYS AND MEANS.—RESOLUTIONS REPORTED.

FOREIGN POLICY.—THE ANNEXATION OF SAVOY AND NICE TO FRANCE.

OBSERVATIONS.

Resolutions reported.

Resolution 1, read.

Mr. HORSMAN—Sir, I wish to avail myself of this opportunity to make some remarks upon the foreign policy of the country, especially as to the position in which this House stands in discussing our relations with other Powers, both towards our Ministry at home and foreign Powers abroad. In doing this I shall not go prospectively into questions which are now the subjects of negotiation, but shall endeavour rather to vindicate the rights and privileges of the House as to the present than revive unnecessarily questions of the past. When Parliament met at the beginning of the Session it was well known that various questions, not of negotiation only but of diplomatic controversy, had given rise to serious differences between the Governments of England and France—questions respecting Egypt, respecting Spain and Morocco, and respecting China. No one can say that the Government has been hampered by any undue interference on the part of this House in connection with any of those matters. It was well known that there had been a controversy of so serious a nature on the subject of the Suez Canal that at one time, judging from the information given by the authorized French journals, it had caused considerable embarrassment to the English Cabinet. But it was stated that the Emperor of the French, not wishing at that moment to increase that embarrassment had postponed the question to a more convenient time. But although we know that such a postponement must sow the seeds of future difficulty to this country, not one word of information has been laid upon the Table by Her Majesty's Ministers as to the correspondence between the two Governments, and no question has been asked in this House concerning it. Again the outbreak of the war between Spain and Morocco excited attention. We know that in the first instance the English Cabinet took a high tone with Spain. The French Cabinet took an equally high tone on the other side in support of Spain, and we were again told by the official organs of the French Emperor that there had been what in diplomatic language was termed an animated conversation between the First Minister of England and the French Ambassador, which ended in the French Ambassador politely informing the English Minister that although the Emperor attached importance to the opinions of the British Cabinet, he was not to be diverted by their representations from the course on which he had already determined. Then we were informed by Her Majesty in the Speech from the Throne at the opening of the Session, that efforts had been made to mediate between Spain and Morocco with a view of preventing the war, and papers on the subject were promised, but that promise has not yet been fulfilled, and not one question has been asked. Again, various difficulties occurred with the French Government as to the joint expedition to China. The officials organs of the French Government stated that it was the determination of France not to help England out of her difficulties in China unless England would help France out of her difficulties in Italy. The joint expedition, however, was finally arranged, though many persons believe it to be a great error and a source of much difficulty and embarrassment in the future. Not a line of the correspondence on this subject, again, has been laid upon the table, nor has a question been asked of the Government. I state these facts to show that on questions which are not urgent and do not require immediate serious discussion there has been no desire on the part of the House to embarrass the Government, or in any way to fetter their freedom of action. When, therefore, upon the question of Savoy greater anxiety was displayed, we had a right to expect credit from the Government for interfering only because it was a matter of great urgency, in which we thought that the functions of diplomacy were about being exhausted, and that the interposition of Parliament was absolutely necessary to avert consequences which the diplomacy of the Government had been too weak to deal with. As to Savoy, I wish to call the attention of the House to the points which have been brought more immediately before us in the course of the present Session. At the close of the last Session it may be remembered the noble Lord the Foreign Secretary stated that the Emperor of the French in making peace with the Emperor of Austria had voluntarily abjured all ideas of anything like territorial aggrandizement, and he remarked, in what seemed a very fair spirit towards the Emperor, that he thought it right to make the statement, because rumours of an entirely opposite character had been propagated. The House separated with that assurance. At the beginning of the present Session those disquieting rumours were again revived, questions were asked as to their truth, and the answer given was that no official information had been received on the subject. There then appeared no belief on the part of the Government in the existence of the designs imputed, and for the moment the House was satisfied; but immediately afterwards the organs of the French Government published an open and avowed declaration of the determination of France to annex Savoy. Again the Government were interrogated, and the answer was that, no doubt, France had indicated a desire to annex Savoy, but that Sardinia had determined not to give its assent, and without that assent it could be done. The House was again satisfied for the moment; but shortly afterwards the hon. and learned Member (Mr. Kinglake), supported by the hon. Baronet (Sir Robert Peel), showed that they were in possession of precise and accurate information that Sardinia had agreed to cede Savoy, and they asked whether the Government had not the same information. The answer was, that such information had been received by the Government, but it was coupled with the agreeable assurance from the Emperor, that nothing would be done without the consent of the population concerned, and that both the Emperor of the French and the King of Sardinia would abide entirely by their decision. After that communication there was another pause. But shortly after the hon. and learned Member for Bridgwater came down to the House, and, supported by the right hon. Baronet, said he had reason to believe that a treaty between Sardinia and France was on the point of being signed by which Savoy was to be ceded without the consent of the population. Again they received for answer that this also was quite true, but there was yet comfort, because the Government had obtained from the Emperor the gratifying assurance that the question should be submitted to the Powers of Europe, and that nothing should be done without their assent; and it was added that if the House, which had so far shown forbearance towards the Ministry, would only continue to exhibit that forbearance, and would place in them the same confidence which the Government reposed in the Emperor of France, Savoy might still be saved. This appeal was responded to with more sympathy and applause from the benches behind the Ministry than had ever been bestowed on his previous announcement. Whereupon the noble Viscount, the First Minister, elated by the enthusiasm displayed, so far forgot himself as to relapse into high encomiums upon the Emperor, reminding the House of his Majesty's first declaration that the Empire was Peace, going out of his way to assert that nothing which had occurred in the invasion of Italy was at variance with this declaration, and expressing also his opinion that the invasion of Italy was a noble enterprise. The House rested upon the assurance then given; but a few days afterwards the hon. and learned Member (Mr. Kinglake) got information of a still more precise and alarming character, which was to the effect that not only was the annexation determined on, but that deputies from Savoy were actually on their way to Paris to do homage to the Emperor. The hon. and learned Gentleman showed me his telegram, and did me the honour to consult me whether, considering the impatience—and, I may say, the intolerance—which had been shown in some quarters of the House, he should be justified in again intruding himself upon its attention after the repeated explanations of the noble Lord. My opinion was, that the statement which he had to make was so serious a one, that it was his duty again to bring the subject under the notice of the Government. He accordingly did so, and with what result? A despatch of the greatest gravity had just been received, as the Secretary for Foreign Affairs informed the House, and it announced, not only that the annexation of Savoy was determined on, but that the assent of the great Powers of Europe was not to be required; and the noble Lord, on the impulse of the moment, speaking as he did under great emotion, told us that as soon as he had written an answer to that despatch, and Her Majesty's approval had been obtained thereto, it would be laid on the table. That despatch has been written—it has been transmitted—but when we ask the noble Lord to let us see it, we are told that the Cabinet does not concur in the fulfilment of the pledge which he gave, and that despatch has not been produced. I must say, that this is to me only another indication that it is not the spirit of the noble Lord that guides the councils and rules the foreign policy of this country. What is the reason that is now given for the non-production of that despatch? We are told it would become subject to hostile criticisms. But any criticism that might follow the perusal of the despatch would naturally depend on its character and spirit. If it be a despatch in harmony with English sentiments and English feelings, no criticism need be feared, and the very fact of its being kept from our sight in order to shun criticism is not to my mind to the belief that it is favourable in accordance with the opinions of the people of this country. But, while we are not allowed to learn the nature of the despatch from our own Government, a description of it—but, I hope, not a true one—has been given to the world in the official journals of France. The character given of it is exactly that which the enemies of the Government abroad, and those who wish to make a tool of it, would give;—that it is a protest couched in the most friendly terms. M. Thouvenel wrote and published his despatch; he did not fear criticism — and why? Because the Emperor of the French knew that, by the publication of his despatch, he would produce a great effect upon Europe—that he would depress Germany—he would (or at least he hoped he would) dispirit Switzerland—he might cow Savoy, and coerce Sardinia. But while the people of Europe are looking for the counteracting despatch from this country showing what is the spirit and the policy of England, we are told that that despatch is to be kept back for fear the English public might indulge in disagreeable criticisms. Now, there is one indication, and I hope the only one, of a plea which is put forward in some quarters—that the action of the French Government has been precipitated by the discussions in this House. I can imagine how that might be in one way. I can imagine the Emperor saying to his Council, "As long as the House of Commons is weak and docile, neglecting its own interests, choosing to leave this question entirely in the hands of their Government, we may proceed at our leisure, because they will do our work as well as ourselves." "But," he may say, "I see notices of Motions by independent Members of the House, which, if carried, may be very embarrassing to the policy we are pursuing. They may rouse Germany, may inspirit Switzerland, may encourage Savoy, and may thwart and discourage the policy of France, and therefore it is for our interest to move rapidly, promptly, and to anticipate events which might be very inconvenient for us." I hold that the rule which ought to guide this House towards the Government in relation to its foreign negotiations, is a very simple one, and one that cannot be mistaken, and I hope the House will lay down for itself some rule by which it will vindicate the high privilege it enjoys of free speech concerning the Government at home and Governments abroad. The rule I take to be this—when complications arise and danger threatens, it is right to leave unfettered the course of the Government, and generously to conclude that the threatened evils may not be realized, and that the Government may be able to avert the danger. But it is a different thing when the opposing Power is not diplomatizing merely, but acting. When that occurs the point for Parliamentary forbearance has gone by. This question of the annexation of Savoy has passed through a succession of phases, each of which has been of itself a distinct and important act, and from the first disavowal of the design to this last apparent accomplishment, the artifices, and frauds of diplomacy have, one by one, been superseded by more effective action. The Emperor has made a speech avowing the accomplishment of that design, the Minister has written despatches to Europe in the same spirit, troops have been marched to Savoy, ships of war have appeared off Nice, and the event is actually accomplishing at the moment when Her Majesty's Government think they are still negotiating it, and they ask us still to forbear, to have that confidence in them which they have all along had in the Emperor of France, and then even at the eleventh hour they would persuade us Savoy may yet be saved. I must say, recollecting what occurred last Session as to the relations between this House and the Government, and contrasting the course taken by the hon. and learned Member for Bridgwater with that pursued by the Government, that contrast is as favourable to the one party as it is unfavourable to the other. The accuracy of my hon. and learned Friend, his early information as to the progress of events, his predictions of danger to be apprehended, the consequences which he said must follow, if not by timely action averted, the warnings he gave of events that have since occurred, combined with the earnestness and moderation of his statements, all, I think, contrast most favourably with the conduct of the Government—with their apparent ignorance, their reluctance to give information, their evasion of discussion, their blindness to events that were happening, and their neglect of every proper effort to avert the dangers of which they have been warned. I think my hon. and learned Friend is, for the past, entitled to the thanks of the House, and, for the future, to its confidence and support; but our experience makes it imperative upon us to watch vigilantly every single movement of the Government, and rigidly to inquire into every part of these negotiations, in which I am bound to say neither in courage nor in duplicity can they rival their Imperial Ally. So far as regards our relations with the Government at home; but there is another question —What is to be the limit of our privilege of free speech in this House in criticising the policy and the acts of Governments abroad? In the course of last Session, when I had occasion to enter at great length into the question of our relations with France on a Motion as to the state of our national defences, I laid down a rule which I have always observed when referring to the policy and acts of the Emperor of the French. I said then that the Emperor was the chosen of the French people; that they trusted him, admired him, obeyed him, and thought him a great benefactor, and that from a French point of view, he was entitled to their gratitude and respect, and, therefore, on his personal character and his acts, as far as they relate to the internal Government of France, I thought we had no business to make remarks. But I said, as to his external policy, it was the duty of this House never to turn its eyes from that policy. I described that policy as one of war, aggrandizement, and aggression. Two of these have been already fulfilled—the aggression has taken place, the aggrandizement is in course of accomplishment, and who can say how distant is the war? During the administration of the noble Viscount, and under the very peculiar, and, I might say, unprecedented relations between him and the French Emperor, there has been a new doctrine laid down—that we must frame our speeches, not according to what we consider to be for the interest of England, but according to what may not be hurtful to the feelings of the Emperor of France. That is a doctrine which I hope this House will at once and for ever repudiate and set at rest. As to the Emperor, his views, and our manner of discussing them, I think our course is clear. As long as the Emperor refrained from action, I think it was right and reasonable to give him credit for honourable motives, but when it is notorious to all the world, except to the Members of the Cabinet, that he is proceeding to the accomplish- of his designs, then I say it would be not merely folly but hypocrisy on our parts if we were not to characterize, as it deserves, the policy he has pursued. Silence in such a case implies indifference, if not complicity. Can it be said for a moment that because we are characterizing, as we believe it deserves, the policy of the Emperor of the French, that we are doing that which is irritating? I say we are acting in self-defence. It is the only way to bring him before the tribunal of opinion which he dreads. He cannot complain that in the Parliament of England his policy is discussed. The Ministers of England should be the first to vindicate the right of free speech which is the highest privilege we possess, and with which we will never part. At this time any attempt to suppress the expression of opinion here, when Ministers cannot defend facts, would degrade us to a state of moral weakness and acquiescence in wrong, and justify the imputation that is made abroad against us of unworthy sycophancy; and the more adulation is heaped upon the Emperor of the French from that (the Ministerial) bench, the more necessary it is that truth should be heard from other quarters of the House. It is for that reason that I vindicate in this Assembly the right of free speech, which there has been an undue attempt to fetter, and that in the exercise of my privilege as a Member of this House I denounce the recent policy of the Emperor of the French in Italy as a policy of deceit. I say that he has deceived the English Ministers, and has made them his tools for deceiving the English Parliament. I say that he has treated them with a duplicity which they had not the candour to acknowledge, and a contempt that they had not the spirit to resent. And, speaking of his proceedings in Savoy and Sardinia, and the manner in which he has announced his policy to Europe, I say he has added insult to aggression, and perfidy to injustice. Am I to be rebuked from that bench (pointing to the Treasury bench) for this language? Why I look along that bench, I see such an array of Ministers as never sat there before, associated with Parliamentary censures and "horrible and heartrending" disasters. Let me remind them that in 1855 there was a Cabinet occupying that bench apparently stronger than the present, and with quite as reliable a majority, though I do not think it was quite so intolerant of all who differed from them as the majority which now sits behind them; but in one night a storm of indignation arose, and that Cabinet, by an unprecedented majority, was censured and ceased to exist. In 1858 the noble Viscount was at the head of a still stronger Cabinet, but it was stated openly that he had truckled to France, and because he had done so he was censured, and his Cabinet was swept away. And now I would warn those who would attempt to fetter the freedom of speech in this House, that the spirit which on two occasions came to the rescue and vindicated the honour and interests of the nation yet survives, and it may inflict a third penalty as sudden and more severe than any which has preceded it.

Mr. Horsman

Lord JOHN RUSSELL: Sir, the right hon. Gentleman has raised up a great many spectres, with which he has fought much more than he has combated with any reality that exists. First of all he supposes that we have been continually complaining of the freedom of speech in this House, and endeavouring to suppress it. That is an entire imagination on the part of the right hon. Gentleman, and I think he has given us to-night a tolerable specimen of the manner in which the freedom of speech may be exercised, whether as to Ministers at home or Sovereigns abroad. The right hon. Gentleman, indeed, has imagined that we have been continually rebuking the House for the freedom with which its Members speak of foreign affairs. I do not think that we have so presumed with regard to the freedom of speech in this House. I think, on the contrary, with regard to hon. Gentlemen opposite, we have every reason to be satisfied with the forbearance that has been shown, and with the unwillingness they have for the most part displayed to enter upon any general discussion of foreign affairs, or, at all events, to impede the action of negotiations that might be actually pending. I thought at one time the language of the hon. Gentleman the Member for Horsham (Mr. S. FitzGerald) unbecoming the position he had held and the responsibility that consequently must attach to his words, but on a subsequent occasion the hon. Gentleman made a speech full of moderation and, if he will allow me to say, of good intention, and I have no reason to find fault with him. But I must say that, as the right hon. Gentleman the Member for Stroud has given us so much warning and advice, and so much objurgation, I may be permitted to give him one piece of advice,—that, seeing there is on the other side of the House an indisposition to enter upon any violent course of opposition, or any factious misrepresentation, I wonder that he does not himself take his place on the front seat of the Opposition bench, and endeavour to show to the shame of the right hon. Gentlemen opposite what faction can effect. The right hon. Gentleman has certainly imagined a good many anecdotes with which I was perfectly unacquainted. He tells us with respect to Morocco that we intended to lay the papers on the table of the House, which we have failed in doing, and that there was a very animated discussion between my noble Friend the First Lord of the Treasury and the French Ambassador respecting the affairs of Morocco. I can tell the right hon. Gentleman that I never heard of that discussion, nor do I think that any warm discussion has occurred between this Government and the Government of France with respect to the Spanish expedition to Morocco. We thought the war was an unnecessary war on the part of Spain; that opinion was very ill taken by Spain, but it gives me much pleasure to say that I believe that war is now approaching a termination. Then with regard to China, the right hon. Gentleman says we asked for the assistance of the French in China, and that we were told the French Government would only give that assistance if we assisted their policy in Italy, and that a bargain was thereupon made. That is another specimen of imagination on the part of the right hon. Gentleman; but whether it is his own or whether he has picked it up from some of those telegrams which fly about the world, and have little authority, I know not; but, at all events, the House should not be misled by taking everything for certain that the right hon. Gentleman said. Then with respect to this great and important question of Savoy, I have more than once told the House the state of our information on that subject. I told the House what had passed between our Ambassador in Paris and the French Foreign Minister, and what our Minister at Turin had reported of his conversation with the Minister of France. I never considered myself bound to vouch for everything that was so reported, as to the way in which the project was to be carried out. The right hon. Gentleman says that I assured the House to its very great satisfaction not only that the Emperor of the French would consult the great Powers of Europe, but that he would be guided by their opinion. The noble Lord the Member for Leicestershire (Lord John Manners), endeavoured to extract from me an opinion whether the Emperor of the French intended to consult the great Powers of Europe in the sense of explaining to them his views with regard to Savoy, and then to act as he thought fit, or whether he meant to abide by the decision he might receive. Not being certain myself, I never could state to the noble Lord in what sense the Emperor of the French meant to consult them; but the very moment I received a despatch explaining in what sense that consultation was to be made I came down to the House and told them I thought it was intended in the sense of exposing the reasons of the Emperor of the French, but at the same time not supposing the great Powers should decide upon the question, but that the Emperor himself should decide. Well, as regards that subject I said, however, that I thought if it met with the unanimous disapproval of the great Powers — if they should feel the course the Emperor of the French meant to pursue with respect to the annexation of Savoy was an alarming step for France to take, and might betoken future aggression, I did not believe that that plan would be proceeded with. Whether I was right or wrong in that opinion cannot now be ascertained, but I know that with respect to the great Powers the Austrian Government said in the first instance that the annexation of Savoy to France was not worse, at all events, than the annexation of the Grand Duchy of Tuscany to Sardinia, and that it was a question in which they had less interest. But we know besides that the Emperor of Russia has said that it was free to the King of Sardinia to give away his own province, and that it was free for the Emperor of the French to receive it; and therefore it was impossible that a foreign Sovereign could interfere. Well, then, I say with regard to any opinion that we might give, we could not expect that it should have the same weight as if it had been the opinion of the four Powers unanimously given and expressed —if not in the same terms, in terms of strong disapprobation. The right hon. Gentleman seems to think that we are ashamed of the despatch we sent in answer to that of M. Thouvenel. I can assure him the Government are not at all ashamed of that despatch, and when it is produced I think this House will be of opinion that we have no reason to be ashamed of it. But, then, Sir, there are other questions connected with this subject, especially one that must be of great importance to Europe; and to this country, as a free country, to this Parliament, as a free Parliament, must be one of surpassing interest,—I mean that which is connected with the independence and neutrality of Switzerland. Some days after the despatch of M. Thouvenel we received a representation from the Government of Switzerland complaining of the disposition about to be made with regard to the neutralized territory of Savoy. This, Sir, is a question of a different nature from that of Savoy, because, with regard to Savoy, it may be said, as with regard to Tuscany, it was part of the settlement of Europe in 1814 and 1815 that Savoy should belong to Sardinia, and that Tuscany should belong to the Grand Duke of Tuscany; but there was no guarantee on the part of the other Powers with regard to the possession of Tuscany by the Grand Duke and of Savoy by the King of Sardinia; and therefore the transfer by the King of Sardinia of his rights over Savoy to the Emperor of the French is a question on which those Powers may, or may not, think it right to remonstrate or go further. But, with regard to the independence of Switzerland, that is a matter of interest to all Europe, being guaranteed by the great Powers of Europe. Indeed, not only is the territory belonging to the Confederation guaranteed, but there is a part of Savoy which is declared to be neutralized, and with regard to which it is provided that, if war should break out between the neighbouring Powers, the troops of the King of Sardinia shall evacuate that territory, and a Swiss military force shall hold it till the termination of the war. Now, it is obvious that the transfer of that territory from the King of Sardinia to the Emperor of the French is a great change in the condition of that territory; and, though not within the letter of the treaty, it does bear in an important respect,—it may be indirectly —but it does trench in a very important respect upon the independence of Switzerland. For that reason, as M. Thouvenel has applied, on the part of the Emperor of the French, to the various Powers of Europe, and has received, as the French Government say, favourable answers from several of those Powers, so, on the other hand, Switzerland has applied to the Powers of Europe with a view to maintain her neutrality intact, and with a view to her future independence. Now, this is a question which does not require merely an answer on our part to the despatch of M. Thouvenel, but, in the opinion of Her Majesty's Government, it does require that we should endeavour to ascertain what was the opinion at Vienna, what was the opinion at Berlin, and what may be the opinion at St. Petersburg upon this subject. We have ascertained, so far, that without having arrived at any concert, without any decided course of conduct being agreed upon, the Courts of Berlin and Vienna do attach the highest importance to the neutrality of Switzerland; and we see by what has appeared in the newspapers today — of which we also received a summary in our despatches, that the Powers of Europe will be called upon to say whether the position of Switzerland be safe under the Treaty made by the Emperor of the French and the King of Sardinia. Well, I will say that I do not think this is a negotiation that could be carried on by this House as a body. I do not think that the Members of this House, voting by a majority, could undertake to make the communications that must be made to Berlin, that must be made to Vienna, and see whether, with Vienna and Berlin together, we may not obtain some co-operation with the Court of Russia. The right hon. Gentleman despises our ability; he thinks we are objects of contempt to the Emperor of the French; and so far as we are concerned the right hon. Gentleman thinks there should be a vote of want of confidence. But this House has not taken from us its confidence, and till such vote takes place we shall think ourselves entitled to carry on this negotiation and place before the House, when concluded, its results. For these reasons, Sir, with a view of giving more information to the House than I can do at present, I have meanwhile withheld the answer to M. Thouvenel's despatch. I do not follow the right hon. Gentleman in his depreciation of the character of the Emperor of the French; but it is obvious that the course he has pursued, as I expected, and as I said from the first, frankly and fairly to the French Government, has already produced a great deal of distrust. I believe myself that if when the war was begun last year the Emperor of the French and the King of Sardinia had said openly to the world, "The King of Sardinia has to sustain a great war against the empire of Austria; he cannot sustain it alone; the Emperor of the French has determined to help him, but the Emperor of the French expects, and has stipulated by treaty with the King of Sardinia, that if the territories of that King are very much increased in Italy that portion of the territories of the King close neighbouring on France and on the French side of the Alps shall be given to the Emperor of the French"—if that bargain, not so unlike many others which have occurred in the history of Europe, had been openly declared, I will not say what amount of indignation would have been entertained in regard to it; but I must say, looking to the circumstances under which the question has been brought forward, and with which it has been attended, especially after the declaration of the Sardinian Government that they would neither sell, exchange, nor surrender this territory, the course that has been pursued has produced great distrust in this country, and I believe it will produce great distrust all over Europe. Sir, I very much doubt whether strong Resolutions, or even strong language, on the part of this House would have produced any great effect upon the ultimate issue of this affair. We have been told that the passionate language held in this House made it necessary for the French nation to insist on their Government doing what has been done. That is rather a pretext than a true representation. It is evident that it is a plausible pretext to say, "We would have negotiated or conceded this point, but the insulting language used is such that our honour is at stake and we can no longer give way." I say that is a plausible pretext; but, be this as it may, there has been declared from the beginning of these discussions, immediately after the first debate that took place in the House of Lords—and the declaration was carried by *The Times* newspaper all over Europe—that, although strong language might be used on the subject, there was no intention of going to war on account of it. The right hon. Gentleman the Member for Stroud (Mr. Horsman) said in one of his speeches that we might be quite sure no man in this House wished to go to war for Savoy; now, if there had been entire liberty to Her Majesty's Government to negotiate on this subject — although certainly they would not have threatened war — although they would still less have pledged the Government and the country to go to war, still it is a different thing, not saying anything on the subject, and declaring from the commencement of the negotiations that whatever may be the issue we will not go to war. Sir, my opinion as I declared it in July and January I have no objection now to repeat—that such an act as the annexation of Savoy is one that will lead a nation so warlike as the French to call upon its Government from time to time to commit other acts of aggression; and, therefore, I do feel that, however we may wish to live on the most friendly terms with the French Government, and certainly I do wish to live on the most friendly terms with that Government — we ought not to keep ourselves apart from the other nations of Europe, but that, when future questions may arise—as future questions may arise—we should be ready to act with others and to declare, always in the most moderate and friendly terms, but still firmly, that the settlement of Europe, the peace of Europe is a matter dear to this country, and that settlement and that peace cannot be assured if it is liable to perpetual interruption—to constant fears, to doubts and rumours with respect to the annexation of this one country, or the union and junction of that other; but that the Powers of Europe, if they wish to maintain that peace, must respect each other's rights, must respect each other's limits, and, above all, restore and not disturb that commercial confidence which is the result of peace, which tends to peace, and which ultimately forms the happiness of nations.

LORD JOHN MANNERS: The ready cheer which rang through the whole House when the noble Lord commenced the concluding portion of his speech, must have been very gratifying to the right hon. Gentleman as furnishing a complete justification for having initiated this discussion. I cannot say, for one, with what pleasure I heard that statement of the noble Lord. I hail it as an augury of a return on the part of Her Majesty's Government to those alliances and that friendly co-operation with the other Powers of Europe which, in my opinion, ought never for one moment to have been disturbed. Sir, I feel that the announcement of the noble Lord is of such paramount importance, and is a cause of such sincere congratulation to all lovers of their country, that I am quite content to overlook nearly every thing that might raise a controversy, in what fell from the noble Lord in the previous portion of his speech. But the noble Lord having appealed to me to confirm his statement as to the tenor of two answers he gave to questions I put to him, he must permit me to say that, speaking from memory, my recollection does not tally with his. I certainly was under the impression, from his first reply, that he wished us to understand that having studied the despatch from Paris, and having further had the opportunity of holding a conversation that morning with the French Ambassador, he was of opinion that it was still the intention of the Emperor of the French to consult the great Powers of Europe previously to the annexation of Savoy and Nice. I understood the noble Lord, on a subsequent occasion, to give a similar answer; and I understood the noble Lord at the head of the Government to give, on a still later occasion, a distinct assurance of a similar character. The noble Lord will therefore forgive me if I cannot corroborate his statement of the effect of those replies. But having heard the statement which the noble Lord has now made, having heard from him that the independence and neutrality of Switzerland are occuping the most serious attention of Her Majesty's Government, in conjunction with the other great Powers of Europe, and having heard the gratifying announcement that Her Majesty's Government is honestly endeavouring to re-establish friendly and cordial relations with those Powers I am not disposed to press this matter further than to say, as the noble Lord has taunted the right hon. Gentleman the Member for Stroud with imagining that the House of Commons had already withdrawn its confidence from Her Majesty's Government, that I did not understand the right hon. Gentleman to make any such assertion, nor, indeed, to imply anything of that nature. I understood the right hon. Gentleman to say that Her Majesty's Government, by their own admission, and by the acknowledged course of events, stood in this position, that they had failed, either from want of information or of a right appreciation of the information they had received, to understand the true bearings of this important case; and, therefore, the right hon. Gentleman claimed for the House of Commons for the future perfect freedom of discussion, and the right to exercise the greatest vigilance over both the language and the action of Her Majesty's Government respecting foreign affairs. I did not understand the right hon. Gentleman to go further, and I think that previously to the concluding statement of the noble Lord there could be very few Gentlemen on either side of the House who did not think that the right hon. Gentleman was perfectly justified in the language he made use of, and who did not feel the necessity of that vigilance which he recommended to the House of Commons. For the reasons I have given it is not my wish to enter into the controversy that has been raised; but having from the first taken the deepest interest in this question, I cannot sit down without tendering my thanks to the hon. and learned Member for Bridgwater (Mr. Kinglake), to the hon. Member for Tamworth (Sir Robert Peel), and to the right hon. Gentleman the Member for Stroud (Mr. Horsman), for the patience, perseverance, ability, and thoroughly English spirit they have manifested in bringing this subject before the consideration of the House. The noble Lord (Lord John Russell) also has touched a chord that will vibrate from one end of England to the other, and I trust if it ever be our duty to discuss these great questions again we shall discuss them in the spirit of those concluding observations of the noble Lord, and that hereafter the country will feel that its foreign policy is safe in the hands of those ministers to whom for the time being it has been entrusted.

Mr. BRIGHT: Sir, I am unable to say exactly how many times this subject has been before the House during the last month, but I am sure it has been more times than was convenient for the House, or for the despatch of public business. I may not be able to quote accurately or to remember all the speeches that I have heard made, nor to recollect all I have read of those which I have not heard on this subject; but I have come to this conclusion, that those hon. Gentlemen who have been so anxious to introduce this question to the House have entirely avoided that which appears to me the most important point, namely, what clear and direct interest this House and this country have in the matter under discussion. I contend that we are here for the interests of England. I repudiate altogether the views of the hon. Baronet the Member for Tamworth, whose interest is clearly of the warmest with regard to Switzerland. I repudiate the course taken by the hon. and learned Member for Bridgwater, who has taken Sardinia under his particular care. [Mr. KINGLAKE: No, no!] Now that Sardinia is proved to be the only Power that is not trustworthy in this matter the hon. Gentleman probably wishes to discourage discussion. I repudiate the course taken by the right hon. Gentleman below me (Mr. Horsman), who appears to find every question a suitable one for attacking the Members of the Government; I am here as the representative of a great English constituency, who have no kind of business with this question except in so far as it affects the honour and interest of England. I can conceive men, being great Englishmen—and I am astonished that it has not struck some of these ingenious Gentlemen in their researches on this question—viewing very favourably the transfer of Savoy to France, and I will give one reason why I think England should rather be glad at it. Sardinia agrees to the transfer as a compensation to France. Has it not been matter of talk among Englishmen and in all the clubs during the last year that by the success of France in the Italian war Sardinia has been placed in the power of France, and that in consequence France has been aggrandized by the acquisition of Sardinia in an almost perpetual alliance? But if Sardinia be able by the cession of what may be called politically a worthless province ["Oh, oh!"]—understand me, I say, "worthless" politically only—if Sardinia has compensated France by the cession of that territory, and has, therefore, disengaged herself from any feeling of what I may say created that supremacy of France in consequence of what France had done for her in the Italian war, then I say, on your own principles and the policy of the noble Lord, that England should be glad that the score had been settled in this manner rather than that for the future Sardinia should consider herself greatly indebted to France, and bound up in a perpetual political alliance with that country. France is now acknowledged even by the right hon. Gentleman near me (Mr. Horsman) to have acted in the transaction with perfect good faith. ["Oh, oh!"] I thought I was stating that which was admitted on both sides of the House the last time this matter was discussed. I heard it said by the right hon. Gentleman (Mr. Disraeli), though I see that Gentlemen opposite have no faith in his statements; but that he did say so I call the right hon. Gentleman himself to witness. This House, the English people, and the English press have for the last nine months been exciting the English Government to take that precise course which rendered the cession of Savoy inevitable, and I take it for granted therefore we are not in a position to complain of what has taken place. Then who is it that is to be alarmed at the issue things have taken? For that, after all, is the principal point to be determined. The noble Lord has told us in a manner perfectly charming, when we recollect the somewhat hot despatches he has written, and the hotter despatches Gentlemen in this House have desired him to write, that he has communicated with all the Powers who were parties to the treaty of Vienna. It is a delightful thing when all the Powers of Europe slumber at their posts that the hon. and learned Member for Bridgwater should be wide awake. ["Hear, hear!"] No doubt, hon. Gentlemen opposite fully appreciate the course he has taken. But the noble Lord tells us that Austria in reply says—what? Why, that nobody cares about the treaty of Vienna, that when her provinces were wrested from her they were not taken by treaty, but by force of arms, and that Europe looked quietly on, while the English Ministers almost applauded, and the English people welcomed with enthusiasm every intelligence that was received of the destruction of an Austrian army in Italy. ["Hear, hear!"] Then, not only is Lombardy taken from Austria, but those pet duchies over which Austria has exerted so much influence are also gone, and that patrimony which is held by Austria to be sacred—the patrimony of the Pope—is in part wrested from the Papal Government; and all this is transferred bodily to Sardinia, which has tripled in extent since this time last year. All this has been done with the sanction of the English Government and the English people. [Mr. BOWYER: No!] Do hon. Gentlemen opposite, or does the hon. and learned Member for Bridgwater, think that the Austrian Government would join in a quarrel about Savoy when they had not a word to say when Austria was dismembered? Then you go to Russia, and you ask her to join you. Russia replies, "As there is no question involved affecting the principles on which government rests, it does not concern us." And then, if you look back seven years, is there any man such an idiot as to suppose that the Russian Government would step out of its tranquil path to join you upon a miserable question like this, remembering the course you took with regard to Russia seven years ago? Then, I suppose, the noble Lord appealed to Prussia, and the Court of Prussia is particularly allied to the Court of England, and is, for many reasons besides, rather disposed to side with England. Well, what in reality is the answer of the Court of Prussia? I am not sure that the noble Lord has stated exactly that answer to-night, but the general impression is that, as the French Government do not insist upon what are called the natural boundaries of empires, Prussia has no interest in this question, and does not desire to take any steps with us. Then it comes to this, that no one has any interest in this matter but England; and yet every one will admit that whatever interest England has is necessarily smaller than the interest of the other Powers of Europe, for it is sheer folly and childishness to say that we who live in this island have a greater interest in this small question of boundary than the great nations which inhabit the continent of Europe, and which are nearer to that point where the boundary touches. But I ask, who in England is so far interested in this matter? I have looked in vain to the English press to find any considerable alarm on this question. There is, of course, some following of the rumours spread in this House, and there is one newspaper in London which is celebrated—I should rather say notorious—for a mixture of piety and ruffianism which has never before been equalled in the press. Day after day that newspaper endeavours to stir up the passions of this country by vituperating everything connected with the French people and the French Government. I do not hesitate to express here the suspicion that has filled my mind. Let the House and the people of England remember that there is in France at this moment, as there was here 150 years ago, the great question of dynasty. Remember that the partisans of a dynasty deposed are restless and unscrupulous, and I am not certain at all that there are not means taken by those who have no friendship for England, and who never had any when they were connected with the Government of France—I am not certain that means are not taken which do not come to the light of day for influencing the press and public opinion in general throughout England against the existing Government of France—not for any object good to England or to Europe, but for objects good only to a family or faction—who, when in power, were not able to maintain themselves there, and who have no claim on the strength or influence of this country to replace them in the position they have lost. I cannot, I say,—I do not believe that the House is alarmed about the matter. Europe has given the question up, and it seems that England has also given it up. The House of Commons is willing to give it up, and now the only persons who are in a state of trepidation are the hon. and learned Member for Bridgwater (Mr. Kinglake), the right hon. Member for Stroud (Mr. Horsman), and one or two others. [*Cries of* "No."] Well, that is my opinion. The right hon. Gentleman the Member for Stroud made use of one expression to-night which I think it is a pity he did not explain further. The right hon. Gentleman defended the freedom of speech, which I am not about to contest. The House allows me to use that freedom of speech here, and I do not complain that any one else uses it. The right hon. Gentleman said that when he saw diplomacy exhausted he wished to give power to Parliament to do what diplomacy had failed to do. What do Parliaments and Governments do when diplomacy fails? They either retire and succumb, and say that their reasons have been misunderstood, or they go forward to another mode of compulsion, different from that of diplomacy. Did the right hon. Gentleman mean that? No; for he told us on another occasion. that he did not wish to have a war with France. But, though the right hon. Gentleman does not wish to go to war with

France, he is quite determined to have a war with the hon. Gentlemen sitting on the Treasury Bench. I have not the least objection to the right hon. Gentleman making war on the Treasury Bench. But, if he will allow me to give him a piece of advice—and the right hon. Gentleman has given us a good deal of advice on this and on other occasions—I would suggest that if he wants to make war upon the Treasury bench he should not begin those assaults when the Treasury bench is in the right. I have been opposed to Governments, and I have done something, I hope, to make their position unpleasant. But I always went upon this plan. All Governments, even the Government of the Earl of Derby, have sometimes done things that are right, and then I was very willing to support them. On the other hand, every Government, even the Government of the noble Viscount, makes mistakes. Now I attack the Government on its mistakes. The right hon. Gentleman not only makes war on the Government, but he attacks the party on this side of the House, with whom for twenty years he has been supposed to be acting. He makes war on all the past of his own life; and for a Gentleman of his power of debating, his power of comprehending public questions, and of being useful to the House of Commons and the country, I say that it is a lamentable thing, and that the right hon. Gentleman has made a mistake. Now, with regard to the main question at issue, I am against the House putting itself in the humiliating position which it is invited to take up, and barking where it does not intend to bite, and making itself not the guardian of the affairs of Europe, for that would be foolish and impossible, but making itself the common scold of all Europe. There is nothing more humiliating, nothing more hopeless, than placing yourselves in such a position, and I am not sure that these debates, among their other pernicious effects, have not rather affected the judgment of the noble Lord the Secretary of State for Foreign Affairs. I was not able quite to understand the observations with which the noble Lord closed his speech; but the noble Lord opposite (Lord J. Manners) always glad to ally himself with that from which civilization day by day is departing—namely, privilege and despotism, rose to compliment the noble Lord the Secretary for Foreign Affairs, and say—what he never said before—how grateful he was for the opinions the noble Lord had expressed, and the course the Government were about to take. Now, the House knows that upon this question of the French alliance I have more than once expressed the opinion that a close personal alliance between the Sovereign of this country and the Sovereign of any European country is not, in my opinion, advantageous for England or indeed for Europe. I think the noble Lord at the head of Foreign Affairs means to take a course which we must all hold, if impartially taken, to be wise and good—namely, that the policy of England ought not to be such as to estrange this country in future from any of the Governments of Europe; that we should not side with France on the one hand, or Austria on the other, in such a manner as to make one the embittered enemy of England, but that we should take an impartial course among the Governments of Europe, and only give our opinion on questions not immediately affecting us when our opinions are asked upon them. If this were the proper occasion I should take the noble Lord to task for the course he has taken in regard to Naples. I believe nothing more firmly and unchangeably than this—that the past policy of the English Government with regard to various matters connected with the continent of Europe has been a policy not tending to her honour, not good for her people, disastrous to her finances, and, I am sure, most needlessly meddling, and of no advantage whatever to Europe. I am not now asking for a policy of entire and absolute isolation, but I believe that even a policy of isolation would be better than a policy of incessant meddling. I hope the noble Lord will take that course to which I have referred. Move with France where you have to move with her, clearly, firmly, honourably, and in a manner that cannot be mistaken. The noble Lord will truckle to no Power in Europe, I am sure; but let him so conduct the foreign policy of this country that all the nations of Europe shall say, what, I believe, they have not, heretofore, said, that England is a Power regarding her own great interests mainly, not interfering in Europe when it can be avoided, and, when interfering, doing so, not for the sake of degrading one Power and exalting another, but in favour of those great principles of justice and moderation which are necessary in the transactions of the great Powers if the peace of Europe is to be preserved.

LORD CLAUD HAMILTON said, he

confessed when the hon. Gentleman first rose to address the House, he thought he was about to deprecate the tone which the present discussion had taken. He supposed that he was going to follow up his former declaration of "Perish Savoy!" with the further declaration of "Perish Switzerland!" Having listened to him, however, for some time, he (Lord Claud Hamilton) must own he did not think the hon. Member himself or any one who heard him could tell what was the precise object the hon. Gentleman had in view. It was true he repudiated the opinion that the hon. Member for Bridgwater was one who represented in his speeches upon this matter the people of England. Certainly the hon. Member himself (Mr. Bright) in no degree expressed the opinion of the English people on this question. The French proverb was, "*Ce n'est que le premier pas qui coute;*" and the danger was that if we acquiesced in silence in things of which we disapproved, we should, by such a course, be giving direct and palpable encouragement to further progress in the same direction. For this reason he conceived that the hon. Member was not in the slightest degree justified in saying that this was not a matter which affected the honour of England; and, on the contrary, he thought that England would be most deficient in her duty if she did not express her strong disapprobation of what was taking place. When the hon. Member contended that this annexation was one of no political importance, was he deaf to the representations of the Swiss Government! Did the hon. Gentleman, the professed admirer of liberty, wish to see that glorious Republic, long the asylum of freedom, which had baffled the schemes of tyrants, sacrificed to the ambition of the great military Power on her frontier? Was it the business of the hon. Member for Birmingham to express an opinion like that which he had uttered, and then to say that such was the opinion of the general public? He (Lord Claud Hamilton) utterly denied this assumption, and ventured to state that the hon. Member would never be able to carry the British public with him in reference to this flagrant violation of the public law of Europe. As to the assertion that Europe looked on with indifference at what was happening, it was much to be regretted that those to whom the honour of England was confided had neglected sooner to raise their voice. If Her Majesty's Government had acted with greater promptitude we might have escaped the grave complications and serious entanglements in which we are now involved. Nothing could have been more distinct than the promise that the great Powers should be consulted on the annexation. That assurance, however, gradually frittered down into the proposal—first, that the population should be consulted; next, that the feeling of the municipalities, not of the population, should be taken; and lastly, they found a treaty signed in which the annexation was to come first, and the reference to the great Powers, to the municipalities, and to the population to come afterwards. If we remained mute while such a mockery was perpetrated in the face of Europe, we must for ever hold our peace when future aggressions were meditated. Our silence would make us *participes criminis* in such a policy, and would be thrown in our teeth in the most embarrassing manner when its present success tempted the same great Power to make further advances. All the efforts of France to seduce the population of Chablais and Faucigny into anything like an expression of opinion in the least degree favourable to her had failed. He did not wish to go into this matter, but he must say that, in his opinion, the hon. and learned Member for Bridgwater more truly represented the people of England upon this subject than did the hon. Member for Birmingham. The noble Lord the Secretary of State for Foreign Affairs in the course of his speech alluded to the difficulty of England in taking an active part in the question; and he stated, too truly, alas! that there was no sympathy for England on the part of other Powers, as shown in the expression of their opinions. But ought the feeling thus manifested to cause astonishment or surprise, for had not the policy of the noble Lord at the head of the Government been of a character that had irritated and alienated all the old Allies of England? That noble Lord might be perfectly justified in his policy, but still it was the fact that since 1830, when he entered the Foreign Office, he had been constantly charged by Foreign Governments with a policy of irritation towards them, and we were now reaping the natural fruit of this foreign policy. The noble Lord the Foreign Secretary now happily saw the necessity, in consequence of recent events, for drawing closer the ties of alliance and friendship with other States. But if he would succeed in his object, he ought carefully and dispassionately to study the causes which had alienated the sympathies of those States with a view of avoiding in future the policy that had created such general distrust. It was a remarkable circumstance, and one pregnant with the most serious reflections, that the noble Lord should have now discovered—only three weeks after the House had so loudly cheered the conclusion of the treaty which was to bring us into such intimate and cordial relations with France—that it is not well for this country to keep herself apart from the rest of Europe, and that this announcement should have been received in a crowded House with cheers no less general or enthusiastic than those which so recently greeted the Address congratulating Her Majesty on the signature of the Treaty.

Mr. KINGLAKE: I can assure the House, Sir, that I had not the slightest intention of addressing it upon the present occasion, nor should I have been induced to do so but for the observations which the hon. Member for Birmingham thought proper to make upon my conduct with regard to these transactions. Sir, the speech of the hon. Gentleman was truly characteristic of the man. I say it was truly characteristic of the man because it displayed in every sentence that firm reliance upon the infallibility of his own opinions, and that total ignorance of the views of others which so peculiarly mark the character of the hon. Gentleman. He began by imputing to me that I discussed this subject in the character of a person interested on behalf of Sardinia. Why, Sir, if he had only done me the favour to lend to the statements which I have made to the House even the most languid attention, he would have known that I was the man who informed the House of the existence of that *pacte de famille* which I disclosed to the House for the purpose of inviting its opinion, not only upon the Emperor of the French, but also upon the King of Sardinia, who was a party to that *pacte.* The hon. Gentleman also said that it is a defect in the arguments of those who have interested themselves in this matter that they have never shown how England has any kind of interest in the question. Again, I must say that if the hon. Gentleman feels capable of making such a statement as that, it can only be because he never did myself or my hon. Friends the favour to give us the least attention, for we have argued—ineffectually perhaps, but certainly, most patiently and laboriously—to show that the regard due to the faith of treaties, that military considerations, and many other reasons, do make it of the deepest importance that England should prevent this unsettlement of Europe; and among other instances of that singular audacity which characterizes the hon. Gentleman, I find him coming forward to-night to give the House that which I shall venture to call a military opinion, because, speaking with that confidence which seems never to desert him, he has said that Savoy and Nice are worthless provinces. Well, Sir, when we talk of the worth of provinces of this kind for the purpose of discussions such as that in which we are now engaged, of course we allude in a great measure to military considerations. I believe that there are military Gentlemen in this House who will give strong opinions upon that subject, but when the hon. Gentleman says that a province is a worthless one, he means, I suppose, that it is worthless in a military sense, and he must forgive me if I say that upon such a question I cannot be guided by any opinion of his. [Mr. Bright: I said politically worthless.] Politically worthless! I suppose that the value of a province politically depends upon the degree of strength which it may give to the nation; and the degree of strength which it may give to the nation may be, and in this case really is, a military question. I say, therefore, that the hon. Gentleman is not justified in saying that these provinces are politically worthless, unless he has so completely informed himself upon the military question as to be able to contradict all the military men in this House, and to assert that Savoy and Nice are worthless as military acquisitions. The hon. Gentleman said that there is great danger that this House will degenerate into the position of being the common scold of Europe; and I have no doubt that he thinks that his demeanour, his gestures, his diction, are exactly those which he should assume in order to dissuade the House from sinking into such a position. Having thus dealt with the observations of the hon. Gentleman I will do no more than express the heartfelt gratification with which I have heard the statement of the noble Lord. I can assure the noble Lord that it was gratifying to me beyond expression; and I feel great satisfaction in thinking that, however imperfectly I may —in the Motion of which I gave notice—have expressed the opinion which I entertained as to the desirability of our entering into communication with the great

Powers of Europe, my view was the one which has happily been entertained by Her Majesty's Government. I have only to thank the House for the kindness with which they have listened to me, notwithstanding the great difficulty which I have experienced in addressing them.

Sir HENRY WILLOUGHBY said, he rose, not to continue the discussion with regard to Savoy, but to say a few words upon the income tax, which was more properly the question before the House. He did not mean to follow the example of the noble Lord the Secretary for Foreign Affairs when in 1842 he announced his intention of opposing the income tax on the Resolution, on the Report, and on the first, second, and third reading. He should, on the contrary, accept the Resolution as carried, and as an expression of opinion in favour of a temporary income tax, though in a full House it was doubtful whether the decision might not have been against the proposition. In 1842 there was a promise that when the deficiency in the revenue was made up the tax should cease; and again in 1845 the noble Lord, with zeal equal to that which he had displayed on the former occasion, opposed the renewal of the income tax as not being a fit tax. The noble Lord insisted then, and he (Sir H. Willoughby) insisted now, that it was the duty of the Government to correct the inequality of the tax if they could do so. The House was aware that the income tax was extremely unequal in reference to various classes of the community, and he wanted to impress on the Government the advisability of removing two hardships which pressed on persons assessed under Schedule A. Those possessed of houses and lands paid on their gross rental, and this was clearly an act of gross injustice on all the owners of such property. In order to make the assessment fair there should be a reduction of ten or twenty per cent from the gross rental. He believed that such a provision would be consistent with common justice and with common sense. There was another question in reference to mines and the like property, when worked by the owners themselves. In such cases they were assessed on the profits, but, as he understood, were allowed no power of appeal. He wished, therefore, to know whether they would be allowed an appeal to the Commissioners? He would simply state the points, and he trusted that the Chancellor of the Exchequer would say how far he agreed with him.

Sir JOHN PAKINGTON: Before the right hon. Gentleman replies, in reference to the points which have been brought under his attention, there are one or two other points respecting the income tax on which I think it desirable that he should give to the House some further explanation than we have yet received. I agree that it appears to be the pleasure of the House of Commons to give its assent to that tax which the right hon. Gentleman the Chancellor of the Exchequer, with most extraordinary inconsistency, proposes this year to double; this being the very year in which, on account of the frauds and immorality attending the income tax, he proposed to do away with it altogether. But as the right hon. Gentleman is now going to require an income tax of 10*d.*, I think it desirable that we should be better informed than we now are as to what is to be the actual produce of this tax. The right hon. Gentleman states as clearly as possible what we are to pay, but not what he is to receive. The right hon. Gentleman will possibly explain what appeared to me to be a discrepancy in his original statement, my impression being that he put down the produce of the income tax at various amounts differing from each other considerably. He first estimated the production of the half-year at 5*d.*, now to be raised, at £2,400,000. Well, Sir, that would give a sum of £960,000 from each penny of the income tax. But a few sentences later in the speech of the right hon. Gentleman he told us that the actual amount which the income tax, the whole year's income tax produced, in 1859, was £6,140,000. I do not clearly recollect whether he meant the year ending on March 31, 1859, or whether he meant the coming year. I presume he meant the year ending March, 1859. His statement was that the actual produce of the income of 5*d.* for that year was £6,140,000. Well, Sir, that would give for each penny of income tax an amount of £1,228,000. Then as to the three quarters of the increased tax which the right hon. Gentleman proposes to collect in the ensuing financial year. The right hon. Gentleman estimated the three quarters of the tenpenny income tax at £8,472,000, which should be added to that anticipated from the fourth quarter of the existing income tax to be received at the commencement of the ensuing year, which would amount to £2,250,000. That gives an aggregate income tax for the ensuing year of

£10,722,000, which makes each penny of income tax £1,082,000. Well, Sir, the difference between the estimated receipt from the income tax in the ensuing year and the sum which the right hon. Gentleman told us it actually produced in 1859 is very considerable—it amounts, I think, to £148,000 on each penny of income tax. The result would be, then, that if the right hon. Gentleman was accurate in stating that the actual produce of the income tax at *5d.* was £6,140,000, the difference on each penny of income tax is so great that the 9*d.* proposed on a former evening by my hon. Friend (Sir H. Willoughby) instead of 10*d.*, would actually have produced a larger revenue than the revenue which the right hon. Gentleman naw estimates from the 10*d.* I have endeavoured to make my figures as clear as possible. I have no doubt there is some mode of explaining the apparent discrepancy, and I shall be very glad to hear that explanation from the right hon. Gentleman, and what is the sum he really expects to receive from each penny of the income tax as now levied. These are one or two other points upon which the right hon. Gentleman has not yet given any explanation, and I trust in the course of the evening he will do so. One is as to the mode in which he proposes to collect the three-quarters of the income tax within the year. It appears to me that there will be considerable practical difficulty in collecting three-quarters in the year instead of half, as is usually the case. I shall be glad to hear some explanation upon that, and would also suggest that some alteration should be made in the per-centage now received by the income-tax collectors. I believe at present it is a very profitable office, and when the income tax stands at double its present amount, I trust the right hon. Gentleman will make some reduction in the per-centage. These are points on which I shall be glad to hear some explanation from the right hon. Gentleman.

Mr. DEEDES said, he wished to express the great disappointment he felt at the financial statement of the right hon. Gentleman. Last year the right hon. Gentleman on a Motion hostile to his scheme being made, had stated that the tax was entirely temporary—that he looked forward to a period when the financial system of the country should be thoroughly examined and remodelled; and he held out, in the strongest terms, that the House might expect to see that done this year. It was with great regret, therefore, that he found the right hon. Gentleman now shelving that question. He, for one, was not satisfied to leave the consideration of the permanent imposition, as it appeared it would be, of the income tax to a new House of Commons, to be elected under a new constituency. It was impossible to separate the consideration of the Reform Bill from the consideration of the Budget, and believing that the Reform Bill, if carried out as it then stood would alter very materially the constituencies sending Members to that House, which had hitherto been recognized as representing different interests, he anticipated with the greatest possible alarm the future financial condition of the country being placed in the hands of new constituencies.

Mr. POLLARD-URQUHART said, the House would not be justified in drawing an inference as to the probable produce of the income tax from what it had produced in past years. Owing to irregularities in the collection, it was exceedingly difficult to estimate what would be produced in any one year. A million for each penny of tax was probably a near calculation; and if the tax yielded more than the Chancellor of the Exchequer estimated, the House ought rather to be gratified, than the reverse. He considered the Budget a great, though a bold one. It was most desirable to avoid a deficiency of revenue, as that seriously affected the public securities. He hoped to see the whole question referred to a Select Committee next year.

Mr. BLAKE said, that the income tax, as then levied, pressed with undue severity on the commercial community, and with undue lenity on the agricultural classes, and he would suggest that in any future arrangement the trading and commercial classes should receive equal consideration with the farmer. As matters stood, while the one escaped, up to a certain point, the others were assessed in the strictest manner.

Mr. LONGFIELD said, he hoped that as regarded Ireland the income tax would not be levied on a larger assessment than was strictly required for the necessities of the State, and that on three of the schedules at least—namely, A, B, and C—the tax should not be levied on the assessments of former years. If it were levied on these assessments a great injustice would be done, as the parties under these schedules would have to pay not 10*d.* in the pound, but 1*s.*, 1*s.* 4*d.*, and 1*s.* 6*d.* respectively.

THE CHANCELLOR OF THE EXCHEQUER said, he had listened to the various points mentioned in the short conversation which had just taken place. The difficulties attending the opening of the question of the inequalities of the different schedules had been made apparent in that conversation. The hon. Member for Evesham (Sir H. Willoughby) complained that the present arrangement bore unjustly on Schedule A, while the hon. Gentleman below him (Mr. Blake) opened another source of complaint, one that was much more rife, and much more serious and difficult to deal with, whenever the subject was fairly broached, its unequal pressure upon Schedule D. The truth was, that the great battle of the income tax was between Schedules A and D. The question of remissions in favour of the farmers under Schedule B was a very small one; the real question was between Schedules A and D. If the hon. Baronet made the Motion which he promised, with a view to improve the terms for Schedule A, he would find other hon. Members on his right and left up in arms for Schedules D and E; and he might be left to be dealt with by those hon. Gentlemen. No doubt this tax was full of inequalities, but he would submit to the hon. Gentleman that there would be no advantage to any particular interest in considering the question of inequality, except at a time when the House could give the subject an attention bearing some proportion to its extreme difficulty, its vast importance, and the immense financial and social dangers which he did not hesitate to say would infallibly attend any precipitate proceeding with regard to it. He was not afraid of such precipitate proceeding, if they endeavoured to keep in view the extremely critical and perilous nature of the whole question, which would, in point of fact, open something like a scramble between class and class throughout the country. The responsibility which would attach to such a proceeding, he, at all events, was not disposed to incur, while he was perfectly prepared to admit that the subject was one, to the elucidation of which any hon. Member might legitimately turn his attention. If, however, the hon. Baronet (Sir H. Willoughby) made the Motion he proposed, it would be convenient to both Houses, with regard to the progress of the public business, if he would make it either that evening, or on the Report of the Bill. In reply to the hon. and learned Gentleman who had last spoken, he had simply to state that the proposal which he had made in reference to the assessment was meant to operate in favour of the taxpayer. It had reference exclusively to Schedule B; and the object was not to increase the burden on leaseholders. The hon. Member for Evesham had also asked him if an appeal would be granted under Schedule A for the tax levied on mines. He had not had any recent application on the subject to which the hon. Gentleman had alluded in such general terms, and he felt some difficulty in understanding the precise nature of the question; but he should be happy, either in or out of the House, to hear any statements which might give an opportunity of adjusting the tax in proportion to the receipts of the owners of mining property. In speaking of the unfavourable result that might happen to Schedule A, from a general discussion of the subject, he was quite aware that the matter was a grave one. He himself had laboured in that House to show that the tax fell upon Schedule A much more heavily than was generally supposed, as all house proprietors in particular were aware, for on them it fell with a weight that was really extreme. The right hon. Baronet opposite (Sir John Pakington) had adverted to two points. The right hon. Gentleman had charged him with a breach of promise with regard to the income tax. Now, he would venture to quote a few words of what he stated in the year 1853. The right hon. Baronet appeared to think that he (the Chancellor of the Exchequer) had promised that some measures would be positively taken in 1860, irrespective of what might happen in the meantime, and irrespective of the demands of the public service. If he had made such a rash promise, it was quite evident that it would have been the act of an insane man to have attempted to have kept it. But he did not find, in the authentic records, that he was ever guilty of such an excess of folly. What he said at that period was this;—

> "I think it also would be desirable that effectual measures should be taken to mark this tax as a temporary tax. By that I do not mean mainly or chiefly that I would commit the Government to an abstract opinion as to a future year. My own opinion is decidedly against the perpetuity of the tax, as a permanent ordinary portion of our finances; but while I state the wish of the Government to propose it as a temporary tax, I do not ask you to rely on their word to bind them or ourselves, irrespective of what may occur in the interim, as to what you will do under all circum-

stances at the expiration of the term, which we propose to fix for its continuance now."

The right hon. Baronet would find that such was the general tone in which the proposal at that period was considered. The answer to those who insisted that the expectation ought be fulfilled, was to point to the fact that since that period the expenditure had increased 14 millions. How far that was a satisfactory answer, he pretended not to say; but it merely showed how foolish it would have been in the Government of the day to make such a pledge, or in the Parliament to accept it, supposing they had done so. Now, with regard to the figures quoted by the right hon. Gentleman in regard to the amount of the tax. He thought he should be able to show how all the figures quoted by him were strictly accurate. He was not aware that he had referred to the proceeds of the tax in the financial year 1858-59; but he had no doubt he might have done so; nor did it at all surprise him if he stated that the proceeds of that year were £6,140,000. But perhaps the right hon. Baronet would allow him to remind him that he was rather misled by assuming that because, in 1858, the tax was allowed to drop to *5d.*, therefore the result of the tax in 1858-59 represented the value of a fivepenny tax. It really represented the value of a sevenpenny tax for the first half-year; and a fivepenny tax for the second half; so that, assuming it to have produced £6,140,000, it was a tax of *7d.* for the first half, and *5d.* for the second. He had then stated, as was very truly said by the right hon. Baronet, that there was due to the present year, in respect of the law expiring on the 31st March, a sum of £2,400,000. He also stated that they would obtain out of the tenpenny income tax, if it should be voted by the House of Commons, for the three-quarters within the year, a sum of £8,412,000; and he likewise stated that a sum, he believed of £2,250,000, would remain to be collected after the 1st April, 1861. There was an apparent discrepancy, but the reason of it was the collection not being quite equal. It varied in the three countries. In Scotland the whole tax under schedules A, B, and D was collected within the year, and at once, in the month of January. Again, a great deal depended on the time at which the tax could be collected under schedule C. Owing to the lateness of the period at which the financial statement was made last year, the July dividends, that ought to have paid *13d.* in the pound, escaped with a tax of *5d.* It was necessary, therefore, not only to estimate the general amount of the tax as so much for every penny, but the amount in reference to the precise period when it was enacted. This disturbed the calculation, and presented an apparent discrepancy. In fact, the Government would obtain more than three-fourths of the tax within the financial year, owing to the arrangements under which it was paid in Scotland. If £2,250,000 were one-fourth of the whole tax, then £9,000,000 would be the produce of the whole year's tax, whereas he took credit for the whole year's tax on an aggregate receipt of £8,472,000 within the year, and of £250,000 beyond the year, making together, £10,722,000. These were the causes of the apparent discrepancies in the figures. With respect to the collection of three-quarters in lieu of one-half the tax within the year, there was no alteration in the law, and its collection was not by law uniform as it now stood. In some places it was paid quarterly, in others half-yearly, and in Scotland once for all over the whole year. The payments by Scotland were most favourable to the Exchequer, because there were the smallest average arrears, but the regulations that had to be made were such as were required by the present law and were not attended with inconvenience either to the collectors or the parties. Another question upon which he would not enter fully, but which was one of considerable importance, was the per centage allowed on the collection. There was only one change the Government proposed to make in the mode of collection, and that was to transfer the assessment of the railways from the head offices of the companies to Somerset House. Hitherto the location had been by accident. The chief station of the North-Western Railway was in the parish of St. Pancras, but the property the company held in that parish was comparatively small. It was, therefore, almost absurd that the collector of the St. Pancras district should obtain all the profit on the collection of the whole of the company's assessment. The Government, therefore, proposed to make it a matter of direct arrangement between the companies and the Government; and no doubt, as the per centage would be high, it would afford the collector a liberal commission. The whole subject of remuneration and poundage to collectors required revision, and ought to undergo that revision whenever the House of Commons felt itself to be in a position to vote the income tax for a term of years. When the income tax stood at *5d.* the poundage was insufficient to give adequate remuneration; on the contrary, when it was 16*d.* during the war it was much larger in proportion. It was very desirable to adopt a different and better balanced system. The reason the Government did not propose a general plan of revision of the mode of collection was because the House was only asked to vote the tax for a single year. But in the present Session he should propose a measure bearing on the important question whether the Queen's taxes should continue to be collected by the local authorities or by officers directly responsible to the Government. He should not propose any general or compulsory change in the present system, but there was such a desire on the part of local authorities to get rid of the duty of collection, and bring it under the control of the general Government, that he thought it advisable to propose a measure enabling those local authorities to transfer the duty to the Government. The manner and degree in which this plan might be acted on, would have a bearing on any change in the mode of remunerating those engaged in the collection.

Sir JOHN PAKINGTON said, he believed he might now understand that the right hon. Gentleman estimated the amount of a penny in the pound at about £1,100,000.

Mr. DISRAELI: The House may remember that I disapproved of the financial scheme of the right hon. Gentleman when he originally introduced his Budget to the House. I then thought, and I still think, that it was an improvident and an unwise one even under ordinary circumstances, but under existing circumstances, I thought that it was even dangerous. But having had an opportunity, on the Motion of the hon. Member for Essex (Mr. Du Cane), of expressing my opinion by my vote, upon the general policy of the Budget, and having had subsequently an opportunity of voting against the repeal of a particular tax proposed by the right hon. Gentleman, and the House having on both occasions conclusively approved of the policy of Her Majesty's Government and of the repeal of the particular tax, which was one of the most important proposals that I think was ever made to Parliament, I did not feel myself justified in voting against the proposition of the Government to vote for the public service a tenpenny income tax. Although I can understand the conduct of hon. Friends of mine, who took the same course in both these instances that I did, in supporting the hon. Member for Evesham (Sir H. Willoughby) in his proposal the other night, I cannot understand the remarks made by hon. Gentlemen in the position of the hon. Member for Kent (Mr. Deedes), who voted, I believe, in favour of the financial scheme of the Chancellor of the Exchequer. He voted certainly not against the repeal of the tax upon paper, and now he seems to be very much alarmed at the dangerous financial position of the country. The hon. Member for Kent is one of those, as may be proved on many occasions, who is always ready with warnings against the consequences of events which he himself always assists to accomplish. We are again discussing this subject of the income tax, that has for so many years engaged our attention, that has been the subject of such bitter controversy and the theme of such long Committees, and that has occasioned in its time even the fall of Governments. We are called upon to vote an income tax to a very great amount, with no prospect—so far as I can judge from any observation that has been made by the Chancellor of the Exchequer—with no prospect of a relief or release from what I still believe to be a most unpopular burden. The Chancellor of the Exchequer, in answer to my right hon. Friend the Member for Droitwich, has referred, and not for the first time, to a passage in his speech of 1853, to prove that he entered into no compact with the country or with Parliament for the absolute termination of the income tax in this year, when, by a most unfortunate coincidence, he stands in the position of the Minister who has to make the proposition for its continuance and its increase. No one, of course, pretends that any Minister on such a subject can enter into an absolute compact, that he is to be held to the letter of the bond, that he is to be superior to all political circumstances of the times and all the financial considerations of the moment, and that whatever may be the state of the country he is to be called on to carry on its affairs without levying an income tax. But the Chancellor of the Exchequer quoting his own speech, cannot pretend to say that the whole scope of his policy in 1853 was not that in 1860 the termination of the income tax should take place. He must feel, and he must admit that on the acceptance of that policy by the country generally he has enjoyed for seven years a great reputation. And when he tells us now that our expenditure has increased; that the cost of Her Majesty's service is now so many millions more in amount than at the time he held out these prospects, the Chancellor of the Exchequer seems to forget the calculations and the estimates he made in 1853, by which he arrived at the sanguine conclusion that probably in 1860 this income tax would cease. Then he particularly referred to the falling in, in the present year, of the terminable annuities — amounting to more than £2,000,000 per annum. The right hon. Gentleman's opinions were not founded on transient and illusory speculations, but he induced Parliament and the country to believe in them on the credit of definite calculations; well, he has not apportioned that two millions per annum for the relief of the country, by reducing the income tax, but he has opened up a new scheme of finance which, under all circumstances, would be imprudent, improvident, and unsafe, but which, under the circumstances in which the country finds itself, is, I think, replete and rife with danger. Why has not the right hon. Gentleman redeemed his promise with respect to the terminable annuities? That perplexing point has not been answered. It is one of the main causes of the public dissatisfaction, and it is a point always avoided by the Chancellor of the Exchequer in the consideration of the subject.

I cannot help contrasting the present position of affairs and the present opinions of the Chancellor of the Exchequer with what took place at the memorable end of the year 1852. I still remember the fierce denunciations of the Chancellor of the Exchequer against the Government of that day on account of their policy with respect to this particular tax, and their particular financial propositions on that occasion—propositions that to a considerable extent gained the general support and sympathy of the House. But the right hon. Gentleman called upon the House to crush the Budget of 1852 mainly on three grounds. First of all he contended that it was an immoral and dangerous proposition to apportion to the services of the year £400,000 which had not been furnished by the revenue of the year. Society, he said, was not only in danger, but would be dissolved, fall to pieces, and be destroyed if a financial principle of this character were adopted. But what do we find now? Why the Chancellor of the Exchequer actually proposing that to the service of the year should be appropriated not a sum of £400,000, but a sum of upwards of £1,500,000, which is not furnished by the revenue of the year. That was one of the chief grounds on which the Chancellor of the Exchequer assailed the Government of 1852. Then with regard to the income tax, he said that no Minister was justified in proposing its continuance without providing for its final termination. What position are we in now? Here is an income tax nearly double that of 1852, and is there any one who will pretend to say that there is any provision for its final termination? The third charge against the Ministry of 1852 was that they proposed some difference between the rate of assessment in Schedule A and Schedule B, but on this condition that all exemptions should be put an end to, and the assessment to be as low as on incomes of £50 a year. I was, therefore, much surprised to hear the right hon. Gentleman admit that, when this important financial law should be taken into consideration next year, he would be willing to consider the policy of increasing the whole scheme of exemptions and of reducing the rate of assessment on the different classes. [The CHANCELLOR of the EXCHEQUER dissented.] If you did not say that you must have said something like it, although I admit I was not in the House at the time. But if it be the policy of the right hon. Gentleman to tax the rich and poor on different principles, anything that we proposed in 1852, in point of danger compared with such a principle, shrinks into an insignificance I can scarcely describe. The hon. Member for Kent, who has made a speech to-night that would justify the most uncompromising opposition to the financial propositions of the Government, has called our attention to the very perilous position in which this country is now placed with respect to its finances for the coming year and the possible occurrence of important political events. No one doubts that it is a serious complication—a very grave conjuncture, and I am only surprised that with such opinions the hon. Member for Kent is so ready to give his support to the Government, though I am not surprised that the coming danger has created in the hon. Gentleman such a degree of spirited opposition that while denouncing the policy of the Government he begged, in humble terms, permission of the Chancellor of the

Exchequer to make his observations, and trusted they would be received without offence. It is true that the Chancellor of the Exchequer has embarked in as important an enterprise as any Chancellor of the Exchequer can undertake. He is about to substitute, and I am afraid he has succeeded in substituting, direct taxation for indirect taxation to a very large amount. He has laid down principles which if followed out will lead to consequences still weightier, and at the same time he boasts that he is a member of a Ministry that next year will have to meet a deficit varying from £12,000,000 to £15,000,000, and that the principles on which that deficit is to be supplied are to be settled (to use the right hon. Gentleman's own language) by the representatives of the masses who would then possess the franchise.

The CHANCELLOR of the EXCHEQUER: That was not my language.

Mr. DISRAELI: Does the right hon. Gentleman contradict me with respect to the term "masses."

The CHANCELLOR of the EXCHEQUER: I contradict you entirely as to the phrase.

Mr. DISRAELI: It is rather inconvenient to have this running commentary from the Chancellor of the Exchequer, which the right hon. Gentleman seldom spares; but what he said was that the masses were about to possess the franchise, and he should be ashamed of himself if he sanctioned any arrangement calculated to deprive them of the opportunity of settling the new principles on which the taxation of the country was to be settled. That is a very serious state of affairs when you are promised a financial system which is mainly to depend on the payment of direct taxation, and at the same time are informed by the same minister that the new constituent bodies about to be created are not to be payers of direct taxation. A position more dangerous to the country than this cannot be contemplated. We have had a discussion as to whether the Emperor of the French was influenced in his policy by what was said in this House, and whether he might not be offended or irritated by it, and I am not surprised that the right hon. Member for Stroud made the observations that he did, for they were the necessary consequences of the observations of the Chancellor of the Exchequer the other night, in which he intimated to the House the probable course the French monarch had taken in consequence of the sharp comments made on his conduct in this House. For my own part I do not think that the Emperor of the French has any cause to complain of the House of Commons. It appears to me that the House of Commons are probably doing his work as expeditiously and as completely as any Ministers of his own can do it. A system of direct taxation in England, and that taxation not to be put upon the great majority of the constituent body, appears to me to be a policy which, if anything can break down the free spirit of this country, and all the salutary influences of ancient property and prescriptive right, which have so often exercised a beneficial power in guarding and vindicating our liberties, the Emperor of the French has that prospect fairly before him, and I cannot believe that with such a policy pursued by Her Majesty's Ministers, and supported by the House of Commons, the Emperor of the French can feel any irritation with anything that is expressed in this House. On the contrary, I believe that he watches our career with complete and interested satisfaction; and when we look at the financial system proposed to be established on these new principles, and at the political system existing in such perfect unison with it, when you find that the revenue is to be raised by the representatives of bodies who do not contribute to taxation, I say that Necker himself, in all his glory, never accomplished a consummation so promising to the endurance of a monarchy or so conducive to the prosperity of a kingdom!

Mr. LAING said, that all the visionary pictures which had been for some time in circulation had been brought to a climax by the right hon. Gentleman who had just sat down. They had been told that they were throwing away all that indirect taxation which formed the mainstay of our revenue, and substituting direct taxation to the extent of confiscation of the rich as against the poor. But in speaking on matters of finance there was only one sort of figures allowable, and those were figures of arithmetic. They were told that they were throwing away an immense amount of indirect taxation in their Budget, but the fact was, that the amount of indirect taxation levied during the next year would be greater than ever had been levied in any financial year in the history of the country. Let them for example go back to the year 1856-57, when taxation was at its maximum, and the Russian war at its height. In that year the amount raised from the Excise and Customs was £41,486,000, and in the same year the income tax was £16,089,000. Now, in the Budget as prepared this year the amount of indirect taxation would be £42,970,000, being a million and a half more than in the great year of the Russian war, whilst the amount of direct taxation, which had been described as something so extraordinary, would be £10,900,000 against £16,000,000. That was to say, there would be, in round numbers, an increase of a million and a half on the amount raised from indirect taxation, and a decrease on the income tax imposed of five millions and a half. The great object of these alterations in the tariff was to increase the fruitfulness of indirect taxation, experience having shown the beneficial effects resulting, in a financial point of view, from the steps taken to relieve industry and to simplify commercial transactions. In 1842, when the new system was entered on, the amount derived from the Customs and Excise duties was less than £36,000,000. Since then indirect taxes to the extent of £12,000,000 had been remitted, and the result was that the revenue from indirect taxation now stood higher by £8,000,000 than when the process had commenced. The course which the Government were now proposing was in accordance with the principle which had been acted on for the last twenty years; and they recommended it with the full conviction that the indirect taxes, which were now more productive than at any former period, would, in the course of the next five years, in like manner, yield an increased revenue greater than could be procured by any mere increase of the taxes themselves. When the provisions of the Budget had passed into law the system of taxation would be simple, and, with regard to all classes of the community, as equitable as it was possible to devise. The raw materials of industry and the primary articles of food would all go untaxed, and the sum of 42 millions would be levied by indirect taxes, mainly upon what he might call nervous stimulants — articles such as spirits, tobacco, and beer, which were luxuries, and not absolutely necessaries of life. The Chancellor of the Exchequer, in referring to the Reform Bill, had merely done so with a view of pointing out that when large classes of the community were about to be newly admitted to the franchise it was of the utmost importance to show them that the system of financial legislation hitherto had not been partial or one-sided — had not favoured the rich at the expense of the poor, but that it had been applied, with due allowance for the difficulties which must necessarily be experienced in all schemes of taxation, in as equitable and humane a spirit as it was possible to conceive. In the course of a large personal experience among working men during strikes and at periods of great excitement he had always found one argument that exercised a most powerful effect upon their minds; and this was, when he contrasted the statements made by demagogues, about the oppressive disposition of the aristocracy, with the fact that these very classes had submitted to the income tax in order that the repeal of the corn laws might be effected, and the poor man relieved from indirect taxation of a very injurious nature.

Mr. MALINS said, he still retained the strong feeling of dislike to the income tax which he had avowed in 1853. At that time no one could have expressed more emphatic condemnation of the tax than the right hon. Gentleman the Chancellor of the Exchequer, and nothing could have appeared more unlikely—after the repetition of similar arguments in 1855 and 1857—than that the right hon. Gentleman in 1860, with scarcely a word of apology, should first require payment of 1*s.* 1*d.*, instead of 9*d.*, for the half year which had just elapsed, and should then, in the very year of expected release, impose an increased taxation equivalent to 57 per cent. More than that, they were told that the country could not expect to get rid of any portion of the tax at the end of the year; although in 1853 a solemn pledge had been given that the terminable annuities should be devoted to the reduction of the income tax. Such a breach of faith was eminently calculated to destroy that confidence in the professions of public men, which it was of the utmost importance to maintain. The hon. Gentleman (Mr. Laing) had stated that the ratio of direct to indirect taxation had not increased, in proof of which he had instanced the incidence of taxation during the Russian war. But that was an exceptional period when the upper and middle classes, for the purpose of carrying on that contest, had cheerfully consented to bear the burden of a sixteenpenny income tax; but those circumstances were wholly changed. The right hon. Gentleman need not suppose that this was now a popular tax. Popular it perhaps might be with the great manufacturers who expected through its means a vast increase in their trade—an expectation which he believed would not be realized; but to persons of small incomes, who formed the great bulk of those on whom direct taxation pressed, the impost was hateful and intolerable. Under Shedule D, 260,000 persons were assessed, of whom 200,000 had incomes of less than £300 a year. "What do we care about the reduction of the wine and the abolition of the paper duties? was the complaint which these persons raised, and justly so, for among them the income tax produced the greatest inconvenience and suffering. Even as regarded the working classes, it was doubtful whether the right hon. Gentleman was proceeding on a sound principle of finance when he violated the pledge entered into for the reduction of the war taxes on tea and sugar in order that he might take off taxes on articles which the working classes did not consume. He was no enemy to the principle of free trade when that principle was properly applied, but he must deny that it was properly applied by Her Majesty's Government. The abolition of the paper duty was a mere delusion. It was a tax which nobody felt, and which presented but few impediments to trade, all the alleged difficulties of collection having been cleared away by the evidence; and what was the result? The French Emperor had agreed to remove the prohibition on the export of rags, and instead of a prohibitory duty had laid on a duty of 100 per cent. [The CHANCELLOR of the EXCHEQUER: Has he?"] It was so announced. [The CHANCELLOR of the EXCHEQUER indicated that he was unaware of any such imposition.] At all events, it was to be a very heavy duty. Russia, too, was about to prohibit the export of rags; all Europe would no doubt combine, seeing that there would be a greater demand for this material in England; and the consequence would be a sacrifice of £1,200,000 of revenue, and paper dearer than before, in the same way as leather had risen in price since the duty on that article had been removed. When the right hon. Gentleman stood so positively pledged to take off the income tax it would have been better that he should have ceased to be a Minister rather than not fulfil his pledge. As it was, it was to be hoped that if he lived to be a Minister in the reformed Parliament, when the middle classes might be no longer in a position to protect themselves, he would then act as their protector, and would preserve something like a just proportion between direct and indirect taxation.

MR. PIGOTT said, he was anxious to get some intimation from the right hon. Gentleman respecting a future re-adjustment of the tax, which, while it pressed but lightly on the wealthy men of Manchester, was heavily felt by the members of small trading communities. In towns such as that one which he had the honour to represent (Reading) the amount of the tax was a matter of very great importance.

MR. BARROW observed, that he thought no time should be lost in bringing forward the question of the re-adjustment of the income tax, so as to do away with the inequality with which it bore upon different classes, which was its most objectionable feature. The present mode of assessment, particularly with respect to Schedule D, the tax on trades and professions, caused much dissatisfaction, and a great deal of injustice had also been caused by the mode of assessment of mines under Schedule A. The assessment upon mines was somewhat like the assessment on professions. It was in effect an assessment on capital, but with this disadvantage, that whereas in Schedule D there was an appeal to the Board of Inland Revenue, in the case of mines the Commissioners had stated that being an assessment under Schedule A, it was entirely in the control of the local Commissioners, and that the Board of Inland Revenue could not interfere. That certainly was an injustice, and he was sure that on its being properly pointed out to the Chancellor of the Exchequer he would interfere and remedy it. He quite concurred in the opinions which had been expressed that if possible the mode of assessment should come under their consideration this year.

MR. PEASE said, that the imposition of the income tax this year was in consequence of the failure of all other resources, and, therefore, although he fully concurred in the opinion that as at present levied it was most unequal in its pressure he thought that the Chancellor of the Exchequer had no other option under the extravagance of the country but to continue it, as the only effectual means of raising the revenue. It might be said that the Chancellor of the Exchequer ought not to have taken off the paper tax, or disposed of the terminable annuities as he had done; but the House had already condemned the paper duty, and looking to the Budget as a whole, the right hon. Gentleman had made the best possible investment of the terminable annuities which had fallen in.

Mr. HANBURY said, he thought the income tax one of the best taxes which they had. He hoped they should always have an income tax. If, however, the Chancellor of the Exchequer wished to have a majority in the next Parliament to support the tax, he must be prepared to take means to ensure that it be levied more justly. He was willing to agree to the tax as proposed for this year, because he believed it to be absolutely necessary. He trusted that the operation of the Treaty with France would be such as to lead the Government of that country to substitute low instead of high rates.

Mr. NEWDEGATE said, that it was plain to him that if the House had made up its mind that the system of raising the revenue by the imposition of an income tax was to be perpetuated, it was absolutely necessary that something should be done to make the burden fall more equally than it did now on the various classes of the community. Several years ago he had sat upon a Committee before which the question of the income tax as a means of raising revenue was investigated, and notwithstanding all the arguments and all the calculations which the hon. Member for Rochdale (Mr. Cobden) and the late Mr. Hume produced in favour of a graduated property tax in lieu of an income tax, and in lieu of indirect taxation, the Committee came to the conclusion that the great difficulty which beset this form of taxation was the difficulty experienced by Mr. Pitt and Sir Robert Peel, when they considered the feasibility of establishing an income and property in just proportion, not merely to income, but to the nature of the sources whence that income is derived, namely, the difficulty of graduating it according to the relative proportion of capital and means upon which it is now levied as an income tax. He did not wish to detain the House, but they would allow him to put one case to the Chancellor of the Exchequer, and that case was the case of mines which had been alluded to, and it was one of the simplest cases which must be considered. Clearly in that case the income tax was levied on capital, because it was a tax levied upon the return which a mine produced, which was exhausting the capital of the estate; and as the tax was intended to touch income only, it was perfectly clear that when the capital of the estate was being exhausted, the charge ought to be levied on the interest of the capital only and not on the capital. Having studied this question deeply, he confessed that he had been unable to surmount the difficulties which had defeated Mr. Pitt, and Sir Robert Peel. He did not believe that they could establish a just system of graduation, or define strictly between those accumulations of income which created or returned capital and income itself. The House had launched into a system of taxation which was fraught with injustice, and he felt it his duty to point out to the Chancellor of the Exchequer the task which he had undertaken. He had undertaken a task which defeated Mr. Pitt, he had undertaken a task which defeated Sir Robert Peel, for he had undertaken the task of adjusting an income tax according to the relative proportions of income and capital. The right hon. Gentleman having undertaken that task in defiance of the opinion both of Mr. Pitt and Sir Robert Peel, he (Mr. Newdegate) hoped that the House would not be satisfied with the abandonment of other sources of revenue unless that task were adequately fulfilled. He had said that the country had been launched into a most dangerous system, and it had been launched by a *coup d'état*—it had been launched in the dark, and the right hon. Gentleman would not think him unfair if he asked for an explanation of the means by which the right hon. Gentleman intended hereafter to levy an income tax that should be just as between capital and income. He was too well acquainted with the inequalities of the income tax to concur in its perpetuation. The hon. Member for Birmingham was much more the fair and honest of the two, for he was willing to make the attempt to establish a graduated property and income. That he fail, would he (Mr. Newdegate) believed, but that was a matter of opinion. The House had no right to continue as a source of income a tax which Mr. Pitt and Sir Robert Peel considered only justifiable as a subsidy in time of war, owing to the injustice it occasioned, which they felt themselves unable to redress.

The CHANCELLOR of the EXCHEQUER—Sir, I just wish to explain, after what the hon. Gentleman said who has just sat down, that I was certainly not aware that any person was under the impression that I had undertaken to re-adjust the schedules of the income tax. That is a task far beyond my strength, and the utmost I said was, that if there was a disposition on the part of the House to institute an inquiry into the subject, it would not be my duty or that of the Government to oppose it.

Mr. JOHN LOCKE remarked, that he had always understood the right hon. Gentleman to say that he thought it almost impossible to make such an adjustment of the tax as that referred to. He thought, however, that some attempt ought to be made to lessen the pressure of the tax on those least able to bear it, such as clerks and small tradesmen. The taxation of incomes of £100 a year was carrying the tax a great deal too low, and therefore he regretted that the hon. Member for Lambeth had not proceeded with the Motion of which he had given notice on that subject.

Mr. W. WILLIAMS said, he had not yet had the opportunity.

Mr. JOHN LOCKE said, it was a question which ought to be considered, although he admitted it could not be carried out without deranging the whole financial measures. His belief was that some of the larger tradesmen did not always pay income tax to the amount they ought to do. Those who had anything to do with compensation claims for goodwill of a business knew that the returns for income tax were extremely inadequate as compared with them. He knew of a case in which a man had returned to the income tax Commissioners an income of £500, although he had made a claim for net income of £5,000. Over and over again he had known cases of £200 or £300 returned to the income tax, and as much as £1,500 claimed for compensation. On the other hand the small traders were arbitrarily assessed, and in many instances actually paid for larger profits than they made. He hoped, therefore, the Chancellor of the Exchequer, if he could not make a general equitable re-arrangement of the whole system, would at least consider the undue pressure with which the tax bore upon small incomes.

Mr. W. WILLIAMS begged to say that when the Bill went into Committee, he should take the opportunity of moving that the charge of sevenpence on incomes from £100 to £150 should be altogether abolished.

The Chancellor of the Exchequer

Mr. HUBBARD said, he had not changed his opinion of the Budget or of the Treaty which was the key to the whole scheme, and the main cause of all the difficulties by which the Government were surrounded. It was perfectly obvious that if they gave up all their means of indirect taxation, they would have no other resource than an income tax; and that tax was made more unjust and demoralizing by the manner in which it was imposed. So with respect to the minor taxes in the Budget, he was quite sure that the Chancellor of the Exchequer must feel that they would be no small infliction upon the commercial world. The hon. Secretary of the Treasury (Mr. Laing) had spoken a great deal about loosening the strings of industry and liberating trade. Phrases of that kind were exceedingly expressive, and if true they would be valuable; but in this case they were no counterpoise to the small taxes which, while they caused great annoyance to the trader, added little or nothing to the revenue of the country. With respect to the 11th Article of that Treaty, whereby we bound ourselves for a certain number of years to permit the free exportation of coals, the noble Lord the Secretary for Foreign Affairs had said it was not the policy of this country to levy an export duty upon any commodity. He would call the attention of the House to the able administration of Mr. Wilson in India, and contrast it with the administration at home. Mr. Wilson had abolished the export duty on hides, wool, and grain, and he had done rightly, for no man in his senses, seeing the competition which existed in those articles, would dream of continuing a tax on such exports from India. On the other hand, he had imposed an export duty on saltpetre, in the production of which India had had a natural monopoly; and again he had done right, for while he had acted on the just principle of removing taxes which discouraged trade, or which induced foreign competition to a dangerous extent, he had retained and imposed taxes which yielded a revenue to the exporting country at the cost of the Foreign consumer. Did the French Government, when they bound this country not to lay an export duty on coals, bind themselves not to lay an import duty on them? Not at all. On the contrary, they bound us not to impose an export duty that they might be able to lay an import duty on them. Even with the modifications which they proposed in their tariff they were about to lay a tax of 1*s.* 2*d.* a ton on coals when introduced into French ports. That duty of 1*s.* 2*d.* per ton on coals if levied here, on the 6,000,000 tons exported from this country, would have produced to the Chancellor of the Exchequer the comfortable sum of £350,000, which would have relieved him from the disagreeable duty of imposing those petty and annoying imposts he was now forced to levy on the operations of commerce. But he must apologize to the House for allowing himself to be diverted from the subject of the income tax, on which he had risen to say a few words, because it was a subject to which he had long given close and constant attention. He must say, with all due regard to his hon. Friend behind him (Mr. Newdegate), who had spoken as if it were treason to question the policy of Mr. Pitt and Sir Robert Peel, that he did not rate these examples so very high or regard them as cases from which he ought under no circumstances to deviate. He could not entertain any great regard for the financial policy of the times which witnessed the establishment of a sinking fund—one of the grossest delusions that was ever practised on a people by a finance Minister, and, therefore, he was not disposed to rate very highly the precedent set them by Mr. Pitt, or to think that because he had recourse to an income tax it was therefore a financial measure for all time. He had still less respect for the example of Sir Robert Peel, because that statesman on this subject distinctly proposed the income tax as a temporary measure in order to effect a great national purpose. And that had been the excuse of every succeeding Minister, not excepting his right hon. Friend who was now at the Exchequer. Parliament was therefore nowise bound to the income tax by a consideration of any of its antecedents. At present, however, they were in such a position with regard to the public revenue and expenditure that unless they trusted to some extent to direct taxation he did not know where the national revenue was to come from. They could not retrace their steps; they could not reimpose indirect taxation; and the inevitable result was a resort to direct taxation. For his own part, he saw no objection to the principle of the income tax, except its inquisitorial character. Its demoralizing tendency, of which so much had been said, depended on the feeling of injustice which men entertained when it was applied to them. If a man was asked for a tax which he thought himself reasonably bound to pay, he would meet the demand fairly and honestly; but if he thought it was a tax unjust in its incidence, he had a strong temptation to apply a remedy of his own to the grievance. He (Mr. Hubbard) contended, therefore, that no Minister was justified in continuing the income tax year after year without endeavouring to devise a remedy against its demoralizing tendency. It was his deliberate conviction that there would be no more difficulty in remedying the evils of the tax than there was in the arrangement of his right hon. Friend's succession tax. That tax involved far more intricate calculations and computations than would be necessary for an equitable income tax. It proceeded on the principle of taxing the capitalized value of real property on its transfer from one person to another, and that principle was equally available for the taxation of income from year to year. A tax which was levied on yearly income ought to be juster and more equitable than a tax which was levied once only in a generation. He, therefore, contended that the succession tax was a precedent, and an example to be followed in the income tax, while he believed that the income tax would not require an equal amount of deep and intricate computations. He trusted that another year would not pass before the income tax was seriously dealt with by the House, and that they would not be tempted to deviate from their resolution by the opinion that the difficulties which Mr. Pitt and Sir Robert Peel failed to grapple with were insuperable. To his mind it was incredible that in these days of scientific investigation it should be admitted that the income tax was full of inequalities, and yet that it should be declared in the same breath that it was impossible to find a remedy. He said that a remedy could be found, and that it was quite possible to make distinctions, not, indeed, between individuals of the same class, but between different classes. If they attempted that, he had no doubt they would succeed. If they did not, he believed they would fail in making the income tax a permanent source of the revenue of the country.

LORD HARRY VANE remarked, that no man could have sat, as he did, on the Income-Tax Committee, of which the late Mr. Hume was chairman, without coming to the conclusion that the difficulties in the way of a fair and equitable adjustment of the income tax to all classes were absolutely insuperable. Such at least was the unanimous opinion of the Committee. He believed, however, that the principle of graduation, if they were to graduate, was possible to a certain limited extent. Favourable as he was to a certain amount of direct taxation, he viewed, nevertheless, the present financial measures of the Government with some alarm, looking to the state of foreign affairs, to the general uncertainty with regard to political events, and to the possible tendency of the debate of that night. He confessed he was sceptical as to the possibility of any very early reduction of the naval and military expenditure, and so far was he from thinking, with speakers at public meetings at which the provisions of the Budget had been discussed, that the income tax would altogether terminate in the year, he apprehended that next year the House would be invited to continue the tax at a still higher amount than 10*d.* in the pound. It was admitted by all who had philosophically considered the subject, that if the income tax were levied for a long period of years at one rate the injustice of it would disappear. He would not be a party to holding out any prospect that they would be able to diminish the amount of the tax next year, and he hoped the Chancellor of the Exchequer did not intend to convey the impression that he contemplated making any difference between different sources of income. At the same time he trusted some means would be devised of making the burden lighter on persons of limited income.

MR. CROOK said, that a portion of his constituents entertained the profound conviction that the income tax was only rendered necessary by the enormous and unjustifiable amount of the naval and military expenditure. The tradesmen with whom he was familiar entertained the opinion that it was thrust upon them by the ambition of clergymen and professional men to see their sons dressed in red flannel and green flannel. They were the men who were fond of military display and of wars, not for freedom, but for despotism all over the world. They were the persons who sanctioned a most aggressive policy on the part of this country towards every State with which we came in contact. They had in support of the most odious of all despotism—the despotism of Mussulmans—led us into a war in Russia, not with Russia, for Russia never declared war against us; she would have scorned to make war for such a purpose. Our policy was one of annexation and aggrandisement, and we had just been fighting to the death for the annexation of fresh provinces in India, while our conduct in China had been such as to outrage every moral and national law. If our policy were a policy of peace, and for the encouragement of freedom, he believed a million would be enough for our military expenditure. He hoped next year would witness a large reduction in the expenditure of the army and navy.

SIR STAFFORD NORTHCOTE said, he rose to make one observation which had been forced on his mind on this subject, and to which he wished to draw the attention of the Chancellor of the Exchequer, because he knew his mind was directed to the subject of the income tax. If the tax was to be made perpetual and really fair, the greatest difficulty in the whole matter must be overcome—the difficulty of self-assessment, and the frauds to which it gave rise. He would suggest that the Chancellor of the Exchequer should consider whether it was possible to discontinue the assessment as a secret assessment; because he believed that publicity was the only remedy for the frauds now perpetrated, and that if they could not solve that difficulty they must give up the tax as a permanent source of revenue. He was not prepared to give an opinion on the point then, but he wished to point it out to the attention of his right hon. Friend, because, undoubtedly, if the tax were to be continued, the mode of assessment must undergo consideration.

Resolution 2.

MR. BENTINCK said, the Chancellor of the Exchequer had been charged with making a running commentary on the speeches of hon. Gentlemen on the Opposition side of the House, but he should be much obliged to him if he would do so on the remarks he was about to make. The subject to which he wished to draw his attention was one which he had on a former occasion been desirous of bringing under the notice of the House, but was prevented from so doing by the lateness of the hour. The Resolution now before them was that upon "every note, memorandum, or writing, commonly called a contract note, or by whatever name the same may be designated," &c., there should be charged a stamp duty of one penny. He wished to know whether the right hon. Gentleman intended to include in that arrangement what were called "time bargains" on the Stock Exchange, and to allow them to be ratified and legalized by the imposition of a 1*d.* stamp. [The CHANCELLOR of the EXCHEQUER signified his assent.] The first two lines of the Resolution were, "Provided the restrictions on dealings in the public funds contained in the Act of the seventh year of George II. shall be repealed." But did the House know what that Act was? It was an Act passed originally for a period of three years by way of experiment, but found to work so beneficially that it was made permanent. It was still in operation, and to carry out this Resolution the right hon. Gentleman proposed, he understood, to repeal it. [The CHANCELLOR of the EXCHEQUER: Yes, by bringing in a Bill for the purpose.] The preamble of the Act set forth that

> "Whereas great inconveniences have arisen and do arise by the wicked, pernicious, and destructive practice of stock-broking, whereby many of Her Majesty's good subjects have been and are diverted from pursuing and exercising their lawful trades and avocations, to the ruin of themselves and families, the great discouragement of industry,"

and the Act provided among other penalties upon gambling in the funds, that a fine of £500 should be imposed on any person who bought or sold stock not actually standing in his own name. It was well known that the practice of "time bargains" had long been sanctioned by custom if not by law, but he apprehended that the sanction of custom had not removed many evils connected with the practice. Now, there were many other things which society tolerated but which the Legislature could not sanction. The Government had for many years past taken stringent measures for the suppression of gambling practices of every description, and he wished to know on what possible ground the police were to be authorized to break into houses, in order to discover whether gambling was being carried on, and take any persons so employed before a magistrate to be mulcted in heavy penalties, when at the same time sanction by legislative enactment was to be conferred on a species of gambling by many degrees the most expensive and ruinous ever invented by the ingenuity of man? The name commonly given to gambling houses was one not mentioned to ears polite, but it was ten times more applicable to the Stock Exchange, which, as far as "time bargains" were concerned, was little better than a vast Pandemonium. So far from encouraging such a system by legislative sanction, every means ought to be taken to suppress it. The proposal came from the Chancellor of the Exchequer, who represented one of the first constituencies in the country for piety and virtue; but was the right hon. Gentleman carrying out the principles of piety and virtue when he sanctioned in the manner now proposed one of the most mischievous practices of gambling? For his own part he could not understand how such a proposal was consistent with public morality and the good order of the State, and therefore he gave notice that when the proper period for doing so arrived he would oppose by an Amendment the proposal of the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER said, he would in the first place answer the appeal of the hon. Gentleman the Member for Norfolk. It was true he represented one of the Universities, and he would assure the hon. Gentleman that although his constituency were undoubtedly among the most distinguished supporters of piety and virtue, yet they had not—and they numbered 3,800—sent him a single remonstrance against the proposal, which had been published to the world for a length of time, to repeal the Act of 7 Geo. II.—Sir John Barnard's Act. Whether it would have the effect which the hon. Gentleman imagined he did not know, but the principle upon which the Government had acted was this, that it was not wise to keep on the statute-book a pretended prohibition, which was constantly violated by the sanction of that branch of the community which stood in connection with those practices. There was an evident confusion of ideas in what had been stated by the hon. Gentleman. The hon. Gentleman lamented and deplored the great temptations offered to young men on the Stock Exchange, and no doubt many resorted to that place who had less discretion than means, from a desire to acquire a fortune rapidly. That no doubt was to be regretted, but the truth was that those persons continued to ruin themselves by turning to a bad purpose means that were not in themselves essentially bad. It was not in the case of time bargains only, but in every description of dealing in the funds, in mining speculations, and in joint-stock banks also, that such individuals might find the way to ruin. All these dealings involved the principle of gambling when taken to by persons who had, from their limited knowledge and means, no business with them. With regard to time bargains, the question was whether they were so bad in themselves that the Legislature ought to interfere with private discretion and to prohibit them. The first objection to legislative interference was that it was totally ineffective—that the law was a dead letter, and had been a dead letter almost from the day it was enacted. For the sake of the respect in which laws should be held by the whole community, the laws ought, practically, to have some force in them; they ought not to be passed by the Legislature as mere expressions of abstract opinion, but as instruments of Government. The question was not whether foolish persons might be tempted to ruin themselves, both in their fortunes and morally, by dabbling in these time bargains, but whether they were so essentially immoral as to make it proper to proscribe them, like the practices carried on in a gambling-house. Even the transactions in a gambling-house were not easy to define or describe, when it was sought to put down the evil by law, and as no great philosophical nicety could be attained, it was requisite to include everything which bore a resemblance to the evil in question. With regard to these time bargains, he was not prepared to say, on the face of the facts within the knowledge of everybody, that there was anything essentially in the nature of a time bargain which was vicious or immoral, so that it ought to be proscribed by law. As for the class of gentlemen who dealt in money, he did not believe there was a more respectable class of men in the commercial world than those who were immediately connected with the Stock Exchange in London; and time bargains were a part of the regular business of the class of gentlemen whose business it was to deal in money as their trade and daily occupation. These transactions could not be divided by any difference of principle from transactions in the funds. No doubt that they involved a greater degree of hazard, but that was just as the insurance of high risks involved greater hazards than low risks. At the time when Parliament attempted to proscribe these time bargains, an idea prevailed that all dealings in the stocks and funds were deserving of reprobation, and therefore stock-jobbing was called "a wicked practice," and it was so designated in the Act to which the hon. Member had referred. But who supposed now that stock-jobbing was a wicked practice? The time was also when forestalling and regrating were considered immoral; but we know that no class of men were more beneficial to the community than the forestallers and regraters, who bought up grain for a time of scarcity, and by raising the price induced economy in consumption when the time of scarcity actually came. These things were quite elementary, and he (the Chancellor of the Exchequer) was almost ashamed to dwell upon them; but if the hon. Member wished to bring matters back to the condition in which they were in the good old times of Geo. II. should direct his opposition not against time bargains only but against every description of trading that implied risk and against the entire system of stock-jobbing so strongly reprobated in the time of Geo. II.

MR. BOVILL said, he thought the right hon. Gentleman did not quite understand the state of the law. He would remind him that in the eighth and ninth year of the present reign an Act had been passed to prevent contracts by way of wager or gaming being enforced in courts of law, and the legislation against time bargains, which it was now proposed to repeal by a simple Resolution, was based on the same principle. It was not therefore simply a question of repealing Sir John Barnard's Act, but of reversing the whole course of legislation down to the present time, for the purpose of preventing gambling speculations. The speculations in opium in India ought to operate as a warning. Wagers were once carried on in that article to such an extent that one mercantile firm "stood to win," or "stood to lose," a million and a half of money on a single operation. At the same time many commercial houses were placed in jeopardy by such practices. The legislature of India had put down these wagering practices; and he (Mr. Bovill) protested against a Resolution which was to sweep away the whole legislation on the subject.

Resolution 5.

MR. HUBBARD said, he thought the language of the Resolution extremely large, and, although he believed it was not intended to include coupons or dividend warrants, it would be very satisfactory to have that assurance from the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER said, the Resolution would not in the slightest degree affect the question raised with regard to the liability of coupons or dividend warrants to pay the 1*d.* tax. A question was raised on the law as it stood under the Act introduced by the right hon. Gentleman the Member for Buckinghamshire, but the law, he believed, was against the liability, and no attempt had been made to enforce it. It was not intended by the Resolution to affect the law at all. He believed it did not affect the law, and when the Bill was drawn the form of the clause would make this clear.

Resolution 11.

MR. PULLER said, he understood the object of the Chancellor of the Exchequer in this proposal was to catch property which passed by will under a power of appointment. Now, he desired to point out to the right hon. Gentleman a distinction which would exist under the new law, which ought not to be allowed. French Rentes, or Pensylvanian Bonds, when bequeathed in execution of a power of appointment, would be subject to duty, but the same kind of property, when absolutely belonging to the testator, would not be so liable.

THE CHANCELLOR OF THE EXCHEQUER said, the subject was one of considerable difficulty, and the heads of the Department and his learned Friend the Attorney General did not think it could be summarily dealt with in the few words allotted to it in the Resolution. It was a difficult matter to know where to draw the line as to the liability of property not entirely in England, and, therefore, the subject well deserved further consideration. However he thanked his hon. Friend for calling attention to the matter.

Resolutions *agreed to.*

Bill or Bills *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. LAING.

REFRESHMENT HOUSES AND WINE LICENCES BILL.

SECOND READING.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER (who rose with Mr. AYRTON) said, he was sorry to interpose between the hon. Member and the House, but he believed he was in order in rising to move that the Bill be now read a second time.

MR. AYRTON said, he wished to urge the postponement of the debate.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. Gentleman might move the postponement after he had addressed the House.

MR. SPEAKER ruled that the Chancellor of the Exchequer was in possession of the House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, this is not the first time I have heard the language of the petition just presented by the hon. Gentleman the Member for Liverpool (Mr. J. Ewart), that this is a Bill for confiscating the property of the Licensed Victuallers of this country. It is very difficult to discuss this question without more or less indicating an opinion with regard to the present system under which drinking houses are licensed and managed in this country. I am afraid that, as far as my opinion is concerned, it is very unfavourable to that system, but at the same time the Government have been very anxious in framing this Bill to keep in view a particular and limited object, so as to avoid anything that could be fairly described, in the language of the petition from Liverpool, as a confiscation of property—to avoid, in fact, every interference with the interests of the Licensed Victuallers or of those who hold licences for the sale of beer, by any legislation, direct or indirect, beyond that which is absolutely necessary to the scope and success of the particular measures before us. There was much pressed on us by the sellers of beer, there was great authority due to the Report of the Committee of this House, which must become at some time or other a question of serious consideration, and which proposed to deal with the whole system under which the sale of strong liquors is regulated in this country. Our whole object was, as we were not able to undertake this year to propose a complete and final settlement of that important question, to proceed as far as possible without prejudice to any of the interests involved, and entirely to avoid, as we hoped, any occasion of hearing the Bill described in the terms which the Licensed Victuallers of Liverpool have thought proper to adopt. I can assure the House that the Bill has been framed in the spirit that I have described. Now, Sir, this is a Bill of very great practical importance, and one into which no considerations of party spirit or purely political motive ought to enter. It is a measure of importance as a fiscal measure, and takes its rise immediately from a fiscal proposal, for it would have been absurd to propose a great diminution of the wine duties, involving a sacrifice of the public revenue, and to hold out any hope to the House that that revenue would recover rapidly, unless we were prepared at the same time to submit a measure by which the channels for the sale of wine, and for carrying it to the houses of the consumers, could be enlarged and altered. But, although fiscal considerations formed the immediate necessity for the measure, I will admit that it is not to be decided upon entirely fiscal grounds. It has important bearings on the social condition of the community, upon the great question of public sobriety, and the ground on which I earnestly commend it to the House, is, not its importance for fiscal ends or for fiscal security, but on the ground that it is a good and wise measure, not only with regard to the comforts of the people, but also, in the second place, for the promotion of temperance and sobriety as opposed to drunken and demoralized habits. In the discussions I have had with various parties who view this measure with suspicion and aversion, I have found it necessary to hold firmly by those two conditions. Those parties have been two, and although they have for the moment acted in partial conjunction, yet it appears to me almost to be a jest to mention them together in the House of Commons. One of those parties has been the Licensed Victuallers of this country, who represent in some humble degree the sale of beer, in some greater degree the sale of wine, and far above all, the sale of ardent spirits, because that is the main, and I am afraid I must say the favourite, portion of the trade. The other of those parties is a body of gentlemen of whom I cannot speak either here or elsewhere without profound respect, as gentlemen who are earnestly endeavouring to lay the axe, as they think, at the root of a great social evil. I mean the members of temperance societies. I must at the same time avow a broad difference of opinion with them, and a belief which I presume to entertain as an individual, and which this House has always acted upon in its legislation, that so far as wine is concerned there is a use of wine as apart from the abuse, whereas those gentlemen draw no distinction between the use and the abuse of wine, and in their view it is just as easy to talk of the legitimate use of theft and perjury, as to talk of the legitimate use of wine. I am bound to say that of these two classes of opponents I cannot doubt from which the most formidable opposition is to be expected. I frankly own that those who represent the National Temperance Society have it as much in view to acquit their consciences, to liberate their souls, and to wash their hands of all responsibility as to prosecute a real and earnest opposition to the Bill of the Government. They do not hesitate to say that they object to anything that is calculated to increase the means of access to wine or other strong liquor, but they admit also that this Bill is a great improvement upon any legislative system that exists with respect to the sale of spirits or beer. I am sure that the House will pass a fair and just judgment on this Bill upon grounds of public policy and public morality. Those who have made representations adverse to the Bill have varied, both in their grounds and in their proposals. But the answer given to them on the part of the Government has been this,—that there are two conditions from which we cannot depart. We cannot consent to leave the increased importation of wine at the reduced duties dependent only on those channels of access to the consumer which now exist. That is one of the fundamental propositions on which the Bill has been based, and that proposition rests on grounds that may be shortly and simply stated. In the first place, the channels for the distribution of wine are in some respects most improperly, nay even ludicrously restrained. Because, setting aside for the moment the question of what facilities the House should give for the consumption of wine on the premises where it is sold, the system is highly restrictive with regard to the sale of wine not to be consumed on the premises; and it is absolutely necessary to afford greater facilities for the sale of wine as an article of retail trade not to be consumed on the premises, but for ordinary family use. The other fundamental ground on which we proceed is that the channels for the sale of wine are unduly restricted in proportion to the channels for the sale of other descriptions of strong liquor. A very numerous and influential deputation of licensed victuallers who came to plead the sufficiency of the present channels for the sale of strong liquors said, "What can you desire? Why, there are now 63,000 of these licensed houses." And certainly, when one hears such a number as that named, it sends a kind of shudder through the frame; and it certainly does appear at first sight reasonable, without entering into the question of quality, that the quantity of the existing channels should be found sufficient. But when we come to examine the state of the case we discover that, including about 40,000 or 50,000 now licensed for the sale of beer, there are in this country considerably over 100,000 houses licensed for the sale of strong drink to be consumed on the premises. But then we are in this strange predicament. One would say, if you look at beer, wine, and spirits, that the scale ought to adjust itself in this way:—Beer is the great national drink of the population, and evidently requires much the largest number of houses to be licensed for its sale. But next to beer I should think those who are anxious for public sobriety would naturally desire that greater facilities should be given for the sale of wines as compared with spirits. On the contrary, such is the state of your law that at this moment no man can have licence for the sale of wine unless he has a licence for the sale of spirits also. You give a positive preference to the sale of spirits, because a man may have a licence to sell spirits without one also for selling wine, but he cannot have a licence to sell wine without one also for selling spirits. I appeal to the advocates of temperance whether it is possible to justify legislation so absurd as that. And how does it work? Is it only a theoretical distinction, whereas in practice all those who sell spirits sell wines also? On the contrary, those who are licensed to sell spirits exist as spirit-sellers to the extent of 63,000; and only 25,000 of that number hold licences to sell wine at all. So that you have in this country 38,000 persons licensed to sell spirits who are not licensed to sell wine. It is under these circumstances that with the most confident anticipation of the favourable judgment of the House I ask them to join us in considering and digesting the provisions of a measure offering increased facilities for the sale of wine. And I am bound to say, with regard to the quality of the wine supplied to the public, that I think it indispensable to alter the channels of distribution, so as to introduce that principle of competition which is so essentially necessary in this country. By enlarging the sale of wine through new channels, we shall improve the wine sold through the old ones. We all know what sort of an article is sold as wine in this country. Excepting hotels of a certain class, where at very high prices the most excellent wines are to be obtained, and speaking generally, what pen or tongue could adequately describe the liquors now sold as wine in ordinary public-houses to the British community? Why, the white wine is a mixture of fire and water, while the red wine sold as port, is made of the juice of the sloe, and various other products, perhaps not so harmless, together, no doubt, with a considerable infusion of some kind of spirit. We have seen, then, that it is absolutely necessary to provide new channels for the sale of wine; and the second proposition that I have laid down as fundamental for any useful and salutary measure is this—that, whatever we might do with regard to establishing the control of the magistracy and police, the Government will not be reponsible for reproducing, in a new form, the evils existing in the present licensing system. It is no reproach to the magistracy, to say that when the provisions of this Bill are examined, it will be found that they have been framed in a spirit of ample, I might add, unlimited, confidence in the general competence, intelligence, and integrity of the justices of the peace of this country—a confidence which, I believe, they well deserve. There may be exceptions, there may be particular quarters where private interests come directly into play; but what I state is, that this measure proceeds on the principle that you may safely repose in the magistracy any powers which fairness of intention and ability of mind will enable men to exercise in a satisfactory manner. But your present licensing system imposes on magistrates duties which it is impossible for them to discharge. It makes them judges of the quantity of liquor that a given number of human beings ought to consume. How absurd is that; and how absurd the inequality it produces! In a particular place the magistrates frame a certain estimate of the capacity of human organs to receive, digest, and dispose of strong liquors; and if they are inclined to form a narrow estimate of that capacity, they determine that the number of public-houses shall be a fixed and limited number. In another place the magistrates, taking a different view of the question, and thinking that with an increasing population there should be increasing facilities, go on enlarging the number of licensed houses. In Manchester one view prevails, and, accordingly, in that city there is now a smaller number of these houses than there was, I believe, twenty years ago. In Liverpool, on the other hand, the magistrates do not look at the subject in the same light; and although the population does not greatly differ from that of Manchester, there are threefold more public houses than in that city. There is, then, an inequality dependent on private and personal discretion which ought not to exist. The matter ought to be regulated on intelligible principles, operating with something like uniformity in different parts of the country, and producing contentment by its equal dealing with one district as compared with another. Not only, however, is the present licensing system unequal, but it engenders the greatest heartburnings and suspicions. I am not about to enter into that evil. I only mention it as one of the reasons why the Government are unwilling to be responsible for reproducing it in a province where it does not now exist. For moral purposes, I must say, the system is entirely inefficient. What do the licensed victuallers of Liverpool, who oppose this Bill, tell us as to the operation of the public-house system in that town, the magistrates of which, it may be remembered, petitioned for its alteration. In their printed statements they declare that in Liverpool there are 1,526 licensed public-houses, and that there are public-houses known by the police to be the resorts of thieves and prostitutes, but still annually licensed by the magistrates to the number of 178. That is the system with which, upon moral grounds it may be, we are requested not to meddle. It has also a tendency to create monopoly; and it is evident that where there is monopoly, proprietary—or what is called "vested"—interests grow up in the licence of every public-house. There is a property in every public-house in respect to the licence, apart from the other elements which make up its value in the market. The existence of that property constitutes the most formidable impediment to the exercise of police and magisterial control, and renders it almost practically impossible to apply that control on account of these vested interests. Well, when it is proposed to rear up a new class of houses, having licences given in a similar manner, subject to similar arbitrary restraint, the answer is obvious, that if we were to accede to that proposition, these wine licences, like those of the licensed victuallers, would become the root and nucleus of a new mass of vested interests, and would also effectually obstruct the authority wielded by the police, and the magistracy for the maintenance of good order and the prevention of social evil. That I think is a conclusive reason why we should decline to present to the House any Bill, which, while attempting to provide a system of licences for the sale of wine, should subject those licences to the kind of discretion which is now exercised by magistrates with regard to public-houses. Short of these two propositions—the one that we should rest contented with the present licensing system, and the other that we should create a new licensing system dependent simply upon the discretion of the magistrates—there is no proposal tending simply to giving stringent powers of control and punishment both before and after, both by way of prevention and by way of penalty, for the maintenance of good order, that we shall not be ready to entertain, with every desire to adopt it. Having said thus much of the general views with which the Bill is undertaken, I will now describe its main objects. These objects are three, and with regard to two of them I anticipate perhaps even the unanimous concurrence of the House. One of them is to give enlarged means for the sale of wine not to be consumed upon the premises. I think there can be no doubt that the sale of wine in that way, where it would merely enter into families for the domestic use of the people is, generally speaking, both unexceptionable and desirable. We shall, therefore, propose that, subject to the payment of a moderate licence duty, retail shopkeepers shall be entitled to take out licences for the sale of wine, not to be consumed upon the premises. I do not intend to argue that part of the question, because I apprehend that the reasonableness of the proposal will, in all likelihood, be universally admitted. I pass on to what undoubtedly is socially a more important part of the Bill. The Bill proposes to attain one great and important object of police control, which has no connection whatever with strong liquors. We propose that all houses whatever, in which any description of refreshment is usually and ordinarily sold, shall be brought under the control of the police, and shall with that view be made liable to the payment of a small licence duty. The ground on which that proposal is made is that many of these houses are both the receptacles of disorderly characters and the scenes of very disorderly transactions. It is likewise stated with some probability of truth, that in many of them strong liquors are surreptitiously sold. I do not think it necessary to enter into any detail upon this subject, because I think I may say that there is a public opinion established to the effect that it would be desirable to bring the whole of this class of houses within the sweep of the special control of the police. There is, however, in this part of the measure, one point to which I wish to invite the attention of the House. We propose to exempt all houses below £10 in value, in places containing less than a certain population. In villages and even in small towns, there are often a number of houses in which certain slight articles, which may be called refreshments —ginger beer and oranges—are sold, but the sale of which does not constitute a trade such as to make them the resort of any persons at all, or to render it necessary to subject them to the control of the police. I think that whatever may be the proper limit to this exemption, as to which there may be some doubt, that the reasonableness and propriety of the exemption itself will be generally admitted. The third part of the Bill is that which refers to the licensing of eating-houses for the sale of wine; and here I must be permitted to draw a very important distinction, because an idea has gone abroad that all refreshment houses are to be licensed for the sale of wine. There could not be a greater error. On the contrary, it is a fundamental principle of this Bill to draw a distinction between refreshment houses generally and those refreshment houses which are really eating-houses, and that for reasons upon which I will presently dwell for a moment. In licensing eating-houses for the sale of wine we have had in view the creation of a system more healthful, more sane, and attended with much less even of the contingency of evil than any part of the system which is now established by law. It appears, Sir, to be pretty obvious that in the case of man nature intended that the functions of eating and drinking should be carried on together, or in immediate connection one with another. You have contrived, however, a system of law which does everything short of absolute enactment to separate them one from the other. You have, therefore, got in England some 70,000 or 80,000 drinking-houses that are not eating-houses at all; and not only that, but what else have you done? You have constituted a monopoly in the sale of drink, and to those who hold that monopoly you have not given a monopoly of the sale of victuals. What has been the consequence? That the trade in drink has been fostered, favoured and prosecuted by those who have the monopoly of it, to the comparative neglect of the trade in victuals, which, not being the subject of a monopoly, has gone forth and become the property of a different set of parties, the social result of which is, that you have done everything in your power, by the construction of your law, to separate the business of eating from that of drinking. I do not want to enter into a discussion of the constitution of human nature, and perhaps my opinion that the functions of eating and drinking ought to be joined together, may, in the view of some gentlemen, be open to dispute, although it appears to me to be a reasonable one; but, at any rate, I see this, that persons of the upper class who have power to make arrangements for themselves take care to make provision for it through the medium of their clubs. That which I am now going to ask for the people we, who sit in this House, and those of our station in life have taken very good care to provide for ourselves. We are not content, if we want to drink a glass of wine, to be dependent upon that which is purchased from a licensed victualler. We can buy for our 4*d*., 6*d*., or 1*s*. a glass, half-a-pint, a pint, or whatever quantity we want; and not in London only, but in Liverpool, in Manchester, in Edinburgh, and I know not where, the upper classes, recognizing the reasonableness of this arrangement, have, by means of clubs, formed for themselves that system which, as far as possible, we have by our laws placed beyond the reach of the common people and of the middle class. Well, Sir, with respect to these eating-houses, is it not perfectly obvious that the old system of separating eating and drinking is the most unwise one that we could possibly pursue if we want to promote sober habits? People who go to eat are not permitted to drink at the place where they eat,—that is to say, there is a complicated machinery of sending out to the nearest public-house for the particular jug or glass of this or that, which imposes impediments, obstacles, and trouble that operate almost as a prohibition, and practically we know that, except in inns and hotels, in all eating-houses properly so called eating and drinking are, as a consequence of our laws, effectually disjoined. What is the consequence of that? You do not get rid of the desire for drink; you cannot quench or extinguish that by forbidding a man to get drink where he eats, but you compel among the people habits of no common importance with respect to all their social and moral relations.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. WYLD moved the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. AYRTON supported the Motion for Adjournment on the ground that the Bill gave effect to the imposition of certain taxes which had not yet received the sanction of the House. If the House should not give its assent to those taxes, it would be necessary for the Chancellor of the Exchequer to introduce a very different Bill from that which he had just submitted to its consideration. The best way would be to take the taxes first and the Bill afterwards. No more important financial question could be proposed to the House than that of levying a tax upon the keepers of shops of a certain class. He trusted the House would allow the debate to be adjourned, until, in accordance with the usual course, a Resolution had been passed in Committee.

THE CHANCELLOR OF THE EXCHEQUER said, he would agree with the hon. Gentleman's conclusion if he could agree to his premises. There could not be a greater mistake than to suppose that this was a taxing Bill. The licences were wholly incidental to the great social objects which the measure had in view with respect to the use of wine; and it would be absurd to consent to a tax of this kind until the House had had an opportunity of considering the plan of granting the wine licences. Under these circumstances, he could not consent to the adjournment.

MR. LIDDELL thought that when the Government proposed a Bill of this kind involving a totally new system of taxation they should show some cause for it. The Chancellor of the Exchequer said that this Bill was intended to promote the public convenience and comfort; but he (Mr. Liddell) contended that the public themselves were the best judges upon that subject. There were upwards of 1,100 petitions objecting to this measure, and there had not been one petition in its favour. He therefore disputed the *locus standi* of the Chancellor of the Exchequer that this was a Bill to promote the public convenience and comfort. He believed that this was a Bill not required, and that ample channels at present existed for the sale of intoxicating liquors. They all knew that in the kind of houses now proposed to be licensed a vast quantity of illicit liquors were sold; and those channels would be enlarged by this Bill. He believed also that the Bill was an injustice to existing interests.

MR. DIGBY SEYMOUR said, this was in its terms a money Bill, for it proposed to inflict a tax on refreshment houses whether wine was sold or not; and he believed that the objection taken by the hon. Member for the Tower Hamlets (Mr. Ayrton) was perfectly tenable.

MR. NEWDEGATE observed that he thought the objection taken was a valid one; but whilst he was of opinion that the Government had been guilty of an informality, the real fact was that they had abandoned a certain portion of revenue, and they wished to *recoup* themselves by a new tax. The inducement to this Bill was not really that these wines should come into general use, for the reduction of the duty would effect what was required; the Government wanted revenue, that was the real point, and all the restrictions and other things in the Bill were only intended to sweeten the new tax.

MR. HADFIELD said, he thought that the measure was one which required the most serious consideration. If the trade in the sale of beer were to be thrown open, let that be avowed; but he believed that the feeling of the country was the other way. He himself had presented a petition from his constituents, who had assembled in public meeting, with the Vicar of Sheffield in the chair, to protest against it. He thought that the Bill would diminish the control of the magistrates over the sale of liquor, and would prove as pernicious as the Bill which permitted the establishment of beershops. At any rate the measure was too important to be discussed at nearly midnight.

MR. EDWIN JAMES said, he was of opinion that no one could read the Bill without coming to the conclusion that it was a money Bill, though introduced under the disguise of a measure for the promotion of social benefit. The words of the Bill were that for making additions to the public revenue "the following duties should be charged." It seemed to him that the hon. Member for the Tower Hamlets (Mr. Ayrton) was right in his facts, and that the Chancellor of the Exchequer should, according to his own proposition, agree with him in his conclusion.

MR. CRAWFORD said, that the hon. and learned Gentleman could only have formed his idea from his inexperience of the forms of Parliament. The House was precluded from considering, on the second reading, the taxing clauses, which were printed in italics on that very account. In fact, technically speaking, they were not then a part of the Bill, and omitting those clauses, the Bill did not come within the category of a taxing Bill.

Question put.

The House *divided*:—Ayes 122; Noes 150: Majority 28.

Question again proposed, "That the Bill be now read a second time."

MR. AYRTON said, if the Government intended to press the debate on the Bill he should move the adjournment of the House.

Motion made and Question proposed, "That this House do now adjourn."

THE CHANCELLOR OF THE EXCHEQUER said, if the hon. Gentleman desired to discuss the Bill, of course the Government would not oppose the adjournment of the debate, though they must oppose the adjournment of the House. The Government had opposed the hon. Gentleman on the Motion for the adjournment of the debate, because it was raised on the objection that the Bill was a taxing Bill; he was glad the House had supported him against that proposition. But nothing was more reasonable than that those hon. Members who opposed the measure should have an opportunity of expressing their opinions. He had, therefore, no objection to the adjournment of the debate.

Motion, by leave, *withdrawn.*

Question again proposed, "That the Bill be now read a second time."

THE CHANCELLOR OF THE EXCHEQUER said, he would now propose that the debate be adjourned, and would suggest that the House should meet on Thursday at twelve o'clock to resume it.

MR. HARDY protested against meeting at twelve o'clock on Thursday. A great many Members were sitting on Committees, and it was too much to ask them to have a morning sitting before Easter.

VISCOUNT PALMERSTON said, the reason given by the hon. Gentleman would be a reason against a morning sitting at any period of the Session. It was always the practice to have morning sittings when business was pressing. He therefore trusted the House would agree to the proposal.

MR. DISRAELI said, he must protest against the course proposed as unconstitutional. He knew no case of a morning sitting being required before Easter. As far as he could calculate, there was ample time, without sitting on Thursday morning, for the Chancellor of the Exchequer to carry before Easter all the real and pressing business of the country; but if the Government chose to bring in measures in which he believed neither the House nor the country were at all interested, it was naturally a matter of grave consideration whether the business of all the Committees should be suspended, in order that the attention of the House might be given to a question of that kind. No doubt they could do their business as Committee men and all the other business, without being deprived of the Easter holidays. The truth was, there was other business before the House—nobody cared to inquire why it was introduced, or wanted to know what would become of it—and which interested the feelings of only one or two individuals; and this impeded and embarrassed the real business of the country; and now the House was called on to suspend the valuable labours of all the Committees in order that this caprice of legislation might have another opportunity of being held up to the scorn and derision of the country. The farce, he thought, had already been carried to too great a length. He was not himself of opinion that the Bill before them was a Money Bill, and he wished to give the Chancellor of the Exchequer every support in carrying the measure, but he could not agree that they should suspend all the valuable labours of their Committees in order to meet on Thursday morning.

MR. EDWIN JAMES said, he would remind the House that Her Majesty's Government were asked at the beginning of the Session when they would introduce their Reform Bill, and were warned that delay would be productive of embarrassment. Instead of having a great constitutional measure laid in time on the table of the House, they had been engaged for night after night in discussing the duty on corks squared for rounding, and other such like matters. This had embarrassed the business of the House, and he did not think it fair that hon. Members should now be seriously inconvenienced because the Government had delayed to introduce this great constitutional measure.

MR. SIDNEY HERBERT observed, that the right hon. Member for Buckinghamshire did not state what measure it was which he considered of such slight importance, and which he and the country regarded with such entire scorn and derision that he could not now accede to the proposal for a morning sitting. The House would recollect, however, that there was a measure introduced last year by the late Government, having reference to that despised question, the representation of the people; and the right hon. Gentleman must remember that he held the measure of such importance that he not only demanded its discussion, but put hon. Members to the inconvenience of a general election on the subject. He hoped that the House of Commons would have the decency to show that it did not look on the question of the representation of the people as trifling, paltry, and utterly contemptible, but assent to what was necessary for the conduct of business—a morning sitting on Thursday.

Lord JOHN MANNERS said, the right hon. Gentleman had overlooked the fact that the measure of the late Government to which he referred was a Bill for the real reform of Parliament; but, looking at the way in which the Reform Bill of the present Government had been introduced, and how it had been deferred night after night by the Government themselves, it was no unreasonable assumption to suppose that neither the Government nor the House regarded it as important, or thought it necessary to read it a second time before Easter. He deemed the proposal to have a morning sitting to consider the important Bill relating to refreshment houses and wine licences as most astounding. The noble Viscount, it was true, had treated it with that charming indifference with which he treated most questions; but it was a proposition quite unusual, and would be most inconvenient to the members of Committees.

Mr. BEAUMONT remarked that the right hon. Member for Buckinghamshire spoke with contempt, not of the representation of the people, but of the Bill introduced by the Government. He had voted last year for the Reform Bill of the late Government, but he could not help thinking that the present Reform Bill was not one which should be forced on to a second reading before Easter. He objected to meeting on Thursday morning in order to enable the Reform Bill to be afterwards unduly pressed on.

Sir GEORGE GREY said, he would remind the noble Lord (Lord J. Manners) that the Reform Bill of last year, which he called a real one, had been rejected by a large majority of the House of Commons; while to the second reading of that introduced by Her Majesty's Government not the slightest opposition had been attempted, though the unprecedented course was resorted to of endeavouring to defeat by delay what could not openly be attacked.

Mr. WHITESIDE said, the right hon. Gentleman opposite had thrown new light upon the subject. Her Majesty's Government, it appeared, were invited and pressed to introduce the Reform Bill, and he could well conceive with what reluctance and pain, they had brought forward the measure which had turned out to be an abortion. But the right hon. Gentleman the Member for Morpeth quite mistook what had taken place. The Bill of the late Government was not rejected; the Gentlemen who now sat on the Treasury benches refused to allow that Bill to be discussed, and, in the spirit of enlightened liberality, for which they were so distinguished, they carried an abstract Resolution against its being heard. They then brought in a Bill themselves, but would have been delighted to escape from the necessity for doing so, and they would be equally glad to escape from their own Bill at the present moment. The right hon. Gentleman said hon. Gentlemen on that side of the House wished to delay the measure. They wanted to discuss it. There were twenty-five Gentlemen of ability and eloquence who were most anxious to discuss it; and though the right hon. Gentleman himself had been heard, there were other Members who were desirous of acquiring more detailed information with regard to those classes which it was proposed to enfranchise. If the Government had set their hearts on carrying this measure, let them throw aside all other business, foreign and domestic, and discuss the Reform Bill day by day; but they certainly should not be at liberty to change the constitution of the country without hearing the opinions of that party whom they were determined not to hear when their Bill was before the House. He recommended the right hon. Gentleman to preserve that good temper which he always exhibited, and to allow them to meet in the usual way and to separate at the usual time before Easter; and, in the meantime, the confident opinion which he entertained of the good sense of Ministers led him to believe that the House would hear nothing more of the Reform Bill.

Lord FERMOY said, Her Majesty's Government had only themselves to blame for the present complication of public business, having needlessly postponed the introduction of the Reform Bill for six weeks at the commencement of the Session. He desired to have a discussion on the Bill. He did not agree with what had been said by the right hon. Gentleman, that the Bill of the late Government was a contemptible Bill, and the present Bill was all that was good. He thought they each of them contained something that was good, and something altogether the reverse. With regard to the day sitting on Thursday, it was impossible that hon. Members who, like himself, were acting on important Committees, could also take part in the deliberations of the House, which were to proceed simultaneously.

Mr. BENTINCK said, the proposition of the right hon. Baronet (Sir G. Grey), that because there had been no division on the second reading of the Reform Bill, therefore there was to be no discussion, was a most monstrous one. The existing difficulties had arisen entirely from the inefficient manner in which the Government conducted the business of the House. Members were quite in the dark as to the probable result of the Reform Bill, if carried, and the details which had been given by the noble Lord the Foreign Secretary, he believed, would prove altogether erroneous. He was a Member of an important Committee which sat at one o'clock on Thursday, and he could not be in two places at once. He therefore protested against a morning sitting before Easter as quite unprecedented.

Mr. BRISTOW said, that he regretted the difficulty into which the Government had got by the delay in introducing the measure, but he much more regretted the semi-contemptuous tone in which Members on both sides of the House spoke of a subject of such vital importance as Reform in the representation of the people. They had had discussion enough about corks, about French wines, and lately they had heard from day to day about the inconsiderable territory of Savoy, and no time appeared to be too long to discuss these and similar subjects; but when the question was Reform, when the subject was the representation of the people, the enfranchisement of the working classes, the toiling millions of their fellow-countrymen, then (he said it with a feeling of shame) the House on all sides seem to recollect that it was close to Easter; and time, and convenience, and Committees, became all-important, and Reform and the people were to be put aside. The hon. Member said that this was not the time to go into the merits or demerits of the Government Reform Bill. He could not say much more in its favour than it was a step—a hesitating and feeble one—in the right direction; but, anyhow, it ought to be discussed, not shelved, and he, for one, would, at any sacrifice of time or personal inconvenience, devote morning and evening to the consideration of a question which was all-important. If the Government had the moral courage to divide upon this question, he should go in the lobby with them cheerfully.

Mr. SCLATER-BOOTH likewise expressed a hope that the Government would not persist in forcing a morning sitting on Thursday on the House.

Mr. Alderman SALOMONS said, he also protested against a morning sitting on Thursday, which would interfere with many important Committees.

Mr. W. E. DUNCOMBE said, that the question of the Treaty took up more time than an ordinary Budget, and after all it was only a scheme for robbing Peter to pay Paul. He objected to the proposed morning sitting, as, considering the Money Bills which must be passed before Easter, it was impossible even with that assistance to discuss so important a measure as that of Parliamentary Reform.

Viscount PALMERSTON said, he would accede to what appeared the general feeling of the House against the morning sitting on Thursday. This Bill would, therefore, be proceeded with on Monday. It might become necessary in consequence to sit on Wednesday, or even on the Thursday before Good Friday, but probably the House would not object, under the circumstances, to this arrangement.

Debate *adjourned* till *Monday* next.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 27, 1860.

Minutes.] Public Bills.—2ª Consolidated Fund (£850,000).
3ª Mutiny; Marine Mutiny.

SPAIN AND MOROCCO—QUESTION.

The Earl of CARNARVON said, he wished to put a Question to the Government with respect to the existing relations between the Spanish Government and the Government of Morocco. He understood from a telegram which had appeared in the morning papers that conditions of peace had been signed. When, a short time since, he asked his noble Friend (Lord Wodehouse) a question upon the subject their Lordships were told that overtures of peace had been made by the Spanish Government. The conditions were understood to be an indemnity for the expenses of the war, that a Roman Catholic bishop should be allowed to reside in the interior, certain commercial stipulations in favour of the trade of Spain, and a cession of Moorish territory over and above what had been conquered by the Spanish arms, and including a part of the coast of the Atlantic opposite the Canary Islands. He was anxious to know whether Her Majesty's Government were yet in possession of any official information with regard to the terms that had been agreed to between the belligerents; whether those terms were substantially the same as had been offered by Marshal O'Donnell; or whether they had suffered any abatement. On a former occasion when the matter was discussed he did not press for the production of any papers, because the state of things was such as might have rendered it inconvenient and detrimental to the public service to have produced them; but he hoped the Government were now in a position to furnish at least some portion of the correspondence. It might be impossible for them to lay the whole upon the table; still it ought to be in their power to communicate that part of it which would show what was the actual position in which the question now stood, the attitude of the parties who had been engaged in the war, the extent and character of the claims which had been made by the Spanish Government, and the concessions promised or made by the Moorish Government. The production of the correspondence was not simply desirable in the interests of Great Britain, but it was equally so for the Government of Spain. Already some of the despatches had been published which had passed between the Moorish and Spanish Governments with respect to the origin of the war; and he was free to say that if those papers contained the true version of the transaction, and represented the whole case of the Spanish Government, it certainly did not appear to be consistent with that spirit of fairness and justice for which he was always willing to give that Government credit. But in one of those despatches from the Moorish Minister to the English Consul General at Tangier there was this very remarkable statement. The Moroccan Minister said that the Moorish people and Government were at this moment suffering severely owing to their deference to the wishes and desires of the English Government which had been conveyed through the Consul General to them. Now, he thought that for the sake of the dignity and honour of this country it would be only fair that the House should be informed what were the wishes and desires which Her Majesty's Government had thus conveyed to the Moorish Government. He wished to imply no doubt that they were satisfactory; nevertheless it was important that Parliament should learn what they really were. He could not altogether forget the relations which subsisted between Spain and other countries. He could not forget the recent bombardment of Tangier by the French fleet. He could not forget the whispers which had, as it was well known, circulated in Northern Africa with regard to French co-operation and French intentions in that quarter of the world. And, lastly, he could not put out of sight all recollection of the very remarkable map for the redistribution of Europe in the year 1860, which was published in Paris about two years ago, and in which, amongst other territorial changes, it was proposed that Morocco should be annexed to Spain. All these considerations made it a matter of deep importance that Parliament should have ample information upon the subject. He believed that the commerce of this country with Morocco was a growing commerce, and that in the ordinary course of things it was capable of still further development and extension. But if Spain succeeded in acquiring possession of the northern coast, if the whole extent of territory from Tetuan to Tangier were ceded to Spain, and if she made further acquisitions upon the Atlantic side, from that moment, whether for good or for evil, the empire of Morocco would cease to exist as an independent State, and at once pass under the control and influence of another Power. So far as our own interests were concerned, especially in reference to Gibraltar, they were too apparent to need dwelling upon for one moment. Hitherto we had drawn all our supplies for the garrison at Gibraltar without stint and without difficulty from the Moorish coast. It would remain to be seen, in the event of that coast passing into the hands of a foreign Power, how far we should be able to retain the advantage we now possessed. He should be glad to hear from his noble Friend, first whether the telegram to which he had alluded was correct; and next, whether he was prepared to lay any portion of the Correspondence on the subject of Spain and Morocco upon the table?

LORD WODEHOUSE stated, in reply to the first Question of the noble Earl, that the Government had received information similar to that which was contained in the telegram, to the effect that preliminaries of peace had been signed between the Moors and Spaniards; but, not having received, in a precise form, what were the terms of the peace, he was unable to state exactly what they were. Information had also reached the Government that the forward march of the Spanish forces had been interrupted, and that the army had returned to Tetuan. With regard to the Correspondence which had been conducted by the British Government, seeing that the preliminaries only had been signed, that peace was not yet concluded, and that negotiations must still necessarily be proceeding, he could not undertake, in the interests of the public, to produce any portion of it at that moment.

INDIA.—BANKS AND CURRENCY.

PAPERS MOVED FOR.

LORD MONTEAGLE, in moving for certain papers connected with Indian Currency, warned the Government that, in establishing banks of this nature, they should take care to effect a responsible — a directly responsible — management. Remote responsibility in such matters amounted to no responsibility at all. He viewed with great apprehension any attempt to substitute for private credit the authority of the State. All experience showed that, to place in the hands of a Government the power of tampering with the circulation, was a course fraught with danger; which must be immeasurably increased, when the weapon was placed in the hands of a Government with almost uncontrolled influence, and at such a distance from the supreme authority as to be practically irresponsible. To confer on the Sovereign power the privilege of issuing promissory notes payable on demand, was a course pregnant with evil, and which must lead to complications dangerous to the security of commercial enterprise, and to the authority of the Crown itself; while to disturb the system of private credit by the establishment of State Banks with the trumpery object of saving a small sum annually, was to sacrifice the greater object to the less. It was by the due use of credit, that the real development of commercial transactions was promoted; and nothing had a greater influence upon a sound system of trade than a sound system of banking.' The noble Lord concluded by moving for Copies of all Correspondence between the Secretary of State for India and the Government of India, touching the Establishment of Government Banks; and for a List of all the Banks now existing in India.

THE DUKE OF ARGYLL said, he had just laid upon the table the Correspondence referred to by his noble Friend. His noble Friend said, he had not wished to enter into the question; but he had, nevertheless, indicated a very distinct opinion as to the issue of a paper currency. He would not attempt to anticipate a discussion until their Lordships were in possession of all the documents. The question was of great importance; it was surrounded with difficulty — and whatever course was taken, it would be necessary for Parliament and the Legislature of India to take sufficient precaution against the possibility of abuse. He was sorry that neither Lord Grey nor Lord Overstone was in the House; for both those noble Lords in 1857 laid down doctrines upon the subject of banking, the very converse of those which his noble Friend had to-night enunciated. Both those noble Lords distinctly held and laid down that it was the especial duty of Government to issue paper-money, and that that great power should be withdrawn from the hands of all private corporations. Without entering into the dark and almost inscrutable subject of Currency, he believed it was as much the duty of Government to undertake the issue of paper-money, as it was to regulate the coinage. For many years high authorities had recommended that a paper-issue for the Indian Empire should be adopted; and under sufficient restraints, and with proper securities, he was of opinion that the measure proposed by the Indian Government would confer a great benefit upon that country, and would effect a considerable saving in its finances. At the same time he was by no means to be understood as advocating, either for India or for the home countries, a withdrawal of the power of issuing paper money at present exercised with advantage by private corporations.

THE EARL OF ELLENBOROUGH, without presuming to discuss the question till he had read the papers which had been produced, was of opinion, from the nature of Indian transactions, that no very extensive issue of paper-money would probably be required. If the Government sought to make payments in that manner to persons other than those who might wish to avail themselves of the facilities which paper money afforded, very serious consequences must be expected to ensue. He wished to inquire whether the noble Duke had yet received, in any official shape, the statement of Mr. Wilson, the Financial Secretary for India, on which he was exceedingly anxious to offer some observations.

THE DUKE OF ARGYLL replied, that he had only received a copy of the speech that morning, and had not yet had an opportunity of consulting his right hon. Friend, the Secretary for India.

House adjourned at a quarter before Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 27, 1860.

MINUTES] PUBLIC BILLS.—1° Poor Law (Medical Relief).

2° Herring Fisheries (Scotland); Benefit Societies Rules Amendment; Income Tax.

TRANSPORT OF TROOPS.

QUESTION.

MR. PAPILLON said, he would beg to ask the right hon. Gentleman the Secretary of State for War how it happened that the 14th Light Dragoons were sent home by long sea instead of overland, as intended; what were the circumstances under which the *Himalaya* was detained at Alexandria with the two Armstrong batteries of Royal Artillery barracked on board; whether the *Himalaya*, having been further detained owing to the expected arrival of the 14th Light Dragoons, will now return empty; and what is the probable amount of expense to which the

country will have been put owing to these arrangements.

MR. SIDNEY HERBERT: Sir, in reply to the questions of the hon. Gentleman, I have to state that on the 22nd of December last a telegram was received from Lord Elphinstone, proposing that the *Himalaya*, the ship in which the batteries of artillery were sent to Alexandria, should bring home the 14th Light Dragoons, which he proposed to send by ships which were going from Bombay to Suez. We accepted that proposal, and upon the following day telegraphed our acceptance of it, sending duplicate telegrams, one by Trieste and the other by Marseilles. It is impossible for me to say what happened to those telegrams. All we know is that they were not received at Bombay in time, and it is very difficult now to ascertain their fate, because there is a fault somewhere in the telegraph line through the Red Sea, which prevents the transmission of messages by it. The *Himalaya* remained at Alexandria a certain time, after which, mainly owing to the activity of the Officer in command at Aden, another steamer was procured, that which had been sent by Lord Elphinstone having broken down on the passage between Bombay and Aden, and the batteries were sent on. The *Himalaya* did not return entirely empty, because she proceeded to Malta, and there embarked a battalion of infantry, which she conveyed to Barbadoes, to relieve a regiment which was about to come home. It is difficult to estimate the expense which has been caused by the delay at Alexandria. The *Himalaya* is a Queen's ship, and therefore there has been no question as to demurrage, but I must say that I do not see what precautions could have been taken beyond sending telegrams in duplicate by two different lines. The letters which we wrote at the same time of course arrived much later, and, as our telegrams were not received, Lord Elphinstone despatched the 14th Light Dragoons by the long sea passage, instead of sending them, as he had originally proposed, to Suez.

ANNEXATIO OF SAVOY WITH FRANCE.

NOTICE OF MOTION WITHDRAWN.

MR. BAILLIE COCHRANE said, he rose to ask the hon. Member for Bridgwater (Mr. Kinglake) on what day he proposes to bring forward his Motion respecting the annexation of Savoy and Nice?

Mr. KINGLAKE: Sir, the declaration of the present views and future policy of the Cabinet which the House heard last night with so much satisfaction from the noble Secretary of State for Foreign Affairs has superseded the Motion of which I gave notice on the 6th of March. I shall not therefore deem it my duty to press for the interposition of Parliament so long as I continue to believe that Her Majesty's Ministers are faithfully labouring to carry out the policy announced last night—a policy which I believe to be in harmony with the opinion of Parliament and with the feelings of the country at large.

SELECT COMMITTEE ON LUNACY LAWS.

QUESTION.

MR. TORRENS said, he rose to ask the Secretary of State for the Home Department when it is intended to nominate the Select Committee on the Lunacy Laws, sanctioned by the House on the 23rd day of February last, more than a month ago; and whether it is intended, without further delay, to submit Reports on the Evidence already given on the Lunacy Laws before Select Committees during the two previous Sessions, with the view to legislate for the amelioration of the condition and the treatment of patients confined in Insane Asylums?

SIR GEORGE GREY said, in the absence of his right hon. Friend the Home Secretary, he could state that the Committee upon the Lunacy Laws was reappointed this Session upon the Motion of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole). It had taken a great deal of evidence, and his right hon. Friend the Chairman had undertaken to submit to it Resolutions which would probably be the foundation of a Report. If the hon. Gentleman would communicate privately with his right hon. Friend, he would most probably give him further information.

FORTIFICATIONS OF THE COUNTRY.

QUESTION.

SIR STAFFORD NORTHCOTE said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of the Government to propose any Vote in the present year for raising by loan or otherwise any sum for fortifications beyond the sums proposed in the Army Estimates now on the Table?

VISCOUNT PALMERSTON:—Sir, the House is aware that a Commission of Military Officers was appointed to consider what addition to the defences was necessary to the dockyards and for certain other purposes. The Report of that Commission is still under the consideration of the military authorities, and has not yet in a final state been submitted to Her Majesty's Government. It is needless for me to observe that there are two considerations connected with any arrangements on the subject. The one is, what amount of defensive works would be desirable, supposing the Government have an unlimited command of men to man them; and the other consideration is, what amount of defensive works would be absolutely necessary without taking a larger amount of forces than would leave a sufficient army for operations in the field independently of garrisons. These are questions still under consideration. As soon as the Report of the Commissioners shall be laid before the Government in a final shape it will be their duty to take it into consideration, and to determine what course it would be proper to adopt thereon. Whenever that is done it will be my duty to lay the Report before Parliament, and to inform the House what course Her Majesty's Government may recommend to Parliament to pursue in regard to the matters to which the Report relates.

ITALY—THE PAPAL STATES.

NOTE OF THE CARDINAL SECRETARY OF STATE.

QUESTION.

MR. BOWYER said, that seeing the noble Viscount at the head of the Government in his place, he would beg to ask him a Question which he had intended putting to the noble Lord the Secretary of State for Foreign Affairs, although he had not given any notice of it. He wished to know whether Lord Cowley has forwarded to Her Majesty's Government a Copy of a very important Note sent by the Cardinal Secretary of State in Rome to the Papal Nuncio in Paris, and if so, whether the Government will lay a Copy of it upon the Table of the House?

VISCOUNT PALMERSTON said, that as he had received no notice of the Question, he was not then in a position to answer it.

MR. BOWYER said, he would repeat the Question on Thursday next.

PACKET AND TELEGRAPHIC CONTRACTS.—RESOLUTION.

Captain LEICESTER VERNON: Sir, I rise, pursuant to Notice, to call the attention of the House to the Report of the Packet and Telegraphic Contracts Committee, of which I was a Member, and to Move a Resolution thereon. Now, Sir, I will take the liberty at the outset to read such parts of the Report as bear particularly upon my case. The Committee say:—

> "On the 26th of April, 1859, an agreement was entered into again substituting another contract, further extending the term until the 26th of April, 1870. Your Committee have failed to discover sufficient public grounds to justify this extension, which appears to have been conceded by the Treasury on the recommendation of the Admiralty, but in opposition to the views of the Postmaster General, and, as appears to your Committee, without sufficient inquiry into the grounds upon which the claim for the extension of the contract was preferred."

It then proceeds to say:—

> "It is in evidence before your Committee that Mr. Churchward, one of the contractors, on the eve of the last general election, at the time when the extension of his contract was under consideration at the Treasury, volunteered his support, as an influential elector for Dovor, to the hon. Captain Carnegie, one of the Lords of the Admiralty, if he should become a candidate for that borough, on the expectation that his contract was to be extended; and expressed his intention, if required, to vote for two Government candidates for Dovor. Your Committee think it right to add that the renewal of the contract had been recommended by the Admiralty to the Treasury at least six weeks before the date of the conversation referred to. It further appears to your Committee that neither at the Admiralty nor the Treasury were the officers with whom the decision rested influenced in granting the renewal of the contract by any corrupt or political motive. Your Committee consider that the conduct of Mr. Murray, the private secretary of the First Lord of the Admiralty, was open to grave censure; but they have not sufficient evidence to show that any Member of the Government was cognizant of the communications between Mr. Murray, Mr. Churchward, and Captain Carnegie. While most anxious for the fulfilment of all engagements entered into in good faith between the Government and individuals, the Committee submit for the consideration of the House whether Mr. Churchward, in having resorted to corrupt expedients, affecting injuriously the character of the representation of the people in Parliament, has not rendered it impossible for the House of Commons, with due regard to its honour and dignity, to vote the sums of money necessary to fulfil the agreement to extend his contract from the 20th of June, 1863,t o the 26th of April, 1870."

It is to that portion of the Report which refers to the non-fulfilment of the obligations entered into by the Government on behalf of the public that I propose to address myself, because I consider it illogical, unjust, striking at the root of all commercial faith, and establishing a precedent dangerous to the public service; and it is in reference to that I propose the following Resolution for the consideration of the House:—

> "That this House, having considered the Report and the evidence presented by the Select Committee on Packet and Telegraphic Contracts, is of opinion that the contract entered into on the 26th day of April, 1859, between the Commissioners for Executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland and Joseph George Churchward, ought to be fulfilled."

I beg to assure hon. Gentleman with whom I was associated on this Committee that it is out of no disrespect to them that I move this Resolution, but solely in the interest of public faith and public justice; and I trust that the House will exonerate me from any charge of presumption in thus putting myself forward to advocate opinions in regard to the maintenance of contracts which have not been held by other Members of the Committee. There are, no doubt, many hon. Gentlemen in this House who have dealt more largely with private contracts than I have done; but I believe there are few that have been more exclusively connected than myself with Government contracts. During the twenty-five years that I served entirely in the Corps of Royal Engineers I lived in an atmosphere of contracts. I cannot, therefore, be considered as ignorant of the subject I venture to bring before the House. I know what Government contractors are. I know that a more honourable body of business men does not exist. I know how they have dealt with Government, and I know how Government has dealt with them. I have often been a party, as a matter of official duty, to exacting from them the very letter of their bond; but never, in the whole course of my experience—extending over a quarter of a century—did I ever hear of an instance in which an attempt like the present was made to upset a contract on grounds having no connection, either directly or indirectly, with the pains and penalties set forth, specified, and embodied in the deed of contract itself. I shall not stop to point out that the Committee, although formed ostensibly for the furtherance of public justice and the interests of the public service, bore on its face unmistakeable evidence of its political character. There is no doubt that was the case. My intention is to say a few words, and they shall be as few as the importance of the subject will admit, on the mercantile element contained in the Dovor contract, which contract the Resolution of the Committee calls upon this House to rescind. I cannot, however, refrain from expressing my clear conviction, that this Dovor contract was set up as a stalking-horse, from behind which the late Government was to be assailed, and that the attempt on the Government of the Earl of Derby having signally failed, it is now sought to bind Mr. Churchward, the contractor, to the horns of the official dilemma to be sacrificed as a scapegoat. I shall not drag the House through the mass of evidence contained in the blue-book, but with permission I will give a precis of those parts which bear upon my case and upon which I shall found my observations and objections. Previously to the year 1854 the mails from Dovor to Calais and Ostend were conveyed by Government vessels and not by contract. This having been found to be inconvenient and expensive it was determined to have recourse to the system of contract. Tenders were called for and several were given in. Mr. Churchward's tender was the lowest, and it was accordingly accepted. Some idea of the comparative prices will be formed when I tell the House that the South-Eastern Railway Company demanded £16,500 to execute one-half of a service, the whole of which Mr. Churchward undertook to perform for £15,000. The relative tenders stood therefore as £33,000 to £15,000, a difference of 130 per cent in favour of Mr. Churchward. Now a Parliamentary Secretary to the Admiralty, speaking to that point on the hustings at Dovor, when contesting that borough in 1857, spoke as follows:—

> "The packet service was said to be an Admiralty job; but that was a great mistake. The packet service cost the Admiralty £25,000 per annum. Now this is important; five tenders were sent in, of which Mr. Churchward's was the lowest. The Admiralty gives the contractor £15,500 a year for performing the contract, and as the same service previously cost £25,000 a year, the saving is about £10,000."

The Parliamentary Secretary who thus expressed himself is the present hon. Member for Liskeard (Mr. B. Osborne), and no person is more competent to form an opinion as to the value of the contract to the public, and as to whether it was or was not an Admiralty job, for the hon. Gentleman was Secretary to the Admiralty when the contract was taken in 1854, and the First Lord was the right hon. Baronet the Member for Carlisle. In 1855 the first extension was granted to Mr. Churchward. The hon. Member for Liskeard was still Secretary at that time. Now, as the hustings speech to which I alluded was delivered in 1857, it is fair to conclude that the hon. Gentleman's laudatory remarks applied to the extension of 1855, as well as to the contract of 1854. It may not be improper here to mention that in 1857, when the hon. Member for Liskeard was going to contest Dovor, he with great frankness said to Mr. Churchward, that as Mr. Churchward was a Conservative he supposed he would oppose him. Mr. Churchward, with equal frankness, replied, that he should not think of opposing the Secretary to the Admiralty. Now, Sir, I have given great attention to the circumstances under which the first extension of 1855 was granted, and I cannot but think that the extension was granted by the Admiralty in the interest of the public and for the public advantage, and I think the arrangement reflects the greatest credit upon the Admiralty of the day, of which the right hon. Baronet the Member for Halifax (Sir C. Wood) was First Lord, and the Member for Liskeard still the Secretary. Then came the second extension recommended by the Admiralty of which the right hon. Member for Droitwich was First Lord. This extension was made in February, 1859, to which date I request particular attention. Now, Sir, I maintain, and I challenge contradiction, that the same reasons which operated in 1855, and which caused the first extension, operated in still greater force in 1859. This is the arrangement which the Committee recommends the House to repudiate, not on the ground of fraud, not on the ground of non-performance, nor even on the untenable ground of its being a disadvantageous bargain for the public. Then let us see on what pretence Parliament is advised to commit an act of injustice by breaking public faith with a Government contractor. It appears that after the decision and recommendation of the Admiralty in favour of the extension of the contract in 1854, and pending its ratification by the Treasury some six weeks afterwards, a dissolution of Parliament took place, and a general election followed. The Hon. Captain Carnegie, of the Royal Navy, had at that time been appointed Junior Lord, or "Boots," as he is somewhat irreverently called within the walls, with the distinct stipulation that he should obtain a seat in the House at the earliest opportunity. That Gentleman, it was proposed, should contest Dovor on the Admiralty—that is to say, the Churchward interest. Whilst he was hesitating, "letting I dare not wait upon I would," he had, as he informed the Committee, a conversation with Mr. Churchward, whom he had never seen before, in the room of Mr. Murray, the private secretary to the First Lord, and that then and there Mr. Churchward offered him his support at Dovor, coupling this offer with a hint that he should require his assistance in obtaining the extension of his contract. Captain Carnegie is very clear and distinct upon this point, for he says that in the conversation that took place the contract was decidedly alluded to; while Mr. Murray and Mr. Churchward, also parties to the conversation, have distinctly declared that no allusion to the contract was made in any shape or form. Here is the memory of one set against the memory of two, and to have arrived at their decision the Committee must have allowed the recollection of one to have preponderated over the recollection of two. Now, I would ask the House to consider whose memory was most to be relied on—the memory of Mr. Murray and Mr. Churchward, both of whom knew that all question of the extension of the contract had passed out of the hands of the Admiralty some weeks before, or the memory of Captain Carnegie, who, as I shall presently show, knew nothing about the matter. I will here beg permission to read the questions put by the Chairman of the Committee to Mr. Murray, and his answers thereto, in confirmation of my point:—

> "1586. You heard Captain Carnegie's evidence in which he stated that he had many conversations with you upon the subject of the Dovor election, in which he understood that Mr. Churchward's support was to be given to the two candidates on condition that his contract was renewed?—I am quite sure that I never made use of any such expression as that, that Mr. Churchward's support was conditional.
>
> "1587. That was the understanding, was it not?—No; it was not.
>
> "1588. You had not that impression?—Not at all."

How the Committee could have arrived at the decision they did with this evidence staring them in the face I confess I am at loss to understand. To be brief, Captain

Captain Leicester Vernon

Carnegie, believing, as he says, that the vote and interest of Churchward at Dovor was only to be obtained by his, Captain Carnegie's, vote and interest at the Admiralty, he declined to stand for Dovor; so he informed the Committee. But when told that Mr. Churchward's second extension had been decided on and passed away from the Admiralty some weeks before his conversation with Mr. Churchward, just observe his answer to question 3855:—

> "3855. If you had been aware that, as far as the Admiralty was concerned, it had passed from that department, your objection would have been removed?"

And his reply was—

> "In a great measure it would have been removed—almost entirely."

Then, I ask, why did he not know it? Why did he not make it his business to become acquainted with so important a fact, instead of keeping this dreadful secret locked up in his own bosom; for it appears in evidence that he revealed to no one the appalling fact of a contractor having attempted to corrupt a Lord of the Admiralty. Why, I say, did he not step into the next room; and if he did not choose to ask the First Lord, why did he not inquire of the clerk who conducted the correspondence how the matter stood? From him he would have learned that the question was decided, docketed, and pigeonholed weeks before this; and Captain Carnegie would have known that Mr. Churchward would have no object in seeking to corrupt him; his mind would have been relieved—his honour would have been satisfied, as it might have been from the first if he had recollected that—

"True conscious honour is to feel no sin;
He's armed without who's innocent within."

But, was fear of the taint of corruption the only reason why Captain Carnegie declined to go to Dovor? The evidence proves that it was not. Lord Llanover, then Member for Marylebone, had made a speech on the subject, and stated that Captain Carnegie had declined to go to Dovor because, from inquiries that had been made, his prospect of success was doubtful. Before passing from this subject, I would ask permission of the House to read a reply of that noble Lord to the question I put to him—namely:—

> "4799. Then the last part of this sentence is —'He objected to go to Dovor because he did not believe that he should be a successful candidate, unless he resorted to practices which he disap-

proved of.' Do you think that that reason squares with the one given in the first part of your speech which goes to say that he had received information obtained from a confidential agent that he would have no success?

The noble Lord astonished me by replying:—

> "I assure you that when I had the honour of a seat in the House of Commons, which I had for thirty years, I was not so very precise in the speeches which I made as to whether one part of a speech would square with another."

But there was another reason which came to the surface during my examination of Captain Carnegie, and not one only, but two. Will the House permit me to read questions 3692 to 3705, both inclusive?—

> 3692. Am I right in supposing that you wish the Committee to understand that the Government wished you to stand for Dovor, but that you were restrained from so doing by scruples with respect to the Churchward contract?

To which the reply was—

> "Yes: I think you are mainly right.
>
> "3693. Did you decline going to Dovor solely and entirely because you thought you would be supported by Mr. Churchward, such support being in your estimation venal, as connected with this contract?—No, not entirely.
>
> "3694. Had you any other reasons for not going to Dovor?—I considered that I did not like to have a place pressed upon me.
>
> "3695. Had you any other reasons besides that for not going to Dovor?—Yes; I was in hopes of succeeding to obtain a seat in Parliament for another place."

The House will observe the answer to the next two questions, I being still the examiner.

> "3704. Sir Benjamin Hall in the same speech gives a telegraphic message from you to this effect —'I tendered my resignation solely in consequence of a difference of opinion as to the selection of the place which I could hope to represent.' Did you send a message to that effect to Sir Benjamin Hall?—I did.
>
> "3705. Can you say what was the difference of opinion as to the selection of the place which you could hope to represent? Did it imply a chance of success, or did it imply an objection to the means by which success was to be obtained?"

Now mark the answer:—

> "I wished to select my own place, and I wished to select the place which seemed to me most likely to return me, and (mark this) most likely to keep me as its Member."

In other words Captain Carnegie wished to invest his money where it would ensure a more profitable return, and who can blame the gallant Captain for that? Thus, then, there being four reasons for not going to Dovor, it is clear that the fear of the taint of corruption was only 25 per cent of the real reason, and that a fraction of a one-fourth would have entirely vanished if he had known, as he might have known, and was bound to know, that the question of Mr. Churchward's contract had passed beyond the Admiralty some weeks before there was any idea of Captain Carnegie's going to Dovor. Thus the charge against the late administration entirely broke down, and therefore that against Churchward, being dependent upon it, should also have dropped through. But that would have been to admit that the Committee had been performing with great tragic importance the "Comedy of Errors." Parliamentary Committees cannot be expected to sit from the 14th June to the 11th of August for nothing, in a room bounded on the one side by the ill-smelling Thames, and on the other by a lobby redolent of the compound of villanous smells proceeding from the crowd of witnesses in attendance for nothing. Victimized ourselves, we sought to make other victims. The Secretary to the First Lord stood ready to our hands. How that Gentleman, Mr. Murray, got dragged into it is difficult to say. No one for one moment denies that he had a perfect right to converse with a Lord of the Admiralty who was bound to find a seat about what borough he should stand for. Mr. Murray's ideas, however, were in favour of Devonport, not of Dovor. No one for a moment denies that he had a perfect right to converse with Mr. Churchward, a Government contractor at Dovor, as to the chances of success if Captain Carnegie went to Dovor. Yet, with this common-sense view of the ordinary practice, we are told that Mr. Murray is open to grave censure, because, so far as I can understand, he permitted Mr. Churchward to be more about the Admiralty than suits the fastidious tastes of some gentlemen. But surely Mr. Churchward, as long as he was a Government contractor, had a perfect right of free access to the department under which he served. I have found in my small experience contractors in daily, almost hourly, communication with their department, and alway to the manifest advantage of the public. But was this a privilege enjoyed by Mr. Churchward only in the time of Mr. Murray? Why, when Mr. Churchward was unconnected with the Admiralty and was on the staff of a Conservative newspaper, he seemed to have been a sort of familiar spirit at the Admiralty, the *âme damnée* of the Board. He then was sent for, fêted and caressed by Admiralty dignitaries belonging to every liberal Administration, from 1846 to 1855. I have scores of letters proving this fact. I will not inflict the whole of them on the House, but I would ask permission to read extracts from a few to prove my position. I must, however, state that I will not give the names of the writers. I pledge my word that they are written by men of standing and magnitude, and not by the mere rank and file of the department. The extracts I shall read cover a period varying from 1846 to 1855:—

"March 11, 1846.

"My dear Sir,—I wish you to come and see me as soon as convenient."

"March 22, 1847.

"I wish you would use the material enclosed, and let me have it again; it belongs to the Record Office. I hope you are more profitably engaged than in coming here occasionally."

"June 4, 1847.

"Just say that I and Barnard stand again for Greenwich."

"Dec. 13, 1847.

"Pray read and make use of the enclosed. It is important, as proving that it is to our navy and not to the army that we must look for defence, especially to our steam navy. This will be the groundwork of a good article, and enable you to praise our first sea lord. Wind up with recommending an increase of marine artillery, and that the Coastguard should be placed under Captain Berkeley."

Here follows a sentence which almost seems to show that Sam Slick, the Attaché, was in England at this time; and, if so, the writer must certainly have taken a lesson from him in the art of administering soft sawder.

"I am sure upon these points you will, with your talents, be able to prepare a leader that will please all, and at the same time effect some good to the country, which I feel certain you possess sufficient patriotism to desire."

Feb. 23, 1848.

"It was most essential that the report of our having sent four steamers off to the French coast should be contradicted. I was glad you informed us of it. I sent a notice in consequence, and it was most obligingly entered *verbatim* as a leader. Their Lordships were glad to see it there."

"Jan 22, 1849.

"I think you must give *The Times* a hint. You have done good service."

"House of Commons, June 3, 1850.

"Look into the office (Admiralty) at 6.30."

July 1, 1850.

"I consider your observations on naval matters have been given with marked ability, and are most liberal and free from party."

"Sept. 16, 1850.

"I want to see you this afternoon. The article answers perfectly. We have no news from the Pacific."

August 27, 1851.

"My dear Sir,—The First Lord is rather anxious to show that the officers promoted to captains from commanders lately by the new regulation are men of service, and, if you can, pray go on with an account of their lives. If you are at any loss for a sketch of any of them, ——— as orders to show you the records of each officer. It is very amusing to see how ——— gives praise to Cobden and Co., and accuses Baring of want of discretion and decency."

Captain Leicester Vernon

The next letter is one in praise of Mr. Churchward himself, and I almost feel inclined to give the name of the officer of high rank who wrote it from the Admiralty:—

"Oct., 1851.

"I have always regretted you had not been in the navy, as from your perfect knowledge of the service and your quick mind in ascertaining the value of men of all ranks, your assistance in that branch would have been invaluable. You have boldly advocated many plans that we have brought forward for the good of the navy."

"Dec. 19, 1851.

"My dear Sir,—I have never read a better article than yours in the *Morning Herald*."

This was an article in favour of Sir F. Baring.

"Feb. 4, 1852.

"Give Houston Stewart a lift, as you have no friend in the Tory interest standing for Greenwich."

The last extract I shall quote is written in June 5, 1855, and I am sorry that the hon. and gallant Admiral (Sir C. Napier) is not in his place, because the letter would have been interesting to him:—

"My dear Sir,—I think the latter part of my speech relative to the late Commander-in-Chief in the Baltic should at least appear in the naval papers, for instance in Devonport, and in others with which you may be connected."

The hon. and gallant Admiral, if present, would have remembered whether that speech was particularly flattering to him, or the reverse. This letter was written in 1855, and even then Mr. Churchward was a contractor. On what pretence, therefore, is the House now asked to commit this great commercial injustice, namely, to break the contract with Mr. Churchward? The Committee exonerated the Government from having given the contract upon political grounds, and it was utterly impossible to come to any other conclusion, because the late Administration had only done in 1859 what the previous Administration had done in 1855—both of which acts were for the public advantage. By what juggle could they then fasten on Mr. Churchward the charge of having endeavoured through improper means to get possession of a contract when it was quite clear that the extension of the contract had really passed away from the Admiralty long before the election? If it is admitted that the Government granted the extension without corrupt motives, on what principle can they say that Mr. Churchward accepted the extension from corrupt motives? Mr. Churchward thought fit to consult his private interests rather than his political opinions, and to vote accordingly. Is that corruption? It should be borne in mind that the case has twice been tried already—by the Contract Committee, to the verdict of which, as far as Mr. Churchward was concerned, I object, and by the Election Committee, which was a judicial court where evidence was taken upon oath. In both these courts the Administration has been entirely exonerated. But whilst in one Committee Mr. Churchward has been sacrificed, as I contend, in the very teeth of the evidence, the Election Committee refused his request to be examined in these words:—"Mr. Churchward, we cannot hear you, as we consider that there is no charge made against you which calls for an answer." Mr. Churchward, so long as he was a contractor, thought it to be to his interest to support a good candidate. Is that corruption? Acting upon this principle, he supported Sir William Russell and Mr. Bernal Osborne in 1857, though his politics differed from theirs. Is that corruption? In 1859 the tide turned; Mr. Churchward's private interest and political principles went together, and he acted accordingly. Am I to be told that that which is not corruption in 1857 is corruption in 1859? It is monstrous to assert that there is any difference. When I contested Chatham against the Liberal Goverment, I was met occasionally by men of station who told me that they did not think it right to support me against a Government whose bread they eat. I could have told them they eat the bread of the public, and not that of the Government. I had not a word to say to men so eminently peculiar. Now, these were not dockyard artisans — men with hands of iron and hearts of gold. No; they were Gentlemen, to whom if you had hinted corruption, would have pinned you to the wall with the swords that glittered at their sides. I have one word to say respecting Mr. Murray. I did not expect that the Committee, having absolved the Government, would have fallen back to take a paltry vengeance upon contractors, secretaries, and such small deer. I agree with an able writer on this subject in the *Westminster Review*, that few persons would be pleased with a Report which, while it exonerated the Government, made a scapegoat of Mr. Murray. I submit that what the Gentlemen referred to at Chatham had done towards themselves is, exactly what Mr. Churchward has done for himself, he has voted and acted according to his own interests, hanging up his political views until fairer weather came. If he is to be morally gibbeted for so doing, and if a law is to be passed that shall circumflex all political renegades in its categories, these executions will be rife in "Merrie England," and Mr. Churchward may sing, with Captain Macheath,

> "If laws are made for every degree,
> To curb vice in others, as well as in me,
> I wonder we've not better company
> Under Tyburn tree."

I hold that a contractor, like every other freeman, has a right to wear his politics as loosely as he pleases. If Parliament say no to that, then pass a law depriving Government contractors of their franchise for the time being; introduce such a clause in your Reform Bill, and hear what the public will say to it. But I urge the House not to take a step, one which will shake to its very foundation the confidence of commercial men in the Government. If you do take such a step as that recommended by the Committee, I ask you what man in his senses will touch a contract involving a preliminary outlay as in this case of thousands, when he knows that the House can at any time break his contract at the breath of a Minister or at the instigation of a political party. Once establish the precedent that the good faith of Government in regard to contracts may be broken, and that they may do without dishonour what a private individual dared not think of without disgrace, and our national prestige is gone, our national honesty will be little better than a delusion, our national compacts nothing but a snare. One word more and I have done. I appeal to the present law advisers of the Crown, and those opposite them who have held the same exalted position, and I ask them if they would dare, for their reputation sake, advise such a course between man and man as that which the Parliament of this mighty empire is now urged to pursue towards an individual who lies helpless at your mercy. I appeal to the other learned Gentlemen, Members of this House, who adorn alike the senate and the bar, and I ask them, will they stand by, with folded hands, to see this great injustice done? I appeal to those who have themselves been contractors—men who for probity and faith have ever stood forward on the business roll of the world; will they lend the sanction of their great names to proceedings that will establish the right of Parliament to cancel the most solemn obligations on political grounds? I appeal to men of commerce of every class—men known throughout the land, and honoured in this House, whose word is their bond, and who, by their commercial faith as well as by their enterprise, have made England the commercial emporium of the globe—are they prepared, I ask, to deal so heavy a blow against commercial confidence as that which is now contemplated? Lastly, I appeal to the honour and to the right feeling of the House, I ask hon. Members to support my Resolution on its merits. I stand here at the bar of public opinion; my cry is not for mercy but for justice, and I ask them by their votes this evening—votes that will be marked wherever commerce carries the British flag—I ask them by their votes to prove, not only to this country but the world at large, that the British House of Commons will never recognize the arbitrary principle that might is right.

Motion made, and Question proposed,—

"That this House, having considered the Report and the Evidence presented by the Select Committee on Packet and Telegraphic Contracts, is of opinion that the Contract entered into on the 26th day of April 1859, between the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland and Joseph George Churchward, ought to be fulfilled."

SIR FRANCIS BARING said, that having sat in the Committee on this subject, he felt himself called upon to offer an explanation in answer to the speech of the hon. and gallant Member. He hoped that in stating his reasons for opposing the proposition of the gallant officer he should not be tempted by the imputation of any motive that had been thrown out to abandon that tone of moderation and strict impartiality which he believed characterized the Committee generally throughout their inquiry, and in the decision to which they had come, and he wished the House to judge of the case, not from party motives or personal feelings, but according to the right and justice of the case. He would only say that no vote had been taken in that Committee which did not include some one or more Gentlemen usually sitting on the opposite side of the House, and upon the most important vote upon which the whole question depended it had the concurrence of Gentlemen on the other side. When it was thrown out that the object of the Committee was to damage the late Government he thought the fact he had stated was a sufficient answer to that insinuation. He would proceed to notice what had not occupied much of the speech of the hon. and gallant Member—the merits of the case. The hon. and gallant Gentleman had divided his proposition into three points. The first was comparatively a small one, whether the contract was a good or a bad one. The second was whether the Committee came to an unjust or a just conclusion as to Mr. Churchward's affair. The third was whether the contract having been entered into by the Admiralty, the House was not bound in honour, whatever its judgment on the first two points might be, to perform that contract. As to the first point, the gallant Officer said that he thought that the first prolongation of the contract by the right hon. Baronet the Member for Halifax (Sir C. Wood) was advantageous to the public service. Unfortunately the Committee were of a different opinion; and it was remarkable that the hon. and gallant Officer never took any steps to invite the opinion of the Committee on that point, but allowed the condemnation of the Government of the party opposite to his own to pass, without dividing the Committee upon it. Then came the prolongation of the contract in 1859. This again was represented by the gallant Officer as extremely advisable. Now, the Committee did not impute any improper motives to the parties who acted on the part of the Government when they entered into that contract. The Committee were unanimous on that point, and therefore he (Sir F. Baring) must be understood in what he said as not intending to make the least reflection upon the motives of the late Government. But the question was whether it was a wise and good contract. With regard to money the case was this; Mr. Churchward held the contract; he applied in 1857 for an additional sum for the performance of certain duties which he alleged were not included in the contract. In 1857 that application was considered by the Admiralty of that day, and refused. They told him that he was bound by his contract to perform the greater part of those duties, and one of them, which was not included in his contract, he had actually promised to perform. In 1857, therefore, he remained quiet, but in 1859 he came again, applying for payment for the very same things, with one exception, and he got a promise of remuneration for the very same things which he had been refused in 1857. He did not apply for an extension of his contract either in 1857 or in 1859, but it ended with their giving him that which he had not originally applied for, besides the whole of the sum that he had asked; he got the extension of the contract into the bargain. As the thing went on, Mr. Churchward being a very shrewd man, and probably seeing that those with whom he had to deal were not well acquainted with the original transaction, took the opportunity to insist on the prolongation of his contract; but that was more than he at first asked. Now, he (Sir Francis Baring) was not there to contend that in no case ought there to be a prolongation of a contract; but he did say that before such prolongation was granted a careful inquiry should be made into all the attendant circumstances. Those who granted it, however, in this case were so little acquainted with the circumstances, that it was almost amusing. For instance, by the original contract Mr. Churchward was bound to keep six steamers for the English service; and he subsequently made a contract with the French Government to keep three steamers; but what was the way in which he performed his two contracts? One might have supposed that six and three would make nine, but it was not so in Mr. Churchward's arithmetic. He had only six ships, but he had a double set of captains, and a double set of colours; and when a steam-boat which had carried the English colour from Dover to Calais, as an English steam-boat arrived at Calais; down came the English flag, and up went the tricolor, another captain came on board, and it became a French steam-boat. He was not complaining of Mr. Churchward for doing this; but when a contract was to be renewed or prolonged, it ought to be considered that what might be a proper payment for six steam-boats should be refused, when only three, instead of six, were provided. Another point, which disclosed what really was not very creditable conduct, was this: The contract which Mr. Churchward entered into with the French Government contained a clause that, in case of maritime war, Mr. Churchward should be bound to give two of his steamboats for the French service. Everybody must know with whom that maritime war, if it ever took place, was likely to be; and the hon. Gentleman who was Secretary to the Admiralty at the time when Mr. Churchward's contract was made, had himself declared that if he had known of that clause in the French contract he would certainly not have approved it. Mr. Churchward had been called upon for an explanation, and had said, so far as he could be understood, which was not always quite easy, that it was quite true that there was that clause; but that he had never intended to perform it. He (Sir F. Baring) was not very well satisfied with his getting out of the difficulty in that way. The matter was either not very creditable to Mr. Churchward's patriotism, or else it did not say much for his straightforward dealing. But the thing to be remembered was this indisputable fact that the Admiralty was paying for the service of six steamboats, two of which Mr. Churchward was under engagement to furnish to the French Government in the event of a maritime war. Under these circumstances there might well be some question of the expediency of the contract which the gallant Officer had so much panegyrised. The Committee thought it was a contract which had not been entered into with proper consideration. He ought however to say, in justice to the Secretary of the Treasury and the Lord of the Admiralty at the time the contract was entered into, that many of the papers connected with it, and the previous correspondence, had not been brought before them at that time, and that the particular clause by which those vessels were to be supplied to the French Government for war purposes was not known until it came out before the Committee. He (Sir F. Baring) now came to a very disagreeable part of the affair. The Committee had before them some uncomfortable facts. They had the declaration of a gallant Officer, in which he distinctly stated one thing, and on the other hand they had the declaration of two gentlemen, Mr. Murray and Mr. Churchward, who directly contradicted him. In such cases no doubt it was painful to give a judgment, and not long ago, a case had occurred in that House, which showed how men of the highest character might differ in their memory of particular things. He wished to throw no imputation on any one, but he thought it difficult even for those who read the evidence carefully not to come to the same decision as the Committee who heard the evidence and saw the witnesses. There was no doubt that a conversation took place in the manner stated by Captain Carnegie; the question was as to the nature of that conversation: the Committee undoubtedly came to a decision to the effect that they relied on the memory of Captain Carnegie, and the House would believe that they did not come to that decision without giving the subject their most anxious consideration. The hon. and gallant Officer had thrown out a challenge, and had spoken of Mr. Churchward's character. He (Sir F. Baring) was not there to go into any private attacks on Mr. Churchward's character. Mr. Churchward, at the time he (Sir F. Baring) was at the Admiralty, was connected with one of the leading journals of that time, and he certainly had access to the Admiralty, though he was not in the habit of coming to him (Sir F. Baring) and he had to remonstrate more than once upon the subject of his too constant access. It was not very easy for the Government to carry on the public business, especially when Parliament was not sitting, without some occasional communication with gentlemen of the press. When, for instance, the great Jupiter of the press was thundering at the Admiralty, backed by the gallant Admiral who sat below him, the House would agree with him that it was not always easy for a public department to avoid communications of that kind, especially in the Parliamentary recess. Mr. Churchward was a very intelligent man, and he (Sir F. Baring) was bound to say that his opinions were generally with the Admiralty of the day. He represented the Admiralty of the day, and somehow or other got a good deal of information from the department. But he was no contractor when he (Sir F. Baring) was at the Admiralty. The House might form their opinions as they pleased as to gentlemen connected with the press having access to a public office or department, but he (Sir F. Baring) thought there was a great distinction between the representatives of the press seeking for early information as to public events, and men, under cover of their connections with a public newspaper, constantly visiting the Government offices for the purpose of obtaining a particular contract. The hon. and gallant Officer claimed to have had some experience in this matter, for he said he had lived in an atmosphere of contracts. He (Sir F. Baring) could hardly believe that the hon. and gallant Officer when so engaged was in the habit of allowing contractors to be constantly buzzing about, and looking after what was going on in the office. He regretted being obliged to notice some other facts connected with the character of Mr. Churchward. He did not, however, intend to refer to any private communication, but to facts which had been clearly proved before Committees of that House. and he was bound to state that to two Committees of that House Mr. Churchward was not unknown; that by one Committee on the election of Mr. Mare he was reported to have bribed two persons at that election; and on a subsequent inquiry it was also reported that Mr. Churchward had asked for forty places, and had got twenty-five of them. He thought that showed Mr. Churchward was not over particular delicate in using Parliamentary influence to get something good. The evidence showed that such a conversation as he had before referred to on the subject of the contract in connection with Mr. Churchward's offering to canvass had taken place between Captain Carnegie and Mr. Churchward. They had before them the actual words that were stated by Captain Carnegie to have passed on the occasion. When Mr. Murray was asked he denied the words, that is to say, he denied that the conversation took place when he was present, and stated his belief that Captain Carnegie had confounded what passed at the conversation with Mr. Churchward with some things that had been said in previous conversations with himself; but Mr. Murray admitted that in his conversations with Captain Carnegie he had mentioned the offer alluded to. It was an offer on the part of Mr. Churchward that if he got his contract he would assist in the election. Captain Carnegie said that did take place in the conversation with Mr. Churchward, and though not so strong in terms, it meant the same thing. He was asked, "Then, in point of fact, it was not entirely from your being expected to take certain steps contrary to your principles that induced you not to stand for Dover?" and he replied that that was the main reason. Then there was another point: Mr. Murray was asked about a communication with the Treasury. Now no one would believe that because the

Admiralty had sent the contract to the Treasury the Government could not deal with it afterwards as they liked. Such an argument was entirely unworthy of consideration, though it might do very well for lawyers to argue on it before a Committee. Then it was rather an odd thing for a private secretary to write to a Lord of the Treasury, requesting that business might be got on with. When it had been announced that the dissolution had taken place, Mr. Murray wrote:—"We are anxious to expedite Mr. Churchward's matter, and we want him to go down to Dover to canvass." From that it was evident that Mr. Churchward had not made up his mind to support the Government candidate, but when his contract was secured, then he would go and use his influence. There were many other details which he might bring before them, but the case stood thus:—The Committee resolved to bring this point before the House, because they believed Mr. Churchward had offered a Parliamentary bribe to Mr. Murray, and that, if the Treasury did not accept the bribe, Mr. Churchward got his contract through the promise of electioneering assistance. The next question was whether the House had, in common honesty and fairness, a right to do what the hon. and gallant Gentleman denominated a breach of contract. This was no trifle—this was a very important question; it dealt with the public faith on the one side, but on the other it affected the rights and privileges of that House. If they had no right to refuse a Vote when it was asked for by the Government, because the Government had promised the money, he should like to know why they did not quietly pass the Estimates straight through without canvassing any of the proposals made by the Government. This was not a question of expediency or of inexpediency; but it was a question of whether or not they had a right of breaking a contract, as it was called. Suppose the Admiralty had entered upon a contract for 100 years, at £100,000 a year—suppose, again, that the Government had promised a public servant a high retiring allowance in order that they might appoint to his place—were they to be told that they had no right on the Vote for such a contract, or such a superannuation allowance, to inquire into the arrangements? If they carried the doctrine of the conclusion of contracts to such an extent it might be put almost beyond the power of Parliament to exercise its authority in such matters. He had never heard this doctrine so laid down, and the House had never acted upon such a doctrine. A few years ago there was a contract entered into by our Minister at Paris for the purchase of a certain chapel there; that contract was entered into, and part of the purchase money was paid on account of the contract. What happened then? Did the House listen to the statement of the Government of that day? No, the House threw out the Vote, and declined to complete the contract. On that occasion the House went to a division, and among those who were concerned in the commission of that act of bad faith were Mr. Disraeli, Mr. Henley, Sir James Graham, Sir William Jolliffe, Sir John Pakington, Mr. Seymour FitzGerald, the present Chancellor of the Exchequer, and Lord John Manners. These were all laymen; among the lawyers there were the present Judge Advocate, Mr. Serjeant Kinglake, Mr. R. Malins—in whose way he was sorry to interpose any difficulty, but he had probably got ready a speech on the other side for this debate—and last of all a Gentleman who had held a high official position, the late Attorney General for Ireland, Mr. Whiteside. The case of the Paris chapel was in modern times:—he could quote as early and important precedents in which the House had refused to complete a contract made by the Crown. In the case of the Peace of Utrecht there were two treaties—one a political, and the other a commercial one. In the latter of these the Sovereign had distinctly engaged to reduce certain duties;—the engagements of the treaty were not as in modern times conditional on the assent of Parliament, but positive; but notwithstanding that, when the Bill for their reduction came before Parliament it was rejected by the House of Commons. After these examples, was he to be told that the engagement entered into by the Lords of the Admiralty with Mr. Churchward was of so sacred a character that when the Speaker left the chair, and the Chairman of Ways and Means put the question as to the grant of money for its fulfilment, hon. Members would be bound to say "Yes;" that they had no power to say "No;" and that therefore their voting upon it at all would be a mere farce? But had they really entered into an engagement? The Admiralty engaged to pay out of money to be voted by Parliament, and it was therefore clear that there would be no engagement except subject to the assent of Parliament.

More than that, the power of making these contracts was taken away from the Post Office by an Act of Parliament introduced by the present Chancellor of the Exchequer on the recommendation of a Commission, in order that no money might be spent without the sanction of the House of Commons. How, then, would that House stultify itself if it now gave up the power which had so recently been secured to it. In conclusion, it appeared to him that this contract was not a good one, that whether it was a good or a bad contract, Mr. Churchward had resorted to expedients which rendered it advisable that it should not be confirmed; and when he was told that that House had no power to express dissent from a contract made on the part of the Crown, he appealed for contradiction of that doctrine to every hon. Gentleman who voted upon the question of the purchase of the English chapel in Paris, to those who were then Ministers of the Crown, but never ventured to oppose the Motion then before the House upon such a ground, and to the hon. and learned Gentleman the Attorney General of the late Government, who if he had objection to that Motion upon conscientious grounds would have been the first solemnly to protest against the breach of public faith.

Sir STAFFORD NORTHCOTE said, he would not pretend to argue the question upon legal grounds, but he was prepared to say that the right hon. Gentleman had placed the question from the beginning to the end of his speech upon an entirely false issue. He had spoken of this Motion as if it were intended that when the Speaker left the Chair and they went into Committee their hands were to be tied by the Resolution which the hon. and gallant Gentleman asked them to come to, and they were to be bound to vote the money necessary to carry out this contract without inquiry, thus abandoning the undoubted privilege of Parliament. So far was that from being the case, however, that what the hon. and gallant Member for Berks asked the House to do was to untie its hands. The Report of the Committee of last Session said,—

> "While most anxious for the fulfilment of all engagements entered into in good faith between the Government and individuals, the Committee submit for the consideration of the House"—

That implied that the House was to take the matter into consideration, which was all that was now asked.

> "Whether Mr. Churchward, in having resorted to corrupt expedients affecting injuriously the character of the representation of the people in Parliament, has not rendered it impossible for the House of Commons, with due regard to its honour and dignity, to vote the sums of money necessary to fulfil the agreement, to extend his contract from the 20th of June, 1863, to the 26th of April, 1870."

He would ask the House to bear in mind that all that was asked of them was to allow themselves to go into Committee on this Vote, and there deal with it with the same freedom as they would with any other Vote. They were not asking the House to in any way pledge itself on the subject of the Vote. All that was asked of the House was to give a general answer to the challenge or submission of the Committee as to whether the House ought or ought not to consider the Vote. The case of the Paris chapel, to which the right hon. Baronet (Sir F. Baring) had referred, was not one in point; the two cases were by no means parallel. The case of the Paris chapel was one in which the Government had expended a certain sum of money without the sanction of Parliament, and in which, when the Government came down to the House, the Vote was refused. The difference between the two cases was, that in the one case the Government had acted in accordance with the usual practice, and in the other they had not. The purchase of the chapel had been repeatedly considered by the House, and had been refused, but in the present case the Government had only pursued the usual course in making and renewing Post Office contracts before submitting them to the House. And what had been the result of the Vote of the House of Commons in the Paris chapel case? As soon as the House refused to vote the money for the chapel the Government tried to dispose of the building, but experienced great difficulty in their attempt to do so. The chapel remained closed in consequence for two or three years, to the great scandal of every one, who saw that the Government of England had made a contract which they were not able to carry out. Ultimately a Despatch was received from Earl Cowley stating that the French Minister of the Interior had received an official intimation that it was the intention of the person with whom the debt had been contracted to put up the debt of the British Government to be sold to the highest bidder. If the late Government had not taken upon themselves to advance money to prevent that disgraceful transaction the debt of the British Government would have been so put up in Paris for public auction, and sold to the highest bidder. That showed the inconvenience of the course recommended in the present case; and without raising the legal question involved, he would say that, unless the clearest and strongest grounds existed, the House ought to be most cautious how it repudiated a bargain that had been made by those who were authorized to make bargains of this kind on behalf of the Government. In Mr. Stephenson's answer to a question put by Mr. Laing, in the Select Committee, the House would find the matter put in a very fair way. Mr. Laing asked the witness:—

> "Am I correct in understanding your doctrine about the liability of Parliament to be this, that if the Government merely makes a bad bargain, you think, inasmuch as Parliament has, perhaps, been supine in allowing the Government to act as its agent for a number of years, it would not be fair towards a third party to break the bargain because they thought it a bad one; but, on the other hand, if it should be discovered that fraud or misrepresentation or corrupt influence had been used, or attempted to be used, by the party obtaining the contract, you think that both the Government and Parliament would be free in honour in cancelling that contract."

The answer of Mr. Stephenson was,—"That is my opinion." He (Sir S. Northcote) laid aside for the present the legal view of the matter, which would, no doubt, be argued by better authorities on such subjects. The position from which he started was that of Mr. Laing—namely, —that the House ought not in common fairness to repudiate the contract merely on the ground that it was a bad one, or that it was not the most advantageous one that could have been made for the public service. He maintained that if, on the whole, their opinion was that the contract had been entered into fairly—entered into on public grounds—because the Government of the day believed it to be for the public service, and that the Government had fair reasons for arriving at the conclusion that it was one of that character, they would, even though they might differ with the Government on the soundness of that conclusion, be taking a most injudicious and most injurious course if they repudiated the engagement. He should now explain to the House the grounds on which the late Government had conceded the extension of the contract. They had been already explained by his right hon. Friend the Secretary to the Admiralty under the Earl of Derby's Government, and by himself, before the Committee, and on another occasion; but as had been stated by the right hon. Baronet (Sir F. Baring), very few hon. Members had probably taken the pains to peruse the whole of the great blue-book which he now held in his hand; yet, without they did so, they would have no correct means of arriving at that which was at the bottom of the whole case—namely, whether or not there was good reason for the course taken by the late Government. In the first place the extension of the contract had been asked for on a ground which he did not think a good one, and on which he could not recommend the extension—on the ground, namely, that Mr. Churchward had sustained serious losses in carrying out his contract. That ground, nevertheless had been held to be a good one before the time of the transaction which was under the consideration of the House. It had been recognised by the Admiralty, and the contract had been extended on it in 1855. However, he (Sir S. Northcote) had refused to recognize it by recommending an extension on it. But he had recommended the extension on another ground. Mr. Churchward had been anxious to improve the service. His contract had still a certain time to run, but he was unable to carry on the service as effectually as he wished to do without undertaking a very considerable expenditure for the construction of better packet-boats. It would have been unreasonable to expect Mr. Churchward to undertake that expenditure without a renewal of his contract. It was, therefore, for the public interest that the contract should be extended. That was the ground which he (Sir S. Northcote) took at the time, and in doing so he ventured to think he acted in conformity with precedents set over and over again by successive Governments. There was one very remarkable case in which a contract had been renewed on that ground, though it did not in financial respects present anything like so favourable an aspect as the Dover contract. He referred to the contract of the Royal Mail Company for conveying the mails to the West India Islands. The subsidy in that case was £270,000; in the present case it was only £15,000 or £16,000. The service in that case was very badly done, and great complaints were made, while in the present case it was very well done. That contract involved a dead loss of £215,000 a year, for the Post-office revenue from letters was very small; while in the present case the contract of Mr. Churchward, instead of being a contract involving a loss, was one which produced a gain of over £65,000 a year, being almost the only one of the kind that paid its own expenses. Again, the West India contract had never been put up to public competition; the Dover contract was granted to Mr. Churchward after a very sharp contest. Well, the contractors for the West India service came forward in 1857, when Mr. Wilson was Secretary to the Treasury, and asked for an extension of two years, their contract having at the time four years to run. That extension was granted on the ground that the contractors wanted to build larger and better ships in order to perform their service well. Mr. Churchward performed his service well; but he wanted to build new boats in order to perform it better. Was not his case then a stronger one than that which he (Sir S. Northcote) had just cited to the House? But it might be said, "All this case was got up, and it was believed by you simply because you wished to favour Mr. Churchward." Not at all. His case was perfectly made out and as a proof he would quote a portion of the evidence of Captain M'Ilwaine, who held an official position as superintendent of packets at Dover. It was Captain M'Ilwaine's duty to know and he had the means of knowing precisely what the service was and how it had been performed by Mr. Churchward. He was a perfectly competent, and not only a perfectly competent, but a perfectly unprejudiced witness. He might almost say an unfavourable witness, because his right hon. Friend the late First Lord of the Admiralty (Sir J. Pakington) had been charged, though without foundation, with having acted unfairly towards Captain M'Ilwaine, whose name he (Sir S. Northcote) heard for the first time on the 12th of April, 1859, in the discussion in which the charge was brought forward. Again, Captain M'Ilwaine had not been selected to give evidence by the late Government, but by those who were most anxious to find out what they thought they would find out from Captain M'Ilwaine's evidence—namely, that Mr. Churchward was not performing the service well. The answer to which he (Sir S. Northcote) now more particularly referred would be found in reply to questions Nos. 3914 and 3979 put to Captain M'Ilwaine. Captain M'Ilwaine having previously said that in the general management of the packet service there had been nothing to disapprove, was asked—

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"Upon the whole, from your experience, did it appear that Mr. Churchward was capable of performing his contract fairly with the boats that he had?—As far as bringing the mail goes he was.

"Did it appear to you that it would be an advantage that he should put on new, and stronger, and better boats?—I certainly would recommend it; I think that the *Ondine*, one of his packets, is not capable in bad weather, and she has not the speed for the contract in bad weather.

"If, then, he were to substitute for some of those boats, which are only just capable of performing the service, better boats and superior boats, would that cause him additional expense, or any considerable expense?—I should say, of course, that it would cause expense."

In short, the effect of Captain M'Ilwaine's evidence throughout was that the contract was being carried out in such a manner that the Government could not lay hold of the contractor and subject him to penalties; that at the same time the service was capable of great improvements, which it was desirable should be introduced, but that it was improbable the contractor would incur the additional expense involved unless he had some inducement to do so. That was just what Mr. Churchward himself represented. He had represented that he wanted an extension of his contract that he might build new boats. The late Government granted him that extension, and he proceeded to do what he had said he would do. He had already built one new boat, which he (Sir Stafford Northcote) had been informed was the best one that had ever been on the station. He would not, however, have taken that step if his contract had not been extended. Under these circumstances the late Government had arrived at the conclusion that there was sufficient ground for extending it. It might be that hon. Members did not concur with them, but they had no right on that ground to accuse them of not having acted correctly to the best of their judgment. The next ground was, that Mr Churchward was not only a contractor with the English, but a contractor with the French Government also. The right hon. Baronet (Sir F. Baring) had quoted an expression of his right hon. Friend the late Secretary to the Admiralty to the effect that, if he had known the nature of the provisions of the contract with the French Government, he would not have extended the contract. That evidence of his right hon. Friend was the only evidence of the kind to be found in the blue-book, but if hon. Members looked to question No. 4889 they would find precisely the same question put to the right hon. Member for Halifax (Sir C. Wood) as that which had been put to his right hon. Friend, and precisely the same answer given by the right hon. Baronet. The evidence of the Admiralty witnesses also went to show this, that according to the express directions of the right hon. Baronet (Sir Charles Wood) as First Lord, the Admiralty were to take no notice of the French contract. The hon. Member for Liskeard (Mr. B. Osborne) who was Secretary to the Admiralty under the Government which preceded Lord Derby's, acted in conformity with those directions, for in his evidence before the Committee, that hon. Member said "I was aware of the existence of the French contract; but did not look into it. I did not consider it a part of my duty to make myself acquainted with it." In reply to question 4774, Mr. Clifton said he was directed in 1855 not to have any official cognizance of the French contract. [Mr. E. P. BOUVERIE: By whom?] It was stated by some one that that direction had emanated from Sir Charles Wood. In another portion of the examination before the Committee, Mr. Clifton was asked whether it was by the First Lord that he had been told not to take any official cognizance of the French contract. His reply was—"I think he was present. I presumed it was sanctioned by him." [Mr. BOUVERIE: Hear, hear!] At all events, the French contract had existed, and had been known to exist, before the accession of the Earl of Derby's Government to office; and, therefore, if there was any point in the matter it was one which told equally against the preceding as against the late Government. As to that contract, the state of the case was simply this—Mr. Churchward had a contract with the English Government which was binding till 1863, and another with the French Government which did not expire till 1870. The British Government, however, had no control over the French contract, nor over Mr. Churchward in his proceedings in respect of it. He was called on to perform two services in the day, one on the English and the other on the French account, and it had so happened that correspondence and communications had been going on between the authorities of the Admiralty and the Post Office, the French Government and Mr. Churchward, in regard to some important improvements contemplated in the service between this country and the Continent. The suggestions for those important improvements had originated with Mr. Churchward. This was freely admitted by Mr. Hill, assistant secretary to the Post Office, who in his reply to questions 4443 and 4453 explained the great importance of having those improvements introduced; that the suggestion had originated with Mr. Churchward, and that he considered him to have very great merit in the matter. On looking to the evidence of Mr. Page, the House would again find testimony as to the importance of those improvements; but it was also stated that if Mr. Churchward as contractor under the French Government had refused to give effect to his suggestions the British Government had no power to compel him to do so, however desirable their adoption might have been. Mr. Churchward had them completely in his power as regarded those improvements. He might have refused to carry them into effect, and had he so refused the result would have been that both countries would have been left without that acceleration in the mails which had been so much desired, and which was actually in operation at the present moment. The mail which used to leave this country for France at one or two o'clock in the afternoon, now left at seven in the morning. Letters posted in Liverpool or other parts of the country, say that (Tuesday) evening, would be delivered in Paris to-morrow (Wednesday) night, instead of, as formerly, Thursday morning, with equal advantages in the return posts. Mr. Churchward also had been able to accelerate the whole of the passage between England and France, the average rate of the sea passage being now fourteen knots an hour, instead of eleven knots, as formerly; and the House would bear in mind that these improvements had not been made in the English service, but in the French, over which Mr. Churchward had control, but over which we had none. But for him this country could not have got the benefit of that improvement; and he could not have effected it if the British Government had not given him an extension of his English contract, so as to make its termination coincident with that of his French contract. And it must also be borne in mind that they had got these great and long-desired improvements without any increase of the subsidy paid to Mr. Churchward. Other parties connected with the arrangement had received an increase of pay—the South Eastern Railway, he believed, had received £6,000 a year more from the English Government, and the Chemin de Fer du Nord an increase of some £4,000 from the French Government. But Mr. Churchward, with whom these improvements originated, and on whom their execution depended, did not receive a single farthing additional; but only a commutation in lieu of certain charges which he was absolutely entitled to under his own contract. In proof of that he appealed to the letter of the Postmaster General, who, disapproving the extension of the contract, admitted that Mr. Churchward was entitled to payment for the enormous additional expenses he was put to in connection with the special services. The doubling of the Indian mails, the Australian mails, and other like matters, it was not necessary for him further to refer to. The whole question was whether the late Government had such grounds for what they did as justified the House in believing that, as honest men, they applied their minds to the matter in the best way they could, and adopted the course they thought most expedient; and if the House believed they had, then it would not only be unjust, but the most excessively foolish and damaging step they could take to throw over the contractor, on the ground that the bargain was not so good as could have been made. And here he asked permission to refer to the Report itself. He denied the premises of the Report which the hon. Chairman (Mr. Cobden) had, in the first instance, laid before the Committee; but he did that hon. Gentleman the justice to say, that if those premises could be borne out by the evidence, the conclusion at which he arrived was consistent and logical. However, as the Report left the Committee, the whole of Mr. Cobden's premises were struck out. The Report as drawn up by Mr. Cobden stated that the Committee—

> "Had failed to discover sufficient public grounds to justify the extension of the contract, which seems to have been conceded to the strenuous solicitations of the contractor, in opposition to the views of the Postmaster General, Mr. Stephenson, the chief official in the postal service Department of the Treasury, and contrary to the first intention of Sir Stafford Northcote."

And it went on to say that it was in evidence before the Committee that Mr. Churchward in pressing his claim for an extension of the contract tendered his support as an influential elector for Dover to Captain Carnegie, "on the understanding that his contract was to be extended, and expressed his intention, on the same condition, to vote for two Government candidates for Dover." Upon these premises Mr. Cobden based the perfectly just and natural conclusion that it was for the House to consider whether Mr. Churchward had not, in having "resorted to corrupt expedients," rendered it impossible for them to vote the money necessary to fulfil the agreement. The question then was, whether the evidence bore out the premises. But as the Report passed through the hands of the Committee, "the strenuous solicitations of the contractor" was struck out, and in lieu of it the Committee reported that it was on the recommendation of the Admiralty that the contract was conceded by the Treasury. Perhaps it might be said that was much the same thing; but then there was the express assertion by the Committee afterwards, that the recommendation of the Admiralty was six weeks before the conversation of Captain Carnegie and Mr. Murray, and therefore the Admiralty could not have been actuated by corrupt and political motives. But then the Committee said it was done without sufficient inquiry. He admitted that on that ground the Committee did hit the Government a little. They did not inquire into the terms of the French contract, about which they knew nothing; but that was not their fault. It was the fault of the preceding Government who told them not to inquire into it. He did not care to discuss whether every inquiry possible for very suspicious persons to have made was made, but he said that the Report ignored any supposition based upon "the strenuous solicitation of the contractor." What was the conversation between Mr. Churchward and Captain Carnegie? Mr. Churchward did not tender his support "on condition that his contract was renewed," as stated in the draft Report, but it was certainly in conformity with the evidence of Captain Carnegie, as stated in the corrected Report, that Mr. Churchward volunteered his support, when the matter was under the consideration of the Treasury, on the expectation that his contract was to be extended, and expressed his intention to vote for two Governmnt candidates for Dover. What did Captain Carnegie say passed? He would not enter into the question whether Captain Carnegie's memory was false or not, or whether his representation was correct or not. For the purpose of argument he would admit his statement. He asked the House to look at the very important answer to the question No. 1,374:—

> "Mr. Churchward spoke to me on the subject of the pending election for Dovor, and having volunteered his support, and promised me his assistance in general terms, he made an allusion to his anxiety to obtain the renewal of his contract; and he said that they were anxious to defer signing the renewal of his contract until after the election was over, but he felt that would be too hard upon him."

He had no objection to read the whole of Captain Carnegie's answer:—

> "And that he would rather prefer voting for Mr. Bernal Osborne and for myself, inasmuch as he would have a friend in power, whoever was in office. He also added that he thought they wanted him to return two Government Members for Dovor, and if they did so, he should be obliged to comply with it."

He did not say how far the connection of Mr. Churchward with the election was right or proper. He was only concerned with what he did with the contract, and there was not a syllable in this statement of Captain Carnegie to show that Mr. Churchward made his conduct at Dovor dependent on what was done about the contract. Mr. Churchward volunteered his support, and when he heard that the Treasury would not sign until after the election, he remarked that that was rather too hard upon him. If there were any corruption, it was on the part of the Government, and he should never be able to hold up his head if he allowed the matter to stand as it did, that he and the Treasury were acquitted of corrupt and political motives, and the whole blame was thrown on Mr. Churchward. He had said so to the Committee, and he had said so all along, that if they considered he was persuaded to assent to the extension of the contract from any improper motives, he was ready to be censured by those who thought him capable of such conduct. He was ready to deny, as he did then deny most emphatically and to the utmost of his power that he had ever been actuated by any motives of the kind. But he asserted that if any inference was to be drawn from the evidence, it was, not that Mr. Churchward said, "I will do this if you will do that," but that Mr. Churchward said, "I am anxious to do this, but I think it rather hard it should be postponed, if it is to be done, for political purposes." There was in reality no occasion for any such conclusion, because what Mr. Churchward said was strictly and literally the truth,—that there was in his (Sir S. Northcote's) mind—and he expressed it—he did not know whether Mr. Churchward heard it, but it was quite possible he did—that there was in his mind a feeling that it would be better and wiser to defer taking any steps in the extension of the contract until the election was over. Sir William Jolliffe suggested to him that he should defer it until the election was over, and had said that he thought the matter one which ought not to be settled during a general election. But upon consideration he thought it fair and right that a matter which had proceeded so far, which had been put forward in the month of January, when there was no question of a general election, which had been recommended by the Admiralty when there was no question of a general election, which had been approved by the Assistant Secretary to the Treasury (Mr. Hamilton) and brought under his notice and discussed, should be settled then; and Mr. Churchward justly said, "Why throw the *onus* on me, when has been kept by official delays it until an election is pending, and why hang it up for a considerable time until this election is over?" The consequence was that the contract was proceeded with. But supposing he (Sir S. Northcote) had said, "I will not do anything," and as soon as the election was over, "Now I approve the contract;" would it not have been said that it was well understood all the time, but deferred to keep out the awkwardness of appearances? On the other hand, supposing he had disapproved, would it not have been said, "You knew you were not going to approve; you wanted to get Mr. Churchward's support; you knew he fully expected he was going to get his contract; you took care not to undeceive him; you let him do everything he could, and then threw him over." He could only take one of two courses. If he did not take the right, he must take the wrong. He did not say that he might not have been unwise in the course which he took, but he still thought that it was the right and straightforward course, and that it would have been cowardly to take any other. The matter having come before him at the time it did, and having been fully considered he thought it fair and right, whether an election was pending or not, that he should decide; but it was quite true that just at the time of this conversation with Captain Carnegie, he had made use of the expression that he did not wish to enter into the question until the election was over, and he thought it quite possible that Mr. Churchward made use of the expression that he thought it rather hard upon him. If it were not that there was so much of contradiction and confusion in the evidence, he should say that that was the true solution of what passed. He did not know whether it was or not, but he confidently maintained that there was nothing in the conversation or the expression said to have been used by Mr. Churchward which implied of necessity that Mr. Churchward was trying to drive a bargain, in the grammatical sense of the word. At the same time he was bound to say that there was a question and answer in the blue-book which appeared to give a different colour to the transaction, and he would call attention to them for the purpose of showing how the Committee was worked. He had the greatest respect for the public and private character of the hon. Member for Rochdale, the Chairman of that Committee. No one, he believed, was less willing to do injustice than that hon. Member, but the hon. Member had had no experience of the way in which legal inquiries were conducted. If this question had been put in any court of justice, it would have been instantly objected to. The witness was Captain Carnegie. Mr. Cobden asked:—

> "The words used conveyed the impression to your mind, did they not—that there was a negotiation going on; on the one side Mr. Churchward insisting on having the contract signed before the election, and on the other side the party insisting that the support should be given to the two candidates before the election came off; was that the impression upon your mind?"

The witness answered, "Yes." Now, he thought that if ever there was a specimen of a leading question, that was one, and it was upon the interpretation thus put into the witness's mouth that the matter turned. He did not at the time object to the question, because he knew that in some sense he was a party accused. He had determined to object to no question, because any objection from him would appear as if he wished to stifle inquiry. But he thought it was not a fair question to put, and that the question and answer produced a false impression. But as he had said before he should certainly have felt most heartily ashamed, and he felt certain his colleagues shared with him that feeling if they had allowed it to be supposed that they were ready to ride off under the kind of acquittal given to them by the decision of the Committee, and to allow Mr. Churchward, the contractor, to be the sufferer—the innocent sufferer—in the matter. He had nothing to do with Mr. Churchward's character or former proceedings. He had to look to nothing but his proceedings in this business. He had never heard anything of that gentleman's former proceedings; but he would say that as far as this transaction was concerned, Mr. Churchward was perfectly innocent, and the House would be setting a bad precedent, and doing an act of gross injustice, if it refused to ratify the contract.

Mr. LAING said, that when he heard the first sentence of the hon. Baronet's (Sir S. Northcote's) speech, he hoped the hon. Baronet was about to establish a common basis of agreement upon this question, for the hon. Baronet had referred to a question put by him (Mr. Laing) as a Member of the Committee to a witness early in the proceedings of the Committee, in which he had endeavoured to define the only grounds on which it appeared to him contracts of this description when once made, could be impugned. Those grounds were, that if the Government merely made a bad bargain, it was not just to the contractor that Parliament should break it; but if, on the other hand, fraud, or misrepresentation, or corrupt influence had been used or attempted, then Parliament and the Government would be free in honour to cancel the contract. He entirely adhered to the view he then expressed. He admitted the importance of preserving good faith in commercial transactions without reference to the policy of Governments, and he should place this question, as he believed the majority of the Committee had done, entirely upon the specific issue whether corrupt influence had been used or attempted by Mr. Churchward when soliciting the contract. That would at once set aside many of the arguments of the hon. Baronet who had just sat down, who, in his anxiety to vindicate his own character—which certainly, after the Report of the Committee, could not be impugned by any one—had endeavoured to show that the renewal of this contract was a most advantageous thing for the public service. If that were the ground on which the decision was to be taken, he should have had much to say in opposition to the hon. Baronet's views; for he believed, for the reasons stated in the report of the Post Office, that this was not an advantageous transaction for the country. When a contract had so long to run as to the year 1863, he held it to be undesirable to renew it without putting it up to public competition, in cases, at least where competition was possible. Renewal might be allowed where, from the circumstances of the case, there could be no effective competition; but in this case the magnitude of the contract rendered it perfectly possible to excite an active competition amongst persons possessing five or six fast boats; and beyond that, it was notorious that in the railway company alone there was an element of competition that would have secured better terms for the contract. He, however, freely admitted that the renewal was not so obviously disadvantageous to the public interest that it was necessary at once to jump to the conclusion that there was corrupt motive, and he thought the Report of the Committee showed that there was no disposition in the majority to make political capital out of this matter. Yet the hon. Baronet found fault with the Report as altered from the original draught really on the ground that the Committee had acted in that spirit, and had gone out of their way to pronounce a distinct verdict of acquittal where they thought it was justified and required. He was astonished, however, that a Gentleman of such acuteness as the hon. Baronet could not see the difference between a verdict of acquittal pronounced in regard to A for the acceptance of a bribe and a verdict of guilty against B for the offer of a bribe; because that was the whole case. It was not asserted by the Committee for a moment that the late Government accepted the tender of corrupt influence, but there was a distinct assertion by a great majority of the Committee, and one not confined to any political party, that it was proved by the evidence that Mr. Churchward did attempt to exercise corrupt influence on the Government, in the hope of obtaining the renewal of this contract. He was willing to rest the whole matter upon that ground, and upon the ground derived from the effect of the words which stated that payment was to be made out of monies to be provided by Parliament. This was not a question of law; it was a question of practice of the House of Commons. Practically no doubt the House of Commons had the power to render the renewal nugatory, and a dead letter, by refusing to vote the money for payment. The question was not whether they had the power, but whether a sufficient moral justification existed for exercising the power, and whether the fact that Mr. Churchward had used corrupt means did not justify the House of Commons in declining to ratify the contract. That question turned upon the narrowest possible issue—namely, the credit to be given to Captain Carnegie. Some of the Committee thought he was labouring under a misapprehension, and that the whole thing was a mare's nest. Of these the hon. and gallant Mover was one, and they naturally and consistently arrived at the conclusion that Mr. Churchward was treated with great injustice; and he (Mr. Laing) would admit that if he could take the same view of Captain Carnegie's evidence, he should come to the same conclusion in regard to Mr. Churchward. If Captain Carnegie's evidence were not to be believed, the whole case against Mr. Churchward was gone. But it was not a narrow majority who decided in favour of the credibility of that gentleman; it was a majority of eleven to four, and amongst the eleven were several gentlemen whose political bias would have inclined them to think the other way. When a question of this sort was referred to a Select Committee, which had heard witnesses *vivâ voce*, and were not regulated by party views in the conclusions to which they had come, he thought it would be a bad precedent for the House, which did not hear the evidence given, even if the majority of the Committee had been narrower than it really was, to upset the decision of the Committee, and come to a different conclusion on the simple issue of the credibility of the witnesses. As to the credibility of Captain Carnegie's evidence, he thought that if it were examined it would be found that this evidence did not differ from the other evidence, and therefore he differed from the right hon. Member for Portsmouth (Sir F. Baring) who put the matter upon the painful issue—whether credit was to be given to Captain Carnegie or to Mr. Murray? Mr. Murray's evidence was simply this—that he did not hear the conversation. But the recollection of Captain Carnegie was most precise and distinct as to what passed between him and Mr. Churchward in regard to the contract. He said the statement of Mr. Churchward had made a great impression on his mind, and he had the most lively recollection of it. He (Mr. Laing) then would ask the House whether, when a gentleman, an officer, and a man of honour gave this distinct answer, and was opposed by a gentleman who said that he did not recollect, it could be called a conflict of evidence? Was this evidence upon which they ought to be put into this painful position of not believing one party? The Committee censured the political indiscretion of Mr. Murray, but he, for one, most distinctly acquitted Mr. Murray of anything approaching to a want of personal honour in giving his evidence before the Committee. In his opinion the Committee found their verdict upon the evidence before them, which, in their opinion, convicted Mr. Churchward of having attempted to bribe, and Mr. Murray of serious indiscretion in his position of Secretary to the First Lord of the Admiralty; but the evidence not only did not affect in any way, but, indeed, distinctly acquitted the higher members of the Administration, and especially the hon. Baronet (Sir S. Northcote) who had most to do with granting the extension. Where there was evidence of condemnation the Committee found a verdict upon it; but where the evidence was for acquittal they did not hesitate, upon any consideration of what would be the more popular course, equally to do their duty in acquitting as entirely as they could gentlemen who belonged to an opposite political party to that to which the majority of the Committee belonged. They had not, in reference to the higher members of the Adminstration, pursued a course which indeed would have been unworthy of them, and insinuated in a disguised paragraph that which they dare not state openly. The point now before the House turned simply and solely upon the credibility of the evidence of Captain Carnegie. In addition to what he had already said he would state that the manner in which Captain Carnegie gave his evidence impressed, he believed, every member of the Committee with the belief that it was given with all the feelings of a man of honour and a gentleman speaking from the best of his recollection. In addition to his being contradicted only by Mr. Churchward, and not by Mr. Murray, there was much in the conduct of Captain Carnegie irreconcilable with any other idea than that he was sincere in his evidence. He sacrificed a high position and the opinion of his political friends for no apparent motive except that he believed to be true that which he asserted to the Committee. What was the substance of Captain Carnegie's evidence? Mr. Murray, in his evidence, admitted that he was in frequent communication with Captain Carnegie as to the Dovor election, and he went so far as to say that his conversations with Mr. Churchward might have been confounded in Captain Carnegie's mind with conversations on the same subject between Mr. Murray and Captain Carnegie. It was therefore clear that these conversations must have been going on for some considerable time. On the other hand, Captain Carnegie had the most distinct recollection as to what took place in reference to the contract; and if they believed his evidence, they must, as men of common sense, see that it was apparent that Mr. Churchward desired to bribe Captain Carnegie as completely as if he had sent a sum of money to a banker's, and said, "You may draw on it the day after the signature of my contract." He desired to bribe Captain Carnegie by means of his influence in the Dovor election. In considering this evidence it was not immaterial to refer to the character and antecedents of the parties. It must be remembered that Mr. Churchward, who was using the kind of language referred to in the evidence, had been reported by a Select Committee of this House as having been guilty of attempting to bribe voters on a former occasion. Besides, a Committee had since sat on the Dovor Petition, and they could not shut their eyes entirely to those passages which it was then shown took place at the Admiralty between Mr. Churchward and the parties he saw there. The Report that contained these facts had not been printed by the House; and therefore he could only take the circumstances from the accounts given in the newspapers of the day; and he took it that the Committee must have believed that evidence then given, for he found that in the report in the papers—

Lord LOVAINE said, he rose to order. He submitted that it was irregular for the hon. Gentleman to read from Reports in newspapers.

Mr. SPEAKER intimated that the hon. Member was out of order in so doing.

Mr. LAING would not, under the circumstances, attempt to carry the matter further. The Report of the Committee not being printed he could not cite it, or he could only cite his general impression from what had transpired of the Report of that Committee. His impression was, that it would be found to throw a very remarkable light on Mr. Churchward, and the agents whom he employed.

Mr. LYGON said, he rose to order. The Speaker had already decided that no unauthorised Report could be referred to, and the hon. Gentleman was therefore out of order in commenting on the proceedings of the Committee.

MR. SPEAKER said, the hon. Member was not regular in referring to the Report before it was laid upon the table.

MR. LAING said, he understood that the Report had been, in fact, upon the table, though it was not yet printed, but as it was objectionable, he had no wish to pursue this subject further, for the matter, after all, must rest upon the Report of the Contract Committee. Placing the matter, therefore, solely upon the evidence from which he had read extracts, he did not wish to weary the House with any more quotations, because, in his judgment, the question was narrowed down to this simple issue, "Do you believe Captain Carnegie's evidence?" If they did not believe it, the whole question was gone; but if they believed it, it was impossible for any man of sense to doubt that Mr. Churchward did attempt to use a political bribe at the Admiralty in order to get a renewal of his contract. They then came to this, was an attempt to exercise political bribery in regard to a matter of contract a sufficient justification, under the circumstances of the Dovor contract, for the House of Commons to take upon itself the moral responsibility of putting an end to the contract by declining to vote the requisite sums? He thought that question turned upon the construction to be put upon the words which were introduced for the first time into the Dovor contract—"out of monies to be provided by Parliament." The introduction of these words was a great novelty in a contract, for they had never been inserted before; and certainly they were not inserted on this occasion without a purpose. He found it stated, upon the highest authority, that they were not inserted as mere unmeaning verbiage, but that they had a distinct meaning in the shape of a warning to the contractor. The hon. Member for Tewkesbury (Mr. Lygon), then in an official station at the Admiralty, stated that in the contract certain words had been introduced which would have the effect of rendering the contract subject to the ratification of the House. Indeed, the right hon. Member for Buckinghamshire stated that with regard to the contract which appeared to have excited so much alarm in the mind of the noble Lord, it might be satisfactory to him to learn that it would be in the power of the House, when called upon to vote the money proposed to be paid, to reject the contract entirely. As an additional proof that these words were not looked on as a mere matter of course, it was stated before the Committee that one of the oldest steam shipping companies in the country had refused to sign a contract with the Government which contained these unusual words. It was absolutely necessary that some provision should be made with reference to these contracts either by giving the Government power to make the contracts irrespective of the House, or by making the contract subject to the approval of the House. He hoped that this would be adopted in future, and he believed that the insertion of these unusual words had really brought them up to this point. It came to this, that words of this kind being introduced, and Parliament thus having, in addition to its general jurisdiction of voting money, a special jurisdiction given by words which held out to the contractors a warning that such special power existed —the question was, what course should be taken? What were they do in such a case as this? It was not a case for inflicting a severe and ruinous penalty on the party, because, even if the worst came to the worst, Mr. Churchward had got his contract until 1863.

SIR FITZROY KELLY: They might refuse the money.

MR. LAING: The course proposed to be taken by the Government in reference to this contract was a very clear one. The House refused last Session to vote the money under the contract now in question, and he supposed that the Government could not properly have taken on itself to reverse the decision of the House of Commons.

SIR FITZROY KELLY: Then the whole contract was at an end.

MR. LAING: The Government could not, after the refusal of the House of Commons, pay the money in the face of such decision; for, if they had done so, they would have rendered themselves, no doubt, personally liable. What the Government said to Mr. Churchward was this: "If the renewal of your contract should be set aside by a refusal to vote the money, inasmuch as you would not have abandoned the old contract except on the prospect of getting a renewal, the Government would have no wish to take away that which you held previously, and you may therefore stand in the same position as you would have done if this had not taken place." There was, therefore, a contract at £15,000 a year running up to 1863, and the Government said, "You may send in your bill by the piece for any other services performed." Upon this footing the contract was going on up to the present moment, and, in a pecuniary light, he believed it would make no difference to the Government or to Mr. Churchward, until 1863; for the extra services would amount to much about the same sum as under the contract—£2,500. At the end of 1863 Mr. Churchward would be in as good a position as any one else, able to compete with others, or his contract might be renewed from year to year until the Government chose to call for new tenders. Upon these facts, he repeated that the punishment was not severe. On the other hand, the adoption of the Motion of the hon. and gallant Member for Berkshire would practically amount to a reversal of the decision of the Select Committee, and to a renewal of the contract until 1868. What would be the moral effect, after all that was made known by the evidence before the Committee, of Mr. Churchward going scot free? Contractors were practical men, with a practical turn of mind; and how would they look at this case? They would set down on one side that Mr. Churchward being a business man had obtained a contract by an unusual proceeding—a contract which the Post Office, the Secretary of the Treasury, and the chief clerk of the Department were against, thereby rendering Mr. Churchward's case apparently desperate; and, on the other side, they would set down that being in that desperate position, he had attempted to resort to Parliamentary bribery [*Cries of* "Oh, oh!"]—he said that unless the evidence could be impugned, Mr. Churchward did attempt to resort to Parliamentary bribery, and the result of that proceeding was to get a renewed contract in spite of all adverse circumstances. Now, he would ask the House whether they thought that would be a result consistent with the dignity and the interest of Parliament. They heard a great deal in that House about bribery and corruption at elections. They had been told over and over again that they were not in earnest in the matter, and that if they were in earnest they would punish not only the bribed but the briber. Why should not that principle be applied to a far more important case? Contracts for the public service involved far more of the public welfare than questions whether A or B should be returned for a particular borough, or whether a candidate had been elected in consequence of a deeper purse and deeper potations of beer. When scandalous whispers were abroad with regard to the manner in which public contracts were given, the character of public men was injured and the most prejudicial effects were produced. It was the proud boast of England that the character of her public departments was pure. All was believed to be honest, straightforward, and above-board. Let them look at what had taken place in the United States of America. It was only the other day that a Committee called the Corruption Committee was appointed there in consequence of the bribery that was used in obtaining public contracts. It was of importance that the House of Commons should make a stand against such practices as that which was now under consideration, and should, when a person attempted to exercise corrupt influence, deny him, if they had the power under the words of the contract, that reward he sought to obtain. It was of the highest importance that the House should not shrink from supporting its Committee, unless it thought, by reference to the evidence, that the Committee was wrong in the conclusion at which it had arrived.

MR. MALINS said, he was not connected in any way with the late Government, but he wished to know whether public faith was to be observed in reference to this contract, upon which it was sought to cast a stigma. This being something of a judicial matter, he regretted that the judges who were now present to hear it were only about fifty in number, while those who would decide it at a later hour of the evening would probably be some 200 or 300. He came to the consideration of this matter without any party bias, as he believed he had never seen Mr. Churchward but once in his life. Mr. Churchward, it was well known, had before the year 1854 been long connected with the public press. He had devoted his attention to a particular department—that of naval affairs, and it was agreed on all hands that he was a man of great information upon that subject. At that time the packet service between Dover and Calais cost the country £25,000 a year, and Mr. Churchward suggested to the Government that it would be desirable that the service should be done by tender, and not by the Government boats. The Government adopted the suggestion. He then tendered for the service himself, and his being the lowest tender it was accepted at £15,500. The tender having been accepted, a contract was entered into with him and signed on the 1st of April, 1854, the right hon. Baronet the Member for Carlisle (Sir J. Graham) being then at the head of the Admiralty. It was, therefore, entered into not by a Conservative Government but by a Liberal Government, of which the noble Lord was a Member. That contract was worked to the satisfaction of the Government until 1855, when Mr. Churchward, as was usual in such cases, entered into a further contract with the French Government, to which, of course, the Government of England could make no objection, seeing that it enabled Mr. Churchward to bring back his vessels full and not empty. In 1855, also, Mr. Churchward applied for the renewal of the contract, on the ground of loss by one of his vessels and the great expense he had been put to, and the Government of 1855, under which the right hon. Member for Halifax was the First Lord of the Admiralty, renewed the contract, with the full knowledge of Mr. Churchward's contract with the French Government. That contract was for £15,500, with certain collateral advantages for extra services, amounting to about £2,500 per annum. After that came the Crimean war and the Indian rebellion. The Indian mail, in consequence, became very heavy, and Mr. Churchward put himself to great inconvenience and expense in having special vessels ready to take the Indian mail whenever it should arrive. Mr. Churchward, in this respect, acted to the entire satisfaction of the Government of the day, and in consequence of this, and of having suggested great improvements in the postal service, by which the mails were greatly accelerated, the Government of Lord Derby, in the early part of 1859, entered into the contract now in dispute, and he (Mr. Malins), begged the House to look at the dates of the transaction. The House would bear in mind that the Government of the Earl of Derby was considered in no danger before the middle of March, 1859. It was not until that time that the noble Lord the Member for the City proposed his adverse vote, which ultimately had the effect of turning out the Government. But it was towards the end of 1858 that Mr. Churchward first mooted the question of an extension of his contract, which would otherwise have expired in the year 1863. He was admitted to be an intelligent, active, diligent man, and, being anxious to make the postal service between the two countries effective, to do which a greater expenditure on his part would be necessary, he opened a communication with the Government of the day. That communication would have been made equally to the Government of the noble Lord if he had then been in office, and the fact of a Conservative Government being in power had nothing to do with the question. It was on the 6th of January, 1859, that he made a formal application to the Government for a renewal of his contract. His then contract had about four years to run. But he found it necessary to build additional packets for the service, and he naturally said, "A short contract will not pay me." Besides which, the French Government refused to make a contract for less than fifteen years, which would carry him up to 1870. Mr. Churchward had therefore two objects in view. One was to make a contract commensurate with the one he had entered into with France and Belgium, and the other to have such a contract as he commercially would be warranted in entering into. With these two objects in view, on the 6th of January, 1859, he applied for a renewal of his contract. That application was answered by the Government in a Treasury Minute on the 3rd of February, and on the 11th of February Mr. Churchward was invited by the Admiralty to make a formal offer of terms for the proposed contract. The House would bear in mind that under Mr. Churchward's old contract he received £15,500 a year and the casual services. The renewed contract was for £15,500, with the addition of £2,500 a year for the extra service, making £18,000 a year, undertaking at the same time to build two new steam-boats. The proposal was made on the 11th of February, and the Admiralty formally accepted it on the 23rd of February, and nothing remained to be done but the mere machinery of form. He (Mr. Malins) would ask whether, if a contract of that nature had been made between individuals, it would not have been considered to all intents complete and binding upon the parties. Now when did the conversation with Captain Carnegie take place? Why, on the 1st or the 2nd of April. And what was Mr. Churchward's position on that occasion? He had then entered into a contract for two steam-boats at a cost of £16,000, which had since been built, and were running in the service. One of those boats, the *William Penn,* was one of the finest boats ever built, and was doing the passage between Dover and Calais in an hour and twenty minutes. What was Mr. Churchward's position during the whole month of March? The division adverse to the Earl of Derby's Government did not take place until the 31st of March. The contract had been entered into, and it was only waiting to be put in writing. The conversation with Captain Carnegie did not take place until the 2nd of April, and the 26th of April, four or five days before the borough elections, the contract was positively executed—the instrument was signed, sealed, and delivered, which gave to Mr. Churchward this contract up to 1870. But did the matter rest there? Not only was the contract signed, sealed, and delivered, but on the 1st of July, when the first subsidy became payable, the Government of the noble Lord having come into office, that Government acted on the contract by paying Mr. Churchward £4,500, the first quarter's payment. Now, the question the House had to decide was whether a contract so concluded and so acted upon was to be set aside upon the ridiculous suggestion of political influence which had been advanced? This was a case in which the public faith was involved, and unless there was an overwhelming case of public justice this contract ought to be abided by. This was no party question. Public contracts entered into by the Government ought not to be lightly disregarded. He utterly repudiated the doctrine held by the right hon. Baronet the Member for Portsmouth, and the Secretary for the Treasury, that when a contract was entered into for the discharge of public services, and contained the words, "out of money to be voted by Parliament," it was intended to have no effect unless Parliament afterwards voted the money. When the Secretary for the Treasury used that argument he would ask him if the Government urged that Vote on the attention of Parliament? Did they propose it as a Vote that public faith required to be passed? Would the hon. Gentleman tell him that if the Government had come down to the House and submitted a Vote for a contract, and had said that public faith required that the contract should be carried into effect, that House would have refused to sanction it? That House was never found inclined to disregard public faith. The head of the Government should be more cautious in adopting the principle of repudiation, for if this were a contract with a private individual no doubt as to its validity could exist. He appealed to any gentleman with legal knowledge, to the hon. Member for Suffolk, and to the law officers of the Crown, whether, if a similar contract existed between Mr. Churchward and any person in private life, such flimsy pretences would be permitted to set it aside. It was admitted that he had given his time and attention, and had been induced to spend his money, on the faith of this contract; but because he had held a conversation which hon. Gentlemen on the Treasury bench disapproved they sought utterly to repudiate that agreement. Between individuals such an excuse would be contemptible—it would not bear investigation for a moment; but when urged on behalf of the Crown it was all-powerful, because for an individual to assert his rights in opposition to the power of the Crown was next to impossible. He was not personally acquainted with Captain Carnegie, and after the statement which he had given of his own conduct he had no great desire to be so. It appeared that he had been selected to fill the vacant post of Lord of the Admiralty, and in consequence of that appointment, as the Government were naturally anxious that the department should be more fully represented, it was intimated that he ought to take the earliest opportunity of obtaining a seat in the House. Would anybody say that this was an improper condition, or one that ought not to have been imposed? Subsequent to this the conversation with Mr. Churchward, which had been so often read to the House, took place. Giving credit to Captain Carnegie for perfect accuracy, if he believed that the proposals made to him in that conversation were of an improper character, ought he not to have gone to the head of the department, made him acquainted with the fact, and inquired whether it was by his authority that these proposals had been made? But, instead of doing so, he resigned his office on the 6th of April, this conversation having taken place on the 2nd, and in a debate which subsequently occurred he authorized a right hon. Gentleman—now a noble Lord—to state to the House that he had taken that step in consequence of certain proposals which were distasteful to him, and which he thought inconsistent with his position as a gentleman. He also wrote a letter in which the impression was plainly conveyed to the country that communications had passed between himself and the members of the Board of Admiralty, and that he had resigned because he was asked to stand for Dovor on principles which he considered to be of a derogatory character. But in his examination before the Committee, Captain Carnegie was compelled to admit that the real reason why he declined to stand for Dovor was because he had some hopes of supplanting the hon. and learned Member for Youghal. He declared his belief that the proposals made by Mr. Churchward were of an improper character, yet he admitted that he had never communicated them to the First Lord of the Treasury, nor to any of the officials. Captain Carnegie was an officer and a gentleman, and because he was an officer he presumed his testimony was to be preferred to that of Mr. Churchward; but when, by his own statement, he had been guilty of conduct such as had been described, he confessed he could attach very little importance to his evidence. Did he not, he would ask, owe a duty to his colleagues? Was he at liberty, having accepted office, to throw of all allegiance, and to take a step calculated to embarrass the Government of which he was a Member? He was not, he stated, aware at the time of the interview with Mr. Churchward that the contract had passed out of the hands of the Admiralty five weeks previously. Could the House, therefore, fancy a man resigning an important office to which he had just been appointed, bringing himself and the Government with which he was connected into ridicule by imagining proposals which had never been made to him, and making these the ground of resignation without notice given to a single Member of the Department? It was plain that Mr. Churchward's anxiety in April was to have his contract completed, that he might be enabled to proceed at once to carry out its stipulations. At that very time Mr. Churchward had promised his support to the hon. Member for Dovor (Mr. Nicol), who now assured him (Mr. Malins) that the subject of the contract was never mentioned to him. Without intending to impute anything like wilful mis-statement to Captain Carnegie, the variance of recollection might be explained, as Mr. Murray had suggested that it might be, by the difficulty there was for even the most accurate minds to remember conversations in the order in which they occurred. He (Mr. Malins) had spent his life among Judges and in courts, and had often found this to be the case; but without attributing to Captain Carnegie any desire otherwise than to state the truth, he believed he had fallen into confusion in making his statement. Had it been Mr. Churchward's object, however, to exercise any improper influence it was impossible to suppose that he would select Captain Carnegie, who was hardly warm in his seat at the Admiralty, and who would be the last man he would go to. He would rather go to the political department and the more important heads; but Captain Carnegie had confused the facts, and had arrived at erroneous conclusions. Mr. Murray was asked if his recollection was quite distinct that nothing passed between Mr. Churchward and Captain Carnegie with reference to the contract, and replied in the negative. Captain Carnegie contradicted Mr. Murray on that point, but there was a third person present, Mr. Churchward, and he (Mr. Malins), after all that had been said of that gentleman, was totally at a loss to discover anything that rendered him an impeachable witness. The Secretary of the Treasury, in a tone he hardly expected, and wanting in his usual generosity, had made it a charge against Mr. Churchward that in a Report of a Committee of that House it was stated that in 1852 he bribed two electors. Every one knew how much might be said about Reports of that kind, but the best answer to the charge was that Mr. Churchward had denied that charge upon oath. Even if it were true, surely no one would say that because in the heat of a past election a man may have committed such an offence, that, therefore, he was never afterwards to be believed upon his solemn declaration. He could not agree with the right hon. Member for Portsmouth (Sir Francis Baring) in the grounds on which he thought public contracts ought to be repudiated. The right hon. Gentleman was generally so just and equitable in his treatment of questions before the House, that it was a matter of regret he should have exhibited so much ardour on the present occasion. The contract in question had been concluded and acted on, and value had been given on the one side and received on the other; and he would ask whether it was not perfectly clear on the face of the transaction, that in the offer made by Mr. Churchward on the one side and accepted by Government on the other, everything was complete at the time except the mere formalities of carrying the contract into effect, and whether, had it been a contract with an individual, it would not have been impossible for him to have escaped. Suppose, between the 26th of April and the time that this contract was repudiated in October, there had been a breach of its conditions on the part of Mr. Churchward, would they not have sued Mr. Churchward? The Secretary to the Treasury said that no injustice would be done to Mr. Churchward, because he was thrown back upon his contract of 1855, which had yet three years to run; but had the Government wanted to sue him, on what contract could they have done it? Why on the contract of 1859, for they could not have done it on the contract of 1855, which was uprooted and gone. What, then, did the Secretary of the Treasury mean by saying that Mr. Churchward was thrown back upon his contract of 1855 and that no injustice was done him, and how did he intend to remunerate Mr. Churchward for the £16,000 he had expended on two new steam vessels on the faith of the last contract? What then was the inference to be drawn from this casual conversation as reported in the evidence—he would not say evidence, for it was degrading the word to call it evidence, it was the mere gossip of the Secretary's room. And was this gossip to be entertained by the House or a Committee of the House, although contradicted by Mr. Murray, a man of as large honour as Captain Carnegie. Looking at the probabilities of the case, he was totally at a loss to find any motive that could actuate Mr. Churchward in making any such proposal as that described by Captain Carnegie, who was scarcely warm in his seat at the Admiralty, and who was the last man to go into the matter, and he would appeal to the justice of the House whether this treatment of Mr. Churchward was fair; and whether it was right to let off the greater delinquents in connection with these contracts? He would ask whether, on such gossip and tittletattle, they were determined to adopt for the first time the course of withdrawing the Estimate for this service, upon the pretence of public grounds. Was it fair to Mr. Churchward to say—We repudiate your contract; we know you have gone into a great expenditure, and that if you do not have your contract fulfilled you may be a ruined man, but that is unimportant to us. There was a Government opposed to us. You had influence for that Government, and although we are now strong, having vanquished that Government, yet recollecting the petty efforts made by you against us, we, on the part of the British Government, repudiate all these solemn engagements. Public faith is nothing to us. It makes no difference whether it ruins you or not. We repudiate your contract; if your ruin is the consequence we care not. Public faith is nothing to us provided we can vindicate our principle and establish our own point.

The SOLICITOR GENERAL said, his hon. and learned Friend the Member for Wallingford (Mr. Malins) had, in the course of his address, besides the general remarks he made on the case of Mr. Churchward, laid down certain propositions of law, and appealed in terms to the law officers apparently anticipating their support in favour of those propositions. His learned Friend had directed attention to the dates of the various transactions under consideration. Those dates were useful, and he (the Solictor General) adopted them; but he demurred entirely to the conclusion which his learned Friend asked the House to draw from them. The case appeared to stand thus:—Mr. Churchward had a contract with the Admiralty, which would not have expired until 1863, and early in the year 1859 he made a proposal to the Admiralty to replace that contract by a new one, on terms somewhat different and more advantageous to himself, and which was to last for a longer period. He (the Solicitor General) assumed that early in that year the proposal of Mr. Churchward was approved of by the Admiralty, and that their approval was forwarded to the Treasury for consideration there. At that time the Treasury had not expressed their approbation of the proposal, and, moreover,—what would have been Mr. Churchward's safeguard — the contract in point of form had not been ratified, and he (the Solicitor General) was disposed to rely on the absence of any binding acceptance of the contract on the part of the Treasury. Mr. Churchward was a man not inexperienced in contracts, and must have known the importance of the want of the ratification by the Treasury. Under these circumstances there was an intelligible reason why Mr. Churchward should seek to obtain by corrupt means the object which he had in view. But it fortunately happened, for the interests of public justice and political morality, that in this very contract there was a stipulation which provided that periodical payments should from time to time be made to Mr. Churchward out of moneys voted by Parliament. Into this contract Mr. Churchward entered with his eyes open. The stipulation was a binding one, and no complaint could be made by him if the payments provided for were not made to him in consequence of that House refusing to vote the money, for, in that case, by the very letter of the contract, the payments must cease. It would be a violation of duty on the part of the Government if, in the face of an adverse opinion by Parliament, they were still to attempt to carry out the contract. The question before them was whether the conclusion which the Committee had arrived at was to be reversed by a vote of that House, and he contended that the House ought not lightly to disturb the finding of any Committee. His hon. and learned Friend (Mr. Malins) said the Government ought not to endeavour to avoid a contract except upon grounds that would be tenable in the case of a contract between two private individuals. He agreed with him in that statement, but he denied that there could be any reasonable application of the rule to the present case. If this had been a private matter no such conduct as Mr. Churchward was said to have been guilty of could have occurred, for his corrupt conduct sprung from the public nature of the contract he was seeking to renew. He was seeking a contract from the Government, and he attempted to corrupt officers connected with the Government, in order to obtain it. But though public or political matters could not have sprung out of a contract between two individuals, his hon. and learned Friend must be familiar with the doctrine that in the case of a private contract, if the inducements to it were illegal or *contra bonos mores* against the statute or common law, that contract would be null. If this payment had been made to Mr. Churchward with a full knowledge of all the circumstance of the case, and after the Report of the Select Committee, he should have felt bound to admit that this circumstance might be urged in Mr. Churchward's favour. But this was not the case. The payment was made at the very moment of the change of Government, and before the reference to the Select Committee. The hon. and learned Gentleman opposite had referred to the dates, but they only showed that Mr. Churchward had obtained an advantage which he ought never to have had. It was also said, that owing to the mere accident that this was a dispute between an individual and the Government, Mr. Churchward would be deprived of the legal ordinary remedy. If Mr. Churchward had suffered a wrong in a matter of contract with the Crown and its officers, he denied that he was without a remedy in a court of law. He could not bring the same kind of action as if a private individual were concerned, and he might have to submit to a somewhat cumbrous and dilatory mode of proceeding, but when a payment became due he might proceed by a petition of right for its recovery, and every facility would be given him by the law officers of the Crown to bring the matter before any one of the courts of law. Therefore, unless the withholding the vote by the House of Commons were held to be a defence to the action, no Resolution of the House of Commons would impede Mr. Churchward's remedy. He had carefully perused the evidence of Captain Carnegie, Mr. Churchward, and above all of Mr. Murray, and he had come to the conclusion that the Select Committee were warranted in finding that Mr. Churchward had sought to obtain a matter of practical advantage by means that were to be reprobated, and which would tend to Parliamentary corruption. Believing Mr. Churchward to have been guilty of the misconduct imputed to him by the Committee, he felt it impossible by a vote in favour of the Motion of the hon. and gallant Member to reverse the decision at which that Committee had arrived.

LORD LOVAINE, having held an official situation at the Admiralty at the time, should not be doing his duty if he did not say a few words on this Motion. The right hon. Baronet opposite had not in his statement made a disclosure of the real facts of the case. He had stated that in 1855 the contract was renewed, and that in 1857 the renewal was again sought. [Sir F. BARING: "I said the application for certain extra services was refused."] The right hon. Gentleman stated that Mr. Churchward had received an allowance for the extra services he had rendered, the claim for which had been rejected by the predecessors of the Government. He ought to have informed the House that this allowance had been paid under the advice of the law officers of the Admiralty, who adjudged, if his (Lord Lovaine's) memory did not deceive him, that the contractor was equitably, if not legally, entitled to be paid for his additional services. [Sir F. T. BARING: "Where is that in the evidence?"] He affirmed the fact. Mr. Churchward's claim was referred to the Post Office, which also held that he was entitled to remuneration, and he was paid accordingly. Mr. Churchward, under these circumstances, came to the Admiralty with a greater claim for the renewal of his contract than he had before. He thought Mr. Churchward had some slight claim also in the fact that the previous Admiralty had saddled him with the purchase of three vessels which were almost useless, but for which he had to pay a large sum of money. Then the Secretary to the Treasury (Mr. Laing) had stated that at the expiration of the first extension of the contract, in 1863, tenders for the performance of the service might again be made, and that it might, under such a competition, pass into other hands. That was no doubt true. But he doubted whether even the elastic consciences of hon. Gentlemen on the Treasury bench would have thought that a contractor like Mr. Churchward was entitled to no consideration whatever. Then it was said that Mr. Churchward had also a contract with France. It appeared to him, however, that it signified extremely little to the House whether another Power had the use of any of his vessels, considering that our Government had the means of enforcing their claim on them at any moment. It was not such an unusual thing for a contractor to do so, and he believed the Pacific Steam Company did exactly the same. In the present instance it should also be remembered the Admiralty had insisted on the contractor maintaining three vessels allowed to be useless. The Secretary to the Treasury had been, he thought, somewhat reticent in his observations as to the South-Eastern Railway. No one was better acquainted with railway matters than the hon. Gentleman; and he must surely be aware that the object of the South-Eastern Company was to run Churchward off the line, to create a perfect monopoly of the whole passenger traffic with Belgium and France for themselves, and then avail themselves of the opportunity of laying whatever burdens they liked on the public to recruit their finances. He should like to ask the hon. Gentleman whether he could give them some idea of what it would be worth to the South-Eastern Company to monopolize this line, when there was another line with contrary interests running down to Dovor, and an amalgamation, sooner or later, between the two lines was inevitable. Perhaps, too, after the charges that had been levelled against the late Government, he would excuse him for asking further whether the political influence of the company had nothing to do with the matter. Were the question to be argued, there would be some difficulty in removing the suspicion that the verdict against Mr. Churchward was altogether unconnected with party feeling. It struck him that the observation might possibly be made, that all the Gentlemen on one side of the Committee belonged to the same party in the House, while those on the other side did not always vote in harmony; and that, supposing Mr. Churchward's conversion to have been the other way, he might have found more favour in the eyes of his judges. It was impossible to exclude a certain amount of partiality from such Committees; and it was therefore the more important, when they had to deal with the property and character of individuals, that the evidence given before them should be on oath and be real evidence. Not one word of the evidence that was to convict Mr. Churchward was on oath, and yet it was proposed to forfeit his property and destroy his character without giving him the common rights to which the basest of his countrymen was entitled. As to Captain Carnegie's evidence, he could not conceive why the evidence of Mr. Churchward and Mr. Murray in that case should not be held to counterbalance that of Captain Carnegie. He did not charge that officer with having spoken untruth, but he must say his whole testimony was given in a confused and extraordinary manner, which rendered it very unsatisfactory. Above all, he thought Captain Carnegie's conduct to his colleagues deserving of the highest reprobation. Captain Carnegie suspected his colleagues of unfair and corrupt practices, yet he conversed and consulted with them on different points, without ever hinting what was passing through his mind. Was that conduct to be expected from an officer, sitting at a board of gentlemen of high honour and character, whom he was bound to believe as sensitive and tenacious on any point of honour as himself? Was he justified in jumping at once to the conclusion that they were actuated by corrupt motives, without ever giving himself the trouble to inquire into the matter? He must say he thought Captain Carnegie had treated his colleagues in a most unfair manner indeed. He had only to apply to any one of them to have learnt at once how the contract stood, and whether there was anything in the matter involving his honour. Reading the gallant Officer's evidence, it was not difficult to see that the object uppermost in his mind was to get some pretext for not standing for Dovor. He could only say that if on evidence such as had been brought before the Committee, evidence too not given on oath, men's property and character were to be sacrificed, the sooner the House left off the practice of appointing Select Committees to adjudicate on those matters the better it would be both for them and the country.

LORD CLARENCE PAGET said, the noble Lord had directed accusations against the personal honour of Captain Carnegie; and the hon. and learned Member for Wallingford had also used expressions in reference to that officer on which he (Lord C. Paget) wished to offer a few observations to the House. He was not going to enter at all into the general question; but it did so happen that, from peculiar circumstances, he was able to give some explanation of the conduct of Captain Carnegie in that affair. Captain Carnegie had been for many years an acquaintance of his; they had served together; and although they had always held opposite opinions in politics, he had looked upon that gentleman as one of the most high-minded brother officers with whom he had the pleasure of being acquainted. Very soon after the transaction referred to had taken place at Dovor, Captain Carnegie came to him and asked him as an older officer for his opinion and advice. That was long before there had been any question of a Committee or public inquiry, and he pledged his honour that the words which he was about to mention were, as nearly as he could recollect, those which had actually been used, and he had a very vivid recollection of the conversation which had passed between him and Captain Carnegie. That officer came to him just after the general election, and, while he exonerated the right hon. Baronet the Member for Droitwich from any participation in the extraordinary proceedings which had taken place between him and Mr. Murray and Mr. Churchward, he stated that he was placed in a very painful position—that he had met Mr. Murray and Mr. Churchward in one of the rooms of the Admiralty, that certain proposals had been made to him to which he felt it was quite impossible to accede with regard to his going to stand for Dovor, and that those proposals were of such a nature that "they would get them all into a scrape." The Government, he stated, must be injured by them if they should be carried into effect, and his own character in particular would be gone for ever. Captain Carnegie certainly did not profess any extra amount of honesty in regard to political transactions, for he said to him that he did not pretend to be particularly mealy-mouthed, and was ready to go with his party and make any exertions for them; but he felt that the course proposed would get them all into a very serious scrape, and that it was one which if he adopted his personal character would be gone for ever. [SIR JOHN PAKINGTON: When was that?] It was just after he (Lord Clarence Paget) returned to town from the general election, and before there was any question of the Committee. Afterwards, when it became evident that he would be called on to give evidence before the Committee, he came to him again, and said, "I have the most earnest desire to state nothing that would in any way damage my party; I ask you whether I am not justified in that proceeding." And he there and then told him (Captain Carnegie) he thought he would be perfectly justified in not giving any evidence whatever before the Committee, not wrung from him, which would damage his party. Captain Carnegie, so far from deserving to have his conduct described, as he believed the noble Lord described it, as ungentlemanlike—

LORD LOVAINE said, he rose to explain—

LORD CLARENCE PAGET said, he should be very glad to receive from the noble Lord some qualification of that very offensive expression.

LORD LOVAINE: We always ought, if we can, to be correct. What I said was, that it was unfair to his colleagues.

LORD CLARENCE PAGET said, he was glad that the noble Lord so far retracted that expression. He wished to make it clear to the House that what Captain Carnegie stated to him was exactly what he stated to the Committee, and that his statement was not trumped up, as the hon. and learned Gentleman seemed to imagine.

MR. MALINS said, the noble Lord had entirely misunderstood him. He had taken pains to explain that, exonerating Captain Carnegie from the intention of misrepresenting, yet it was very common for men of the most acute minds to be confused in their recollection.

LORD CLARENCE PAGET said, that he had a very distinct recollection of what Captain Carnegie said to him, and on comparing it with the evidence given by Captain Carnegie it was precisely the same. He believed, conscientiously, that Captain Carnegie's conduct from first to last had been most fair and honourable.

LORD LOVAINE said, he wished to put the matter in the clearest light. When he commented on Captain Carnegie's conduct, it was with regard to his colleagues, and his colleagues only. When Captain Carnegie knew, or thought he knew, of something wrong, he made no representation to any one of his colleagues, and left an imputation to rest on them when the whole matter might have been cleared up.

SIR FITZROY KELLY said, he was sure that no one could impugn the motives of the Secretary to the Admiralty in the few words which he had addressed to the House, and if Captain Carnegie were then upon his trial, they would have been undoubtedly most appropriate; but even then he (Sir FitzRoy Kelly), as an independent Member of the House, should have demanded that which had been denied to Mr. Churchward, a fair hearing and a fair trial, and he would have been no party to a vote condemning Captain Carnegie without a trial. He rejoiced that at last, in the course of this debate, a law officer of the Crown had been induced to address the House. He had heard with surprise much that had fallen from his hon. and learned Friend, and he hoped that, before the discussion terminated, he should also hear his hon. and learned Friend the Attorney General; because he would confidently appeal to every man of business and common understanding, as well as to the bar of England, to say whether, if this had been a contract between any private individual and Mr. Churchward, and all the circumstances which had taken place and which had been established by the Committee, had occurred, and an action had been brought on that contract by Mr. Churchward, there would have been the slightest shadow of a defence. He felt it to be his duty to call the attention of the House to the circumstances under which this contract had been made, and to what had been done under it, and done with the full knowledge and at the instance of Her Majesty's Government—one of the contracting parties, down to the moment when they thought fit not to repudiate but refuse to perform the contract of which they had received the entire benefit. The speech of his hon. and gallant Friend (Captain Leicester Vernon) involved one or two of the most important questions that could be submitted to the consideration of the House; and one of those questions was whether it was consistent with the constitution and the laws of this country, that the House of Commons should assume to itself the function and jurisdiction of a court of law, and proceed to set aside and annul a contract that had been entered into under the hands and seals of the contracting parties, and that, by an act which would not release both parties from their obligations, and place them at least in the same condition as if the contract had never been made; but whether in the case of a contract under seal, entered into between a department of the Government and one of Her Majesty's subjects, and under which the Government contracted to pay £18,000 a year, and after all had been done in faithful performance of that contract by the other contracting party, this House had right and jurisdiction to dissolve that contract and refuse payment for services which had been duly and faithfully performed. Formerly these contracts were in the hands of the Post Office, but after a time it was thought expedient to transfer the functions of the Post Office to the Board of Admiralty. With the wisdom or inexpediency of that arrangement the House had nothing to do now; but after this had taken place, in the year 1854, Mr. Churchward entered into a contract with the authorities of the Admiralty for conveying the mails between Dover and Calais and Dover and Ostend. Now, they had the high authority of the hon. Member for Liskeard (Mr. Osborne) himself, once Secretary to the Admiralty, and once Member for Dover, that, by entering into these contracts, not less than £10,000 a year was saved to the Government, and he (Sir FitzRoy Kelly) ventured to say that, from the first hour when Mr. Churchward put his hand and seal to any one of these contracts down to the present moment, he had strictly and faithfully in all things, at great sacrifices and sometimes under severe losses, performed the contract, and no man could say that at any moment, under whatever provocation or loss, he had departed in the slightest degree from the strict line of his duty to the Government under these contracts. In 1855, when many of those who now occupied the Treasury bench were in power, the Board of Admiralty and Mr. Churchward, upon grounds which were at least thought sufficient by the Board, came to an agreement for extending the period of the contract, without very materially altering its terms, from the year 1858, when it would naturally expire, until 1863. The original contract being annulled, Mr. Churchward, under the extended contract, provided the requisite number of vessels to carry the mails and perform the conditions of his contract until the end of the year 1858, or the beginning of 1859. He had also in the meantime entered into a contract with the French Government for the conveyance of the French mails for a somewhat lengthened period of time, expiring in 1870, and he felt that if he could continue the contract with the British Government for the same period, he would be enabled the better to discharge his duty and provide for the public service in both countries; in fact, to be able to give to both Governments more of money's worth for the money they were to pay under their respective agreements. There were other reasons also why he thought it would be of mutual advantage to himself and the Government. Accordingly, he applied to the Board of Admiralty for a further extension of time; and in the petition which he had presented to the House, he set forth the letter upon which the Government were induced to take the matter into their consideration, and in consequence of which, after conferring with him, and maturely considering the advantages and disadvantages of what was proposed, the Admiralty in February, 1859, came to the conclusion that it would be advantageous to agree to a further extension of the contract. Every commercial man knew perfectly well that from that moment Mr. Churchward must have felt satisfied that it was a mere question of time as to when the contract was to be executed, and that the approval of the Admiralty signified to him after due consideration of the details, made it as safe as if the preliminary agreement had been signed. It was well known, too, that it was the practice of the Admiralty to submit these contracts to the Treasury for its approval before they were executed. Communications, therefore, took place between Mr. Churchward and the Admiralty, and afterwards between the Admiralty and the Treasury, and Mr. Churchward and the Treasury, and the result was, that on the 26th of April last year, the contract was executed. Under that contract, instead of £15,500 a year, the Government were to pay £18,000 a year; and, instead of the arrangement which had been made for what were called special services between Dover and Calais and Dover and Ostend, a different arrangement, upon different terms, was come to, and introduced into the contract; and it was agreed that a special service vessel should be provided to carry the Indian mails from Calais to Dover whenever they happened to arrive after the departure of the ordinary mails. But, besides all this, there was an express and special stipulation that Mr. Churchward should, at an expense of £2,000, procure or purchase a new small steam vessel in order to dispense with what had been the cause of much danger and mischief—the occasional conveyance of the mails in a small boat from the ship to the harbour of Calais at low water. Accordingly, when the contract had been entered into, Mr. Churchward from that moment proceeded, in all good faith, and without sparing time, or pains, or money, to fulfil the contract on his part. Since that time—and the fact had been represented to the Government, who knew that it was true although they disregarded it as if it were not—he had, in the performance of this new and special stipulation in the contract, laid out £2,000 in the purchase of this steam vessel. He had also laid out between £4,000 and £5,000 upon the steam factory which he was carrying on at Dover, in order to facilitate and improve the performance of his contracts. He had laid out, besides, not less than £15,000 in supplying for the performance of the contract, the best, most effective, and fastest steam vessels that had ever navigated the sea between England and France. This Mr. Churchward had done; and he perfectly relied upon the honour—he would not say the honesty, because it would not become him (Sir F. Kelly) to use the term—but Mr. Churchward, in what he had done, relied upon the honour and good faith of the country; he had performed his contract till the month of July, when the first payment under the contract became due, and he then sent in his account to the Admiralty for the sum to which he was entitled. At that time the late Government had ceased to exist, and the present Government had come into power, and were perfectly acquainted with all the circumstances. On the 1st of July they paid Mr. Churchward the first instalment due under the contract, and left him to go on in the discharge of his part of it; this continued for three months. Meantime, half of the sums he (Sir FitzRoy Kelly) had referred to, amounting to £20,000 and upwards, had been expended by Mr. Churchward and those associated with him; and towards the close of September he sent in the statement of the account, and demanded the sum of £4,500, the quarterly payment which was due. It was on the 1st of October, four months after the Government had come into power, and what was far more important, two months nearly after the Packet Contract Committee had made its Report, and yet the Government allowed Mr. Churchward to go on expending nearly £1,000 a month, never thinking that any objection could or would be made to the contract—that Mr. Churchward received a communication from the department of the Government charged with the administration of the packet service. The answer was dated October 1, and stated that the Lords of the Admiralty begged to acquaint Mr. Churchward that the contract of April 26, entered into by him for the conveyance of the Dover and Calais mails, was under the consideration of the House of Commons. And he would, at this point, observe that, according to the doctrine of the Solicitor General, a contractor might go on expending thousands of pounds under a contract, and yet when he asked for payment, with as much confidence as a tradesman would ask for his bill, according to the terms of the contract, be subject to be met with an answer like this.

The SOLICITOR GENERAL said, he had not stated that a vote of the House was a condition precedent to the payment of the money. He stated that if the House, on the matter being brought to its notice, refused to vote the money, that

would form a sufficient ground of objection.

SIR FITZROY KELLY said, the House had never refused to vote the money. He asked whether that was the way in which one of Her Majesty's subjects, who had entered into a contract, the breach of which might be ruinous to a man not possessed of large capital, was to be treated —was he to be met by the argument that the contract was to be in the power of the House of Commons, of which he (Sir FitzRoy Kelly) hoped he might say, without offence, that votes in it were given upon party grounds, and that many might vote that very night who had heard nothing of the debate. He contended, in the first place, that no vote of the House was necessary, and in the next place that the House had no more right, under the constitution of the country, to defeat the full performance of this contract by the Board of Admiralty, than it had to meddle with the estate of any hon. Gentleman then present. In the communication to which he had referred, Mr. Churchward was further requested to be kind enough to present his account up to September, based on the former contract, and was told that an order would be made for the payment of the service performed. Mr. Churchward wrote in reply to the Secretary of the Admiralty, and reminded their Lordships that the contract was negotiated in June, and that the preliminaries had been substantially agreed upon early in March, and had undergone the consideration of Her Majesty's Government, and that the contract was entered upon in full reliance on them. Mr. Churchward further stated that he and his sureties were severally bound, under heavy penalties, for the performance of the contract, which he had performed at great and increasing risk; that he had incurred liabilities to the amount of between £18,000 and £19,000; and it would be impossible for him to do justice to the Government, unless good faith was observed by them, and that, were he dealing with private individuals, he should not hesitate to seek redress in a court of law; he, therefore, hoped that the Lords Commissioners would without delay pay the money. Upon this a payment was made, in order that the public service might not be stopped, which Mr. Churchward accepted under protest, asserting his claim to the performance of the whole contract. Then as to the grounds on which Government proceeded in rejecting the claims of Mr. Churchward. The Government did not say the contract was bad; that something had taken place to render it not binding; that therefore neither party was bound by it, and that accounts should be settled for what was past; but they said they knew the contract was void two months ago, while they allowed £4,000 or £5,000 to be expended by Mr. Churchward in the interval; they maintained that the contract was void from the beginning, and then they revived and set up the contract of 1855, which they had themselves expressly put an end to. And they told Mr. Churchward that he must be remunerated according to its provisions, and in no other way. Neither the Government nor that House had the power to do that. Mr. Churchward was a man of honour, and was also a man of capital enough to enable him to go on in the performance of this contract; but if he had been a man of straw, and through the conduct of the Government in refusing the payment of the stipulated sum, had been led to say that he would provide for carrying the mails no longer; and if the Government had then fallen upon the sureties, he (Sir F. Kelly) should like to know which of those gentlemen would be bound? No lawyer or man of sense would reply, those under the contract of 1855. Then, if the sureties under the contract of 1859 were proceeded against, they might retort that they became sureties under the agreement, by which £18,000 a year was to be paid to Mr. Churchward, and that Government, having failed to carry out their agreement, the sureties could not be liable? As to the argument of the Solicitor General, founded on the Report of the Committee, he (Sir F. Kelly) was disposed to treat the Report of the Committee with all respect; all he had to say was against the purpose to which it was now sought to apply it. If it was meant to convict and condemn Mr. Churchward for an act of bribery, or an attempt to bribe, then he would say it was a judgment and sentence without a verdict or a trial. And he (Sir F. Kelly) claimed for Mr. Churchward the right possessed by the meanest of his countrymen, of being heard in his defence; having his case submitted to a jury, and the evidence heard upon oath. Whether in this matter, or in that of his contract being set aside, there could not be a shadow of a doubt that both legally and constitutionally Mr. Churchward was entitled to that measure of justice. He (Sir F. Kelly) believed that Captain Carnegie and Mr. Murray were both incapable of intentionally giving an undue colour to the transaction; but the matters that were spoken of by them were treated in a mere cursory conversation; and it was very easy for Captain Carnegie to have confounded the conversations. At page 81, question 1374, Captain Carnegie was asked what passed; and he replied, "Mr. Churchward spoke to me on the subject, &c.; and he promised me his assistance in general terms, and made allusions to his anxiety to obtain a renewal of his contract." He (Sir F. Kelly) hoped that there was no harm in that, when a contract was in progress through Government Offices, and when the question was, not whether the Government would agree to the contract or not, but merely as to the time when it should be executed. It was clear that was the only question that could have occurred; for Mr. Churchward said, "They were anxious to defer signing the renewal of the contract till after the elections," while he, on his part, was anxious to obtain the renewal at once. There was nothing like a promise to vote for Captain Carnegie; but Mr. Churchward made allusion to his anxiety to have the renewal settled; especially as the Government were anxious to defer the signing till after the election. Clearly the alleged bribery was nothing like an offer to do anything illegal; there was merely a kind of complaint that there was a chance that the renewal of his contract might be delayed till after the election. But see how this was met by Mr. Churchward. To question 1879, he stated that at the interview not one word was mentioned respecting the contractor, or as to his anxiety to obtain the signature of the contract. Captain Carnegie, no doubt, stated what he believed to be true; but Mr. Churchward contradicted his statement; and Mr. Murray, at page 90, said he was present, that he believed he heard all that passed, and that nothing was said in his presence about the contract. A Member of the Committee asked, "Do you think that the statement of Captain Carnegie has been altogether a fabrication?" And the answer of Mr. Murray was—and the House would, probably, find in all Christian charity that this gave the real explanation of the case—

"No; because I had several conversations with Captain Carnegie on the subject, and my impression is, that he is confusing some conversations with me with his conversation with Mr. Churchward."

He (Sir F. Kelly) contended that no jury of Englishmen, if the matter were before a jury, would hesitate a moment to put the same construction on this conversation that Mr. Murray had done—that Captain Carnegie had confounded one conversation with another. He came now to the Report of the Committee, which said, with respect to the enlarging the first contract from 1855 to 1863, "This was agreed to by the Admiralty without previous consultation with the Treasury or the Post Office" — a reason why, by the bye, Mr. Churchward might think that the new contract was safe, although it had not been sanctioned by the Treasury — "and it does not appear according to the evidence to have been made with due care and consideration for the public interest." All this censure upon the Government of 1855 I leave to the Government of that day to answer. The Report went on further to say that—

> "It is in evidence before your Committee that Mr. Churchward, one of the contractors, on the eve of the last general election, at the time when the extension of his contract was under consideration at the Treasury, volunteered his support, as an influential elector for Dovor, to the Hon. Captain Carnegie, one of the Lords of the Admiralty, if he should become a candidate for that borough, on the expectation that his contract was to be extended, and expressed his intention, if required, to vote for two Government candidates for Dovor. Your Committee think it right to add, that the renewal of the contract had been recommended by the Admiralty to the Treasury at least six weeks before the date of the conversation referred to. It further appears to your Committee that neither at the Admiralty nor the Treasury were the officers with whom the decision rested influenced in granting the renewal of the contract by any corrupt or political motive."

Well, that was very slight censure. It appeared that the only officer of the Government who expressed an objection, even the slightest objection, to this contract, which was now to be deemed so corrupt and unlawful as to be set aside and treated as a nullity, was the Postmaster General; his judgment, moreover, being opposed to that of the Admiralty and Treasury. And what said the report of Mr. Churchward? That at the eve of the last general election, when his contract was about to be renewed, he volunteered to Captain Carnegie his support, as an influential elector, at Dovor, in the expectation that his contract was to be extended, for the two Government candidates. The Committee also reported that the officers neither of the Treasury nor the Admiralty were parties to the contract. Well, what was charged against Mr. Churchward was, not that he gave a bribe, not that he offered a bribe, but that he volunteered his support to a Lord of the Admiralty, upon the expectation that his contract was to be extended. He would then ask the Solicitor General in what terms he would frame an indictment for attempting to commit bribery on such evidence? Assuming it to be true, though it was not true, that Mr. Churchward did volunteer his support in the expectation of the renewal of the contract, then he said this was a thing that took place at every election in every seaport town where the Government had influence, and it amounted to no offence—to nothing adequate to vitiate a contract which had been granted and executed with full knowledge on the part of the Government. But the Committee, at the end of their Report, said:—

Sir FitzRoy Kelly

> "While most anxious for the fulfilment of all engagements entered into in good faith between the Government and individuals, the Committee submit for the consideration of the House whether Mr. Churchward, in having resorted to corrupt expedients, affecting injuriously the character of the representation of the people in Parliament, has not rendered it impossible for the House of Commons, with due regard to its honour and dignity, to vote the sums of money necessary to fulfil the agreement to extend his contract from the 20th of June, 1863, to the 26th of April, 1870."

The Committee thus recommended that the House should consider not whether money should be paid for valuable and meritorious services actually rendered, but whether this contract should be extended from 1863 to 1870. Now, in reference to the language of the contract. After mentioning a great number of special stipulations, it went on to say, that the Commissioners, in consideration of the aforesaid premises, and on condition that the contractor should perform all his covenants and agreements entered into,

> "Do, for and on behalf of Her Majesty, agree with the contractor, that they will pay and will cause to be paid to the contractor within seven days from the date at which it shall become due, a sum out of the monies to be provided by Parliament, at the rate of £18,000 per annum, by quarterly payments."

Now, he (Sir F. Kelly) did not hesitate to assert, and he challenged contradiction from any lawyer that those words "to be provided by Parliament," were mere words of form introduced by the various departments of the Government for the mere purpose of defining the particular fund out of which the money was to be paid. The absurdity of arguing that these words meat that the assent of Parliament was required for the payment of the money, was clearly shown by supposing that the payment of the money came due in September or October, instead of during the Session of Parliament. Surely no one would suppose that Mr. Churchward was to go on expending large sums of money for a period of six months during the recess, because, forsooth! Parliament was not sitting to approve of the money being given. The Secretary of the Treasury had relied upon an opinion expressed by an hon. Friend of his (Mr. Lygon) as to the meaning of these words, and he found that on the 14th of July, 1859, that hon. Gentleman did say that—

> "Certain words were introduced into the contract signed on the 6th of April for Dovor, as had been done also in the case of Galway, providing that the contractors should be paid out of money to be voted by Parliament; thus, in fact, rendering the contract subject to ratification by the House."—[3 *Hansard*, cliv. 1222.]

He did not hesitate to say that his hon. Friend was entirely in error in making this statement; and it was an error that was at once corrected by Mr. Wilson, who explained that—

> "The stipulation that the contracts should be paid out of money voted by Parliament was not new. Why, from what fund could they be paid, except money voted by Parliament? The words said to be a new introduction, and to involve a new principle of Parliamentary revision, had been in use, at all events, since 1854, and were mere surplusage, because the contracts could not be paid out of money unless it was voted by Parliament. He did not object to the use of the words, but they should not be set up as proof of extraordinary vigilance. If the words had been 'subject to the approval of Parliament,' the case would have been very different."—[*Ibid*. p. 1223.]

After this explanation he thought that no Gentleman upon the Treasury bench at least would contend that this contract depended for its validity upon the ratification or approval of Parliament. He submitted, then, that public confidence would be seriously shaken in respect to such contracts, if Government should seek to avail themselves of a quibble of this kind, and refuse payment of the money to which Mr. Churchward was entitled, on the ground that it had not met "the approval of Parliament." But what had the Admiralty done in consequence of the Report of the Committee? Mr. Churchward, when he entered into the contract, had never been told that the money agreed to be paid to him must in the first instance be approved of by Parliament. The Board of Admiralty had never once submitted the question to the House whether it was expedient that the contract should be continued from 1863 to 1870; but the Board had adopted the present extraordinary course towards Mr. Churchward merely upon the ground of a recommendation contained in a Report of a Committee of the House. After allowing two months to pass by without giving Mr. Churchward any intimation of their intention, they suddenly informed him that, in consequence of the Committee of the House believing that he had said something improper to Captain Carnegie, they would punish him by declaring the contract void; and they then insisted upon taking off about 35 per cent from the money they had to pay him according to the terms of the contract of 1855, upon which alone they were then determined to act. He would venture to say that nothing had occurred which could authorize any court of law or equity to impeach the contract under which Mr. Churchward was acting. Nothing but misrepresentation on the part of Mr. Churchward, or the production of positive evidence to prove that the contract was originally given solely on the condition of the Government candidate being supported by Mr. Churchward, could justify the avoidance of that contract. Now, there was no charge of misrepresentation ever brought against Mr. Churchward, and the Committee completely exonerated the Government from any corrupt motives in giving the contract to that gentleman. But what did the present Board of Admiralty do? If they had determined to treat the contract as void, they were bound to do so promptly, and to give immediate notice of their determination to the contractor. And further, they should have ceased to take to themselves the benefit of the contract. If they had acted upon principles of fair dealing and justice they would have told Mr. Churchward that they did not intend to recognize the contract. Instead of doing that, they had allowed him to carry the mails day by day, for six months and more, and it was only when he had called upon them for payment that they had told him he had done something of which they disapproved, and therefore they would not pay him.

They had, it was true, offered him some 60 or 70 per cent of the sum due, but only on condition that he would act upon the contract of 1855. If the late Government had corruptly executed a contract in favour of Mr. Churchward, then, indeed, the contract would have been void, but even then they could not avail themselves of their own wrong. But the Select Committee expressly cleared the Government from any participation in any corrupt or improper act, and the whole case came to this—that while the constitution wisely withheld from the House of Commons the power of imposing a fine, the House supported the present Board of Admiralty in the course they had taken, which was neither more nor less than the imposition of a fine of about £2,000 per quarter upon Mr. Churchward by reason of his having without a trial or a hearing been declared guilty of offering some improper inducements to Captain Carnegie. He differed altogether from the opinions expressed by the Secretary of the Treasury and the Solicitor General when they spoke of the necessity of this contract being approved of by a vote of the House before it could be performed. The Government had never raised the question as to whether the House would, if it had the power, refuse the money for the contract. Parliament had sat last year for a considerable time after the Committee's deliberations, and had assembled again at an earlier period of the present year; yet up to that 27th day of March, the opinion of the House had never been taken on that question. Mr. Churchward had faithfully and to the full performed his contract; and he (Sir F. Kelly) should deeply lament a vote of that House which should have the effect of setting aside a contract entered into between the Government and an individual, after that individual had faithfully performed his part of the engagement, and of establishing a precedent for the assumption by the House of the powers and jurisdiction of a court of justice.

Mr. E. P. BOUVERIE said, he differed from most of the conclusions of the hon. and learned Gentleman who had just addressed the House. The present was not a lawyer's question, to be decided upon merely legal considerations, but one in which the House, acting as guardians of the public purse, was bound to exercise the strictest supervision. The hon. and learned Member for Suffolk (Sir F. Kelly) did not seem to have read the evidence taken before the Select Committee. If he had he would have known that the late Secretary to the Treasury stated before the Committee that the words "out of moneys to be provided by Parliament" were introduced by him with the consent of the Chancellor of the Exchequer, with the view of providing for the very contingency which had arisen—the refusal of the House to vote the money. Both technically and legally speaking, the contractor could not complain if the House refused to vote the money for the contract; for he had entered into it with his eyes open, and with a complete knowledge of the clause which made the contract subject to the future decision of Parliament. As the person whose duty it had been to bring under the notice of the House last year the charges made against right hon. and hon. Gentlemen, Members of the late Government, he (Mr. Bouverie) thought it right to say that, after a careful perusal of the evidence, he concurred in the opinion of the Committee that there was no reason whatever to impute any blame to those right hon. and hon. Gentlemen. The late Secretary of the Treasury (Sir Stafford Northcote) had given a very full and fair explanation to the Committee, and had shown himself to be a high-minded man by refusing to take any part in the deliberations of the Committee after he had given that explanation. The hon. Baronet had shown himself indeed to be only too innocent, for he had accepted as matter of fact, without investigation, the statements of a man of tainted reputation and remarkably astute in pursuing his own interests. He thought that if the hon. Gentleman had exercised a little more caution in his dealings with this contractor, he would not have been led into this difficulty. The transactions on this subject took place in the beginning of last year, and the first step appeared to be an application by Mr. Churchward to Mr. Hamilton, then Parliamentary Secretary to the Treasury. On Mr. Hamilton's recommendation, Mr. Churchward next wrote to the Admiralty. He was not now going to argue the corruption or innocence of Mr. Churchward. He thought the presumption and weight of argument were on the side of the decision of the Select Committee. What was the use of referring these investigations to a Select Committee if their finding of the facts was not substantially binding on the House? In what a position would the House place itself if it followed the course recommended by the hon. and gallant Member for Berkshire? That hon. Member did not ask the House in terms to find that Mr. Churchward was not guilty of corruption, but called on the House to say that, having considered the Report and evidence, it was of opinion that the contract ought to be fulfilled. Thus, the Select Committee having found that Mr. Churchward attempted to enter into a corrupt bargain with the Government for his own interests, the House was called on to declare that that contract ought to be fulfilled; and such was the record proposed to be handed down to future times. On the 11th of February of last year the Admiralty, instead of taking a businesslike course of proposing the terms which they would agree to for the payment of Mr. Churchward's extra services, asked him what he would like to have, and then he asked for the extension of the contract for seven years and an additional sum of £2,500 for extra services. On the 23rd of February the Admiralty recommended the proposal to the Treasury, the head of the department in the Admiralty, to whom the matter had been referred, having given his decision in its favour on the ground that the contract of Mr. Churchward was unremunerative. On being asked his reason for thinking the English contract unremunerative, this functionary, (Mr. Clifton) replied that a gentleman employed in copying accounts for a suit in the Court of Chancery informed him privately, to his surprise, that it was not remunerative, and that the expenses were very great. That appeared to be all the investigation made into the ground on which the renewal of the contract was founded. On the 1st of March the Treasury referred the application to the Postmaster-General, and on the 10th of March the Postmaster-General reported to the Treasury strongly against it. Upon that day Mr. Stephenson, a clerk in the Treasury, made a memorandum concurring in the Postmaster-General's report; and here he might observe that none of the gentlemen connected with the public offices appeared thoroughly to understand the business relating to these contracts, and the principles on which they ought to be granted, except Mr. Stephenson. The papers were then sent to Mr. Hamilton in due official course, and Mr. Hamilton made a memorandum twelve days after, namely, on the 22nd of March, taking a strongly opposite view. On the 1st of April the late Secretary to the Treasury (Sir S. Northcote) made a minute, according to which he felt considerable difficulty in coming to a conclusion, but on the whole he was disinclined to renew the contract, and desired Mr. Hamilton to see whether Mr. Churchward would not be satisfied with a larger money concession, and abandon all claims for extension. On the 4th of April, Mr. Churchward wrote a long letter to Mr. Hamilton, stating that he could not abandon his claim for the renewal of his contract. These dates were of importance, because, although the conversation that took place between Mr. Churchward and Captain Carnegie on which the Committee founded their decision had no fixed date, yet Captain Carnegie, on being asked to fix a date, stated that it occurred between the 4th and 9th of April. So that at this moment Mr. Churchward was in an agony of doubt, and it was most important for him to get his contract renewed. Now as to the mode in which business appears to have been conducted by the public departments in this case, which was a most important question. The Treasury minute of the 15th of April, assenting to Mr. Churchward's proposal, stipulated for the insertion in the contract of three conditions, the first being that Mr. Churchward should engage to make no fresh contract with the French or any foreign Government for the conveyance of the mails, without the consent of the Board; the second empowering the Board to change the hours of sailing, and the third declaring that the payment for special services should be reduced, if those services were cut off. Mr. Churchward had already a contract with the French Government, which would terminate in 1870, and it was considered so important that the termination of the two contracts should be made concurrent, that this was the main ground on which the Treasury recommended the renewal. Hence the condition first mentioned. But it would scarcely be believed that notwithstanding the assent of the Treasury had been given to the extension of the contract only provided the three conditions alluded to were inserted, the contract was actually renewed without those conditions being inserted. Not only so, but they were never even communicated by the Treasury to the Admiralty. The Admiralty was, therefore, not to be blamed for not inserting them. But Mr. Stephenson had told them that it was the practice of the Admiralty to return such contracts in draft to the Treasury for revision. But even that was not done; and further, a fresh condition was inserted by one of the Lords of the Admiralty, sanctioned by the board, and never communicated to the Treasury, and the effect of it was to relieve Mr. Churchward from the obligation previously imposed upon him, that the use of his vessels should be confined exclusively to the public service. Such a privilege as this ought not to have been made matter of pecuniary bargain. The Departments had not therefore discharged their duty in a very creditable manner in this instance; and though it was but an affair of £18,000 a year, yet, if this was the style of management in small matters, it might affect the whole of the packet contracts, involving nearly £1,000,000 a year. On the whole he submitted that no ground had been shown for reversing the finding of the Select Committee. Again it ought not to be supposed that any injury to the public interest would result from the House availing itself of the loophole offered through which they might escape from the performance of this contract. On the contrary, their refusal to ratify the contract would be of the greatest possible public advantage, for they would prevent persons buzzing about public departments. He had heard great complaints of favouritism and jobbery with contractors arising from this system. He had tried to sift these complaints to the bottom, but had always found persons from whom he received them draw back from the statements they had made; but still he knew there was a deep impression abroad that the mode in which contracts were negotiated by Government was not fair.

Mr. WHITESIDE said there were two things in the discussion of this question against which it was most necessary to guard, political prudery and political corruption. The right hon. Gentleman (Mr. Bouverie) had said that the House of Commons had a loophole through which they might escape from the contract in question. He would venture to say that if the right hon. Gentleman had been a juryman, and had had such an argument addressed to him by a counsel, he would have resented it as an attempt to draw his attention from the real merits of the case to some paltry quibble. The question under discussion was of the simplest character. The right hon. Gentleman (Mr. Bouverie) was perfectly right in criticising public departments — they all deserved it, and he (Mr. Whiteside) would not say a word in their favour. Committees of that House had investigated the mode in which arms had been provided, soldiers and sailors lost, and steam companies had performed their duties, but it was found generally that whatever might be said as to public departments, private individuals performed their duties. The question at issue now was one of common sense and justice—namely, whether an individual had performed his contract; and if the House of Commons was of opinion that Mr. Churchward had safely and properly carried the mails from London to Paris, they need not inquire into his character or whether he had been reported against by an election Committee. The House of Commons might have the power to escape through a loophole from their contract. He admitted their power, but he denied that their dignity would not suffer from such conduct, and he indignantly denied that their sense of justice would permit them to pursue such a course. A right hon. Gentleman who spoke early in the evening had reminded them of the contract respecting a place of worship in Paris, the purchase of which had been repudiated by the House. But the two cases were totally dissimilar. In that affair of the parish church no one in France had any authority to purchase the building at the expense of the nation, and the House of Commons had properly declared that those persons who went abroad should provide a place of worship for themselves. He would take the liberty of reminding the right hon. Gentleman of what took place some years ago, when he (Mr. Whiteside) was young and innocent of Parliamentary affairs. The contract for supplying postage stamps expired, and a gentleman named Archer sent in a contract for a machine for engraving and perforating the sheets, the price, including the machine, to be $4\frac{1}{2}d.$ per 1000 stamps. The Board of Inland Revenue had the letter containing this offer in their hands on the 16th of May, and instead of putting themselves in communication with Mr. Archer, or offering the contract to public competition, they sent to the contractor to offer him the work at 6*d.*, he having before charged 7*d.* He agreed to do it at 6*d.*, and thereupon he (Mr. Whiteside) moved for a committee to inquire into the matter. He was opposed by one of the greatest of living financiers, who was now engaged in settling the affairs of India, and the present Chancellor of the Exchequer laid down the principle that the House should by no means delegate to Select Committees the duty of making Government contracts, and it was declared by a majority of votes that although officials might make improvident contracts the nation was not thereby released from the contract itself, though the persons who made it might be open to censure. In this case he thought it would puzzle the right hon. Gentleman to discover the parties who were exposed to censure, for the Report of the Committee took pains to acquit every person connected with the transaction. "It appears," they said, "that neither at the Admiralty nor at the Treasury were the officers with whom the decision rested influenced in granting a renewal of the contract by any corrupt or political motives." On what ground, then, was the contract to be set aside? He maintained that a public department, like a private individual, ought to pay, having made a contract, for there was nothing which would enable a private individual to set aside such a contract as this. The hon. Gentleman opposite (Mr. Laing) said he would set aside law and its technicalities, which was a cool way of getting rid of the merits of the case; and that he would decide, he presumed, on general principles of suspicion, imagining corruption where it had no existence. It was said that the contract could be set aside, because Mr. Churchward had resorted to a corrupt expedient, but was that a ground for getting rid of a contract? Now, what was the corrupt expedient? As the hon. Baronet the Member for Stamford (Sir Stafford Northcote) said, there was a conclusion on this subject but no premises. The whole affair rested on "conversation," but he would do these Gentlemen the credit to state that they annihilated their Report by the fact which they stated first—that the renewal of the contract had been recommended by the Admiralty to the Treasury six weeks before this conversation relied on took place; so that six weeks before the conversation which was to get rid of this contract, the contract was virtually entered into. If right hon. Gentlemen opposite had lived in the days when, in cases of high treason, the laws of evidence were set aside, and charges of such a kind were made, the heads of none of the present occupants of the Treasury Bench would be worth five minutes' purchase, and on evidence such as had been taken by this Committee it would be impossible lawfully to hang a dog. Captain Carnegie, in his evidence with regard to the conversation, said Mr. Churchward spoke to me on the subject, and having volunteered his support and promised his assistance at the Dover election, he made an allusion in general terms as to his anxiety to obtain a renewal of his contract." If that witness had been before a Judge the latter would have said "state what was said; do not say 'made an allusion.'" Did the right hon. Gentleman mean to tell the House that a contract under seal between two parties — the Crown and the subject—was to be got rid of by reason of the fact that one of the contracting parties had, while volunteering political support, made an allusion to his desire to obtain a renewal of it? What meaning did the word "allusion" convey to any honourable man, and was the House gratuitously to infer that it meant corruption? That was contrary to every principle of law and morality. He did not like suspicious men. The House was bound to take the most reasonable view of every man's conduct, especially where its own interests became mixed up in the question. If the Government were to act on these principles no contract would be safe, and it would become a matter of duty not to pay Cunard without a previous searching inquiry. What was it they were proceeding upon? It certainly was not evidence, and it was not entitled to the phrase "gossip." Nothing, he thought, was more easily conceivable than that a man should talk to a new candidate about a matter in which he felt personally interested; he did not want to discompose the nerves of hon. Gentlemen, but he doubted whether the Whig Government itself might not have done something as bad as that. It had been deposed that the remark complained of took place in a conversation of five minutes' duration; one of the parties to that conversation positively denied the statement, and a gentleman who was present said he did not hear it. A prudent Scotchman, when asked by Charles II. a question which had puzzled several philosophers, said "Please your Majesty I doubt the fact;" and in this case he doubted the fact. The whole matter lay in the conversation, and Captain Carnegie, who was asked if he ever stated it to any member of the Board, said he did not. If the case were brought before a court of justice, it was admitted that nothing could be made of it. The contract was at present being performed, and could not be set aside without infringing the just rights which existed between man and man; and the House should never be called on to refuse its sanction to a work which was admittedly carried out in an honest and faithful manner.

THE CHANCELLOR OF THE EXCHEQUER: I rise to enter my protest against what I understand to be the doctrine of the right hon. and learned Gentleman with respect to these contracts, which he says it is the duty of the State to fulfil. He lays down one condition as that on which you are solely entitled to act—namely, that if a man fulfil his contract you are bound to perform your part of the agreement; and, according to the doctrine of the right hon. and learned Gentleman, you will not be permitted to cancel any contract on the ground of corruption.

MR. WHITESIDE: I said there was no corruption in this case; I said so distinctly.

THE CHANCELLOR OF THE EXCHEQUER: Pardon me, I am not speaking of any particular case; I am speaking of the doctrine of the right hon. and learned Gentleman, which was that, if persons travelling between Holyhead and Dublin were carried safely, there was nothing else to be looked to, and there was an absolute obligation to recognize the contract. I believe that doctrine to be fatal to the powers and privileges of this House.

MR. WHITESIDE said, he rose to make a remark in explanation.

MR. SPEAKER: The Chancellor of the Exchequer is in possession of the House.

MR. WHITESIDE: I rise to order. Sir—

MR. E. P. BOUVERIE: I rise to order. Any Gentleman who is misrepresented is entitled to explain, but not when another Gentleman is in possession of the House.

MR. WHITESIDE: Subject to your correction, Sir, I think I have a right to interpose upon a question of order. The right hon. Gentleman has misunderstood me. I distinctly said in the first instance that no political corruption was imputed.

THE CHANCELLOR OF THE EXCHEQUER: I will not say another word upon the subject. I had not the least intention to misapprehend nor misinterpret the right hon. and learned Gentleman, but the matter is in the recollection of the House. After what has fallen from the hon. and learned Member for Suffolk (Sir F. Kelly), I must say he is mistaken if he supposes that the present Government has done any act recognizing the contract which has been condemned by the Committee. He says a payment has been made to Mr. Churchward under the contract, but that payment was made before the present Board of Admiralty was fully constituted, and when the civil Lord, whose duty it was to look into these matters, had not taken his seat. The present Government has never recognized this contract in any way. It is also a mistake to say that Mr. Churchward is suffering in his receipts in consequence of any proceedings of the present Government. The difference between the old and the new contract is this—that the new contract gives Mr. Churchward a claim to a fixed sum, whereas, under the old contract, he was to charge for the special services which he performed. Mr. Churchward has been invited to state those charges, and has declined to do so; but, as far as the Government is aware, there is no foundation for the assertion that the annual sum payable to Mr. Churchward at present under the Resolution of the Committee for services he is actually performing will be less than that which he would be entitled to claim under the new contract. The real difference lies in the renewal of the contract from 1863 to 1870, and the course which Parliament may think fit to take upon the point is a matter hereafter to be decided. If any case is made to show the sufferings of Mr. Churchward in consequence of that renewal being withheld out of proportion to the offence he has committed, that case is entirely open to consideration; but we must not be misled by extravagant and groundless misrepresentations upon the subject of that gentleman's sufferings to overlook a great constitutional principle that is before us. I wish to state frankly what is the position of the Government. The circumstances that occurred last year must have escaped the recollection of the hon. and learned Gentleman. It is not the Government, but the House of Commons, which is primarily responsible for what Mr. Churchward has suffered, because at a time when the Government had done no act in derogation of his contract a discussion took place in this House, and the general opinion of the House seemed to be that it would not be becoming in us to submit the Vote for this particular contract, which was a tacit concurrence with the decision of the Committee. The Government, therefore, did not take the initiative; they only followed the course laid down by the House, and such is still their wish. We have no desire to overbear Mr. Churchward by the exercise of Government influence. Our position is this:—We came into office and found a contract had been made by our predecessors which we thought was detrimental to the public interests. At the same time it was a contract which bound them, and they would have been bound to give it effect; but the House of Commons chose to appoint a Committee, and that Committee, after careful deliberation, adopted a report which greatly changed the position of the Government. I trust the House will lose no time in coming to a vote upon this subject, and in giving our votes we shall do so as private Members of Parliament, and from conscientious opinions, without presuming as the Executive to suggest the course the House should take. I think nothing can be more unfair than the criticisms that have been pronounced both upon the original appointment of the Committee and of the proceedings of that Committee. It is said there was unfair influence in the constitution of the Committee, but let it be remembered that my right hon. Friend behind me (Mr. Bouverie), whose intelligence and honour we can all rely upon, was not placed upon that Committee, because he had previously expressed a decided opinion upon the merits of this question. That was the spirit in which the Committee was appointed and the proceedings of the Committee justified the proceeding of the House. What is the decision that we are called upon to reverse, but which I hope the House will refuse to do? Does not the impartiality of the Committee stand forth prominently upon the pages of their report? When the Committee found that a proceeding of a former Government was open to objection, although a majority of that Committee agreed politically with that Government, they did not hesitate to say that the first renewal of the contract had taken place without due care and consideration. They thus vindicated their impartiality, and proved that all the Members of the Committee were prepared to do full justice to all parties. It has been said that all the Members from this side of the House voted together in the divisions which went to censure Mr. Churchward's contract, and for that their impartiality is impeached. No wonder they voted together, for they were supported by some Members from the other side. [The blue-book was handed to the right hon. Gentleman by Mr. Lygon]. Well, here is the most important division on the Committee, and I find the name of the hon. Member for Evesham (Sir H. Willoughby), so that it supports my statement. The proceedings of the Committee were governed by the same impartiality which directed their appointment. They have presented a solemn and important judgment. They do not find fault with the preceding executive Government, but they say that the person with whom the Government made the contract "did resort to corrupt expedients which affected injuriously the character of the representation and the dignity of Parliament," and they say, further, on account of the offence of that person, that it is not possible for the House, with due regard for its own dignity, to take those steps without which the contract would become a dead letter. Is it alleged that the finding of the Committee is untrue? Is it untrue that Mr. Churchward resorted to corrupt expedients affecting injuriously the dignity of Parliament. I stand in the main upon the Report of the Committee, and we should be most unwise, with our imperfect means, if we undertook to override the conclusion they came to. But even on the face of the matter there is none of the obscurity which the hon. and learned Gentleman appears to discover in it. He quoted very imperfectly a portion of an answer given by Captain Carnegie, in which he says that Mr. Churchward made an allusion to his anxiety to get a renewal of his contract, and says that if the matter had been before a Judge, the Judge would have asked him to explain what he meant by an allusion. But there would be no necessity for that interference, for Captain Carnegie went on to explain that Mr. Churchward said they were anxious to defer signing the renewal until after the election, but that he felt it was too hard upon him, and he would prefer voting for Mr. Osborne and himself, so that he might have a friend in power whichever party was in office. Reference has been made to what has been stigmatized as a leading question at the close of the examination, but although that is a leading question it contains nothing which is not substantiated in preceding answers, and combines the effect of the whole of those answers. Independently of the Report of the Committee, I would stand upon those answers to prove that this gentleman did resort to corrupt expedients, affecting injuriously the dignity of Parliament. If that be so, is it true, on the other hand, as the hon. and learned Gentleman opposite contends, that this House is tied and bound to vote the money for the fulfilment of the contract which has been made with a party who has resorted to corrupt expedients in his endeavours to secure that contract? It is entirely an error on the part of the hon. and learned Gentleman to suppose that this contract was complete when the Admiralty had agreed to recommend it. Nothing but a want of acquaintance with the usages of a public department could have justified the hon. and learned Gentleman in saying that. [Sir FitzRoy Kelly: I never said so.] I understood the hon. and learned Gentleman to say that when the Admiralty had agreed to the contract it had the force of a preliminary agreement and that it was virtually complete. [Sir FitzRoy Kelly: Mr. Churchward thought so.] That is stating what is wholly irrelevant, for we have it in evidence that Mr. Churchward went from the Admiralty to the Treasury and made his application there, knowing perfectly well that it was there the real authority lay. I must say, I cannot help taking a broad objection to the manner in which the hon. and learned Member for Suffolk treated this question. He appears to bind it up in legal forms, which I do not hesitate to say are inadequate to do justice to the case. It is impossible to suppose that this House can be content with the observation of the hon. and learned Gentleman, when he asks, in what form would you have framed an indictment against Mr. Churchward for bribery? Therefore, because he cannot see his way to framing an indictment against Mr. Churchward for bribery, he says, on that ground—and on that ground alone—you have no option, that your liberty is gone, and that you are bound to vote the money necessary to give effect to this contract. I entirely dissent from that doctrine. I cannot admit, in the case of a contract which is to be satisfied out of the public money voted by the House of Commons, that the House of Commons and the public are to be bound under whatever circumstances of fraud by the first act of the Executive. There is no allegation that there was fraud in the contract; but the allegation of the Committee is that fraud was attempted by the resort to corrupt expedients on the part of Mr. Churchward to obtain it. What, I ask, is the office of this House in regard to the voting of public money? Are we to be told that the House of Commons, under circumstances such as these, is bound to vote the money without taking notice of these proceedings? On what principle is such a doctrine to be sustained? I maintain, on the contrary, that the Executive has no constitutional authority to make a contract binding on the House of Commons. It is a pure question of policy for the House of Commons to say how far it will allow that practice to extend. I ask, can a proceeding be justified where parties attempt to enter into a contract by the use of means which may be held to constitute a breach of the privileges of the House, tending to degrade it and the representation of the people? With respect to the chapel at Paris, mentioned by the right hon. and learned Gentleman (Mr. Whiteside), there was no allegation in the case of the contract either of imprudence or of fraud. There was no question in the world except a question of money; whereas now we are called on to take notice of circumstances which, if permitted to pass, would be degrading to the House of Commons. When the contract was made, Mr. Churchward's attention was pointed to the fact that the moneys for satisfying it were not at the command of the executive Government, but were to be voted by the House of Commons. Does not every man, woman, and child know that the moneys so voted by Parliament are freely voted; and can it be supposed that Mr. Churchward in accepting that contract was not aware that it was subject to the free exercise of the discretion of Parliament. We are now arrived at the time when it is necessary to exercise that discretion, and I will grant that we are bound to exercise a just, wise, and liberal discretion. But does wisdom, justice, or liberality bind us to support a contract of this nature by our own free, voluntary vote, when an impartially selected Committee of this House has reported that the party, in order to obtain that contract, has resorted to corrupt and degrading considerations? That is, in point of fact, the whole question; and on that question the House will vote. The Government do not wish to influence the vote of the House; they look rather for an indication of its will; and by that indication their future course will be directed.

Sir JOHN PAKINGTON:—Sir, My name has been so much mixed up with this subject, that I shall, even at this late hour, request for a short time the attention of the House. It has been imputed to me that in giving my evidence before the Select Committee I was led into some considerable discrepancies. I confess I regarded the idea of any imputation founded upon those discrepancies, such as they were, with, I was going to say, the greatest contempt; and, but for their having been made the subject of newspaper comment, and having also been revived in the Dovor Election Committee, I should not have deigned to notice them. My statement before the Select Committee was this—that my communications with Captain Carnegie had been verbal and not written; and that they had been direct and not through a third party. I do not believe any one can suppose that I intended to mislead the Committee by that statement. What motive could I have had for doing so? I was perfectly candid with the House last year in the statement I made with respect to those communications with Captain Carnegie, and whether those communications were made direct, or through a third party, I think was an unimportant matter; but shortly after I made that statement before the Committee, two notes were produced—one written by myself to Captain Carnegie, and the other written by my private secretary to that gentleman. My explanation is, that I gave evidence unexpectedly and without preparation, four months after the writing of those unimportant notes, and that I had forgotten the writing of them after that lapse of time. If I had recollected writing those notes, probably I should have adverted to the fact; but that would have made no material difference in my statement to the Committee, because the notes were wholly unimportant, except in the degree in which they related to previous conversations on the mornings of those days with Captain Carnegie; and, now that the notes have been produced, I repeat and adhere to my original statement—that in substance that statement is correct, and that every communication I made to Captain Carnegie of any importance was made by myself directly, and by speech, and not in writing. I hope this explanation of a very trivial matter will be satisfactory to the House. Nothing whatever passed on my part in those conversations with Captain Carnegie which might not equally have passed if I had known a shorthand writer was present, and that every word I uttered was to appear in the newspapers the following morning. The hon. Gentleman the Member for Liskeard hardly believed it possible that I was unconscious of the conversation held between my private secretary and Mr. Churchward and Captain Carnegie, and, he would not believe it unless I myself distinctly denied it. Having already made this denial before the Committee I think I had some reason to complain of the hon. Member holding that language; but I desire, in the face of the House of Commons and the nation, to give him satisfactory and distinct assurance on the subject, and I tell him that I know nothing whatever about this conversation having taken place between Captain Carnegie, Mr. Murray, and Mr. Churchward. I hope the hon. Gentleman has now received as distinct an assurance as he can desire. It now remains for me to touch on the conduct of the late Government generally with regard to these transactions. The conduct of the late Board of Admiralty is hardly now in question, because it will be recollected that the Board of Admiralty passed their opinion on this contract as far back as February, when there was no question of an election and when there could be no ground of suspicion in connection with election proceedings. My own feeling is that I am personally open to blame for knowing rather too little of the contract than too much. The matter was before the Board of Admiralty, as I have said, in February, when I was much occupied with the plans for the increase of the navy, which it was my duty to submit to the House of Commons about that time, and the truth is I did not give the attention to it that I ought to have done. And here I will say, from my experience of the Admiralty, that I entertain a strong opinion that these contracts ought not to be thrown on the Admiralty at all. They have enough to do in attending to the interests of the navy, and I am glad to find that the present Government have taken the proper and prudent course of transferring these contracts from the Admiralty to the Post Office. As to the part taken by the Treasury, it would be presumption in me to say one word on the subject after the candid, frank, and open manner in which the hon. Member for

Stamford (Sir Stafford Northcote) has explained the course taken by that department. But it has been imputed to me that, although the Board of Admiralty had passed this contract in February, at a subsequent period, when the general election was at hand, I was cognizant of attempts on the part of Mr. Churchward to make a corrupt bargain with the Admiralty, and to make the consent of the Government to the fulfilment of the contract a condition of his supporting the Government candidate at Dover. Twice has this charge been brought before Committees of Parliament—first before the Contract Committee, and secondly before the Dovor Election Committee, and by both these Committees the late Government have been acquitted. The hon. Member for Liskeard said that in the case of the first Committee it was a verdict of not proven only, and not a verdict of acquittal; but, there is no form of words —I care not how solemn or how sacred— in which I am not willing to declare that I had not the slightest knowledge or suspicion of any impropriety whatever in regard to these matters. I cannot say more; I can not give my denial more strongly than I have done, and, with that fair dealing which the House always shows in such cases, without respect to parties, I am certain that the assurance I have given will be accepted by the House. I will now touch for a moment on the conduct of Mr. Murray, my private secretary. I was much pained by the censure cast on him by the Committee, because I believe in my conscience that no censure was ever more undeserved. That he was strictly prudent in all that he did may be a question, but that he did anything fairly and justly to expose him to the censure of a Committee of the House of Commons I do not for a moment believe. I am sorry that when the hon. Gentleman who presided over the Committee (Mr. Cobden) drew up the Report without that painful paragraph, that the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) should have felt himself called on to go out of his way to throw into the Report an attempt at censure that has been held to be unworthy even by party reviewers writing on that side. But I have been still more pained to hear the right hon. Gentleman repeating the attack on this young man, who never offered any offence to him, and whose public conduct did not deserve it. I was deeply sorry to hear the right hon. Gentleman this evening use language to the effect that Mr. Churchward had attempted to bribe the Government into granting his contract, and that Mr. Murray had been a party to that bribe. Do I accurately represent what the right hon. Gentleman said? [Sir F. BARING:—I did not say that.] Did you mean to imply it? Perhaps you did not directly say it.

SIR FRANCIS BARING: I wished to explain that I was perfectly satisfied with the Report as drawn up by the Chairman; but an hon. Gentleman not of my way of thinking, but connected with the other side, insisted that there should be an entire acquittal of those in office at the time. I assented to that, but said that if that was done it was our duty to convey our opinion as to the conduct of the whole of the parties who came before the Committee. I do not say or think that Mr. Murray was a party to corruption, though I think it was extreme indiscretion and great impropriety for a private secretary of the First Lord of the Admiralty to be at the same time a party to a contract and a Parliamentary election.

SIR JOHN PAKINGTON: The right hon. Gentleman withdraws what he said in the early part of the evening. ["No no."] He has at least explained his language, for I certainly understood him, in plain terms, to say that Mr. Murray had been a party to an attempt at bribing. The right hon. Gentleman says there was a great deal of indiscretion on the part of Mr. Murray in being connected with a contract and an election at the same time; but it should be recollected that the contract was not brought before the Admiralty at the time of the election, and therefore Mr. Murray could not at that time see Mr. Churchward about the contract. In his examination Mr. Murray distinctly denied having made use of any language to Mr. Churchward at the time of the election with reference to the contract, and, though it was true that Mr. Murray wrote a letter to the Treasury with reference to the contract, yet it will be recollected that he had written a similar letter in January when there was no election whatever. The conclusion the right hon. Gentleman has come to is therefore a rash conclusion. I do not pretend to speak without bias in the case of Mr. Murray. He is a near connection of my own—a young man of considerable ability, and of as high a character as any one of those who presumed to make themselves his judges. I believe that Mr. Murray will regard the Report of the Committee with the same indifference ["Oh, oh!"]—with the same indifference with which I would myself have regarded it had they presumed to censure me. I say this for two reasons—the first is that the Select Committee exceeded its order of reference in dealing with the case of Mr. Murray at all; and, secondly, because if they were at liberty to consider Mr. Murray's case and to report upon it I maintain with confidence,—and I do not think any lawyer who hears me will deny it,—that the evidence does not support the finding in his case. I cannot conclude without touching upon this matter as it affects Mr. Churchward himself. I have no acquaintance with Mr. Churchward. I never spoke to him except on one day when I was down at Dovor officially to look at the pier. I never wrote to him that I know of, and I have therefore no personal bias in favour of Mr. Churchward. All that I desire for Mr. Churchward is that for high considerations of public policy the House should deal with Mr. Churchward with strict justice. I can take no exception to the tone in which the right hon. Gentleman the Chancellor of the Exchequer has dealt with this subject. On one point, however, the right hon. Gentleman was in error. He said the Government had offered Mr. Churchward to make these payments for extra services. I apprehend that when the right hon. Gentleman made that statement he was under the impression that if the present Government and the House refused to confirm the new contract the old contract revives, under which Mr. Churchward has a claim for special services. The right hon. Gentleman does not contradict me. But I appeal to any lawyer if that is the case. On the contrary, the new contract has cancelled the old, and therefore Mr. Churchward has no claim under that old contract for special services, and the greatest injustice will be done to him, because there is no rule or regulation under which he can be compensated for extra services. There is only one more point, and it is the point on which the House must decide this Motion. The right hon. Gentleman said there is but one question before the House—whether corruption is proved against Mr. Churchward. This is the real issue before us. The right hon. Gentleman has expressed a wish that the House should deal with this question in a just, wise, and liberalt spirit. In the name of justice I ask the House to deal with Mr. Churchward now as any man in England would be dealt with by a court of law in this country if he were arraigned for any malpractice before that Court. What is the evidence against Mr. Churchward? I know no evidence against him, or pretence for taking away the grants under the new contract, unless it be that conversation between three persons—Captain Carnegie, Mr. Churchward, and Mr. Murray. Captain Carnegie has stated one thing about that conversation and Mr. Churchward and Mr. Murray another. Both parties are equally positive. I do not want to make charges of intentional misrepresentation; but will any one deny that speaking of this conversation months afterwards it is not only possible, but probable that the memory of one party or the other may have failed, and that without any intention of saying what is not true either of them may be mistaken? What would be the charge of a Judge under such circumstances? I ask the House to be wise, liberal, and just. Is it not one of the rules of law, most justly accepted, that in case of doubt the party charged shall have the benefit of it? For the sake of the character of this House, and for the sake of justice, I trust that this House is not about to afford so dangerous and formidable a precedent as to brand a man with corruption, and to take a course which is likely to reduce him to ruin, upon a conversation with parties equally worthy of credit, but who differ in their recollection. I accept the language of the right hon. Gentleman, and I ask the House to follow out his own expressions, and to act justly, wisely, and liberally. If they do so, that finding of the Committee, which in my judgment was not just, wise, or liberal, will not be sanctioned by this House.

MR. G. W. HOPE said, that he was the Member of the Committee who proposed the paragraph inserted in the Report acquitting the late Government—the Committee accepted that paragraph unanimously. Then came the question of acquitting Mr. Murray. He (Mr. Hope) could not say that Mr. Murray had committed a great offence. It was, indeed, in his opinion, wholly unworthy in the Committee to take notice of it. But when the question was raised distinctly, and he was obliged to say aye or no upon it, he felt it impossible to say that Mr. Murray's conduct had been otherwise than indiscreet. He was, however, young and an active partisan, and the charge against him was not one that affected his personal character. The right hon. Member for Portsmouth (Sir Francis Baring) it is true, offered to leave out the paragraph respecting Mr. Murray if the other paragraph acquitting the Government were to be left out, but such an arrangement appeared to him unjust to the late Government. As he had stated, he thought Mr. Murray in fault, and he came to that conclusion on Mr. Murray's own evidence. Thinking so, he felt he would not be justified in omitting the paragraph acquitting the Government, only because it was coupled with a censure on Mr. Murray, although he regretted that that paragraph had been inserted. He should vote for the Motion of his hon. and gallant Friend behind him (Captain L. Vernon). They had the distinct verdict of the Committee that the officers who granted the contract were not actuated by political or corrupt motives; and it was too much to ask that it should be forfeited solely on account of an incidental conversation while the transaction was passing through the public offices, in the course of which the contractor said he should support the Government candidate.

Question put.

The House *divided:*—Ayes 117; Noes 162: Majority 45.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Wednesday, March 28, 1860.

Their Lordships met, and having gone through the business on the Paper,

House adjourned at Twelve o'clock, till To-morrow.

HOUSE OF COMMONS,

Wednesday, March 28, 1860.

MINUTES.] PUBLIC BILL.—2° Stamp Duties.

CHURCH RATES ABOLITION BILL.

COMMITTEE.

Order for Committee read.

SIR JOHN TRELAWNY moved that the House do resolve itself into a Committee on this Bill.

Mr. G. W. Hope

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. PACKE said, that although he had given notice of an Amendment that the House do go into Committee that day Six Months, it was not his intention to trouble the House by asking it to divide. He wished, however, to make one or two observations, particularly with reference to a letter which appeared during the last recess in *The Times* newspaper on the subject of church-rates, and proceeding from the pen of the hon. Baronet who had charge of this Bill (Sir J. Trelawny). In that letter the hon. Baronet called special attention to the evidence given by Dr. Lushington before the Committee which sat in 1851, adding that every one who desired to understand the church-rate question should study that learned Judge's evidence. Now, it was remarkable that the testimony adduced by Dr. Lushington on the occasion in question had no relation to the abolition of church rates, but rather to the adoption of a more simple and stringent mode of enforcing their collection, the learned Judge being in favour of allowing the same remedies for the enforcement of church rates when duly made as existed in the case of poor-rates. There was another point to which he wished to refer. When the hon. Baronet brought this subject forward in 1849 he avowed his anxiety for the stability of the Church of England. Since then, however, he appeared to have been urged on by persons out of doors who were not so friendly to the Church; and, indeed, instead of this Bill being the Bill of the hon. Baronet, it originated with Dr. Foster and the Parliamentary Committee of the "Society for the Liberation of Religion from State Control," who seemed to regard the hon. Baronet and other Members of that House merely as their instruments in passing it, for when he was asked, whether he considered the Bill which the hon. Member had brought forward in that House as the measure of that society, replied that "as far as outside action was concerned that was a fair representation of the case." Mr. Samuel Morley, another witness who had been examined before the Lords' Committee, and who was also a member of the Society for the Liberation of Religion from State control, expressed his belief that it would be advisable to proceed with great caution in that question of the abolition of church rates, and that any change in that matter would require mature thought and possibly some delay. The summary mode in which the hon. Baronet was now dealing with the question did not very well harmonize with the caution suggested by Mr. Morley, for he would immediately and totally abolish a system which had been established in this country for ages. The hon. Gentleman, however, had last year gained two important converts to his doctrine, namely, the noble Lord at the head of the Government, and the noble Lord the Secretary of State for Foreign Affairs. The latter noble Lord had given the House to understand that he had not changed his own views upon that subject, but that he had found it necessary to yield to the current of public opinion. Now he (Mr. Packe) had the highest respect for public opinion upon all matters which came within the legitimate range of its influence; but this was a religious question, and he maintained that those large towns from which the petitions that had been presented in favour of that Bill had almost exclusively emanated, were not the proper judges to decide a point of that description. He found that in the borough of Southwark three-fourths of the population attended no place of public worship, that three-fifths of the population of the borough of Oldham were in the same position, and that one-half of the inhabitants of thirty-four large towns might in the same way be held to have no religion whatever. But it surely could not be maintained that such people had a right to guide the national legislation upon a question of a religious character.

MR. NEWDEGATE: Sir, I rise for the purpose of moving the same Amendment which I moved upon this subject last year.

SIR JOHN TRELAWNY rose to order, and wished to know whether he was not at liberty to make some observations in reply to the speech of the hon. Gentleman who had just resumed his seat.

MR. SPEAKER said, that the hon. Member for North Warwickshire was in possession of the House.

MR. NEWDEGATE: I regret that it is not now in my power to act with more courtesy towards the hon. Baronet the Member for Tavistock, from whom I have ever received the utmost courtesy. I assure him that I am about to take precisely the same course as that which I pursued last year, and that the very words of my Amendment are taken from the Journals of the House. Sir, it is impossible for me to agree to a Bill the object of which is totally to abolish church rates without proposing the slightest compensation, and such is the character of the Bill now before the House. The course which I am now pursuing is that which was supported last year by 100 Members, and which from a very extensive correspondence I find not only meets the approval of a great body of Churchmen who earnestly desire to see this question settled, but also the approval of large bodies of persons who entertain conscientious scruples against the payment of church rates as a personal tax, but who do not wish to see the Church of England deprived of some £300,000 a year, which is now appropriated to the maintenance of the fabrics of parish churches. I do nothing to violate the principle of the Bill of the hon. Baronet the Member for Tavistock. So far as the abolition of church rates I accept the decision of the House that church rates shall be totally abolished. I am indeed obliged to conform to the forms of the House in framing my Motion, but I assure the hon. Baronet that with the exception of changing one or two words that may be necessary, if the House gives me leave to introduce my proposal, every word of his Bill shall re-appear, and therefore I do not ask the House to reverse the decision it came to on the second reading of the hon. Baronet's Bill; but I act upon this. It is my firm belief that—although the greater part of the Members who formed the majority on that occasion are anxious to remove the grounds of religious scruple which are pleaded against paying church rates as a personal tax, and to relieve Dissenters of the grievance of which they complain —that this large body of hon. Members do not desire to impoverish the Church of England, or to leave the fabrics of that Church throughout the rural districts without the means of support. We have it plainly acknowledged by the noble Lord the Member for the City of London that there is not reasonable grounds for expecting that the fabrics of the Church in rural districts will be adequately supported without church rates or some equivalent provision. I know it has been said of me that I am a man so obstinate that I will concede nothing; I tender this Amendment as a proof that I am willing to make wide concessions, and that I do respect religious scruples. I am asking peace for the Church of England; but not peace accompanied by what I consider robbery—namely, the transfer of £300,000 a year—for that is about the amount, although the imperfect returns before the House make it £262,000—I object, I say, to £300,000 a year being taken from the Church of England, and made a present of to the owners of real property. There is no claim in justice for such a proceeding, and I am quite sure that this is a circumstance, incident to the Bill of the hon. Baronet which he himself cannot approve. I see plainly enough that many Dissenters will never be satisfied with church rates, because they are in the form of a personal tax. They say "We think it wrong personally to contribute towards a religion to which our conscientious feelings are opposed." I may think them wrong, but I am willing to make a concession to their religious scruples, and to accept as a principle that all personal payments of church rate shall be abolished. But I do not stop there in my concession; for where during a considerable number of years real property has been exempted from this charge, as in Birmingham and other large towns, I accept the exemption of that property, assanctioned by prescription. But I affirm that, with respect to other real property, it would be an act of downright spoliation and robbery to take from the Church, to take from the poor, to take from the community, £300,000 a year, and wantonly make it a present to the owners of real property—who have never enjoyed it, and to whom it never belonged. I respect religious scruples, and would render the charge no longer personal, but I do deny the right of any man to exempt his property from this charge simply because he himself does not approve of it; for "No man brought anything into this world and no man can take anything out of this world," I cannot therefore see the justice of allowing any man to exempt in perpetuity property which he can hold only for his life from a charge to which it has always been subjected. I know it has been disputed whether church rate is a charge upon property, and last year I quoted the authority of Sir Robert Peel, and various other authorities, to prove that it has always been so accepted. In the evidence given before the Lords' Committee I find that fact stated by perhaps the highest authority now existing, and it was stated in terms so explicit, that I will lay them before the House. Mr. Coode, who was a well-known public officer of the Poor Law Board from the time of its appointment in 1834 to 1848, and is one of the highest authorities, especially on subjects connected with property and rating, made this statement before the Committee of the House of Lords. He said that he had devised the Irish Poor Law Amendment Act, under which property in Ireland is charged with half the amount of the rate, whilst the other half the rate is charged upon the occupier, and that many owners had told him subsequently that they wished that the whole charge had been laid upon them. But the point to which I wish to call particular attention is as to whether this rate is a charge upon property or not. The Chairman asks—

"Is it the case that the incidents of the rate, though they primarily fall upon the occupier, invariably rest upon the owner in the long run?"

His answer is:—

"Invariably. It is not by a mere consequence—it is by an arrangement that anticipates all payment of rent whatsoever. No rent is ever set but upon the consideration of all the outgoings that the tenant will have to pay or provide for. No tenant yet, in his senses, ever made an agreement for rent who did not consider, before the figure at which the rent was set was fixed, all these outgoings; amongst those, and some of the most conspicuous, and the most easily calculated of all, are the rates and taxes which the tenant will have to pay. I do not know whether the Committee have had before them the evidence on this subject, but it is very accessible—namely, in the practical experience of every surveyor and of every house-agent and land-agent, who would tell your Lordships that he never, in the whole course of his business, attempted to agree to or set a rent without first considering all the rates which the tenant would have to pay, and deducting these from the estimate of the natural or gross rent that the property was worth. It is not a question whether the incidence of such rates upon the rent is a mere consequence that may attach to it, or may be avoided; it is an inevitable result anticipated and provided for beforehand, and inextricably involved in the very fixing of the terms of the tenancy. The landlord may very well, by default of the tenant, not have his rent at all, but he is quite sure that he will pay the rate, whether he receives the rent or not; and any merely legal device you may adopt for fixing the rate on the tenant must inevitably fail, for the more stringently you fix the occupier the more certainly will you fix him with that outgoing which would become a necessary deduction from the rent he would otherwise pay. I have seen in the last discussion which has taken place upon this subject in the House of Commons, an argument about the legal incidence of the rate, in which it is alleged that such and such an authority has said that the church rate charges the land, and that such another authority has said that it has not charged the land. That is merely a question as to the verbal terms in which the law may be made; it is merely as to whether the law compels the occupier, in the first instance, to pay the rate to the collector or not; a mere question of the terms in which an Act of Parliament or legal precedents may be conceived. But wherever the occupier of land or house is made liable as such to any rate, there can never be a question as to the eventual economical operation of that legal liability. You may make a rate upon the occupier or upon the owner, or say that it shall be on land and tenements; but you cannot, by any device, avoid this certain effect—that if the subject in respect of which the assessment is to be made is the subject of occupation, nobody will come into occupation as a payer of rent without taking that obligation into his calculation as an outgoing, and having the rent reduced accordingly. I feel surprised at this time of day to see a discussion which turns only upon the mere words of legal precedents, and not upon the real, practical, and economical operation of any such imposition as all the local taxes are, church rates amongst the number."

That is the opinion of a person perhaps more competent than any man living to solve this question as to the incidence of church rates, and he confirms the opinion of Sir Robert Peel, and the experience of every practical man who has to deal with property, when he asserts that church rate is a charge on land. It is, in fact, anterior to rent, for no property is of any value until it is occupied; and, therefore, any charge upon its occupancy must necessarily involve a share of the value, a proposition which I was surprised to hear disputed in this House. I trust the House will excuse me for having detained it for a few moments while I point out what is the true incidence of this tax. Now, I beg the House to observe that I do nothing which violates the recommendations of the Committee of the House of Lords. The recommendations of that Committee are that any one who chooses to claim at the commencement of the year exemption from church rates by sending a communication to that effect to the vestry shall be exempt. I go beyond that, for I propose that where for a considerable number of years property has been exempted from this charge, that exemption shall be accepted as sanctioned by prescription, and shall continue. Then there are recommendations defining the purposes to which this rate shall be applicable. I accept them all. I find a proposal upon the 8th Resolution which goes directly to recommend that the principle of assessing the owner instead of the occupier to the church rate is well deserving the serious consideration of Parliament in any future legislation on this subject. I act upon that principle in the substitute for church rates which I propose. For I propose to give the whole class of occupiers the same power of exempting themselves one and all from all liability for the purposes of church rates which they possess, of exempting themselves from the charge of the property tax under schedule A of the Property and Income Tax Act. I propose to acknowledge the charge for the purposes for church rate, as what it really is—namely, a charge upon property. I propose to enforce the natural incidence of the rate by making a charge upon property in lieu of it. As a landowner and a Member of this House I repudiate the idea of accepting any portion of this £300,000, which never belonged to me, to which I have no right, and the transferring of which to me would, I humbly conceive, be an actual robbery of the Church. That, Sir, is my strong feeling, and I am prepared, if the House should think fit to allow me, to lay my proposals on the table, to introduce the substance of a Bill which I have for some years considered, which I have submitted to several persons most competent to give advice on this subject, and in favour of which I have their ready concurrence and approval. I put it to the hon. Baronet the Member for Tavistock, that he cannot hope that a Bill involving the spoliation of 85 per cent of the parishes of this country will ever receive the sanction of the House of Lords, especially after the careful investigation they have made, and after the circumstances which have come to their knowledge illustrative of the extent of the spiritual destitution which prevails in the metropolis and elsewhere. They never will sanction the privation of the Church of England of those means which are essentially necessary for the extension of her services. But if the hon. Baronet chooses to avoid the effect of his Bill to which I have alluded, which is a consequence entailed by, but not a principle necessarily involved in his Bill—I mean the spoliation of the church to the extent of £300,000 a year—then I believe that his Bill will meet a fair consideration in the House of Lords, and I am not without hope that it will promote that which I am willing to believe is his sincere object, an amicable settlement of this question, and the ensuring of peace throughout the parishes of the country for the future. I know not what the hon. Baronet will do. He voted against me before, and perhaps he will do so again to-day but by so doing, he will affirm the principle that not satisfied by any concession which can be made to religious scruples, he is determined to deprive the Church, the poor, and the religious community of £300,000 a year. I wish to simplify this question and present it to the landowners of the country in its true bearing. I can have no hopes of conciliating the hon. Member for Birmingham and others, who avowedly desire the destruction of the Church of England as a national establishment; but I address myself to those who feel no hostility to the Church as an establishment, who appreciate at its true value, and would preserve our parochial system, which maintains in each parish a clergyman responsible for his conduct (in the great majority of cases a worthy example to all other classes), as a guarantee for social order and thns affords one of the best securities for freedom. I repeat that the parochial organization of the Church of England is one of the best if not the best security for English freedom; because that member of the Church of England, be he layman or ecclesiastic, who endeavours to force the conscience of others, violates his creed and disgraces his profession in a manner which, I am happy to say, in the case of the clergy can yet be reached by means more stringent than the action of public opinion. I act upon this belief. I hold, as I ever have done, that the freedom of England grew out of the reformation of her religion; that English freedom never was developed until her religion assumed the form it has done, and that it will never be sacrificed until her religion is corrupted. I will, therefore, join with any man to secure the purity of that religion. I will oppose all attempts on the part of the Church of England to enforce anything like an arbitrary control; but believing that the Church of England is the foundation of the freedom of this country, I consider the "Liberation of Religion Society," miscalled since it would destroy the power and resources of the Church, and under the plea of liberty is organized for the purpose of attacking that institution which is the main security of our freedom I therefore consider this society insincere in its professed objects and totally unworthy of support. I will not now enter into the details of the Amendments I would ask the House for permission to lay before them. I have said they have been carefully prepared. I feel that in abolishing church rates and removing the common law liability of the inhabitants of every parish to maintain their church, you would in some degree endanger the parochial system of England, that fundamental organization upon which the whole superstructure of our free institutions is raised; therefore I think it necessary to incorporate the clergyman and churchwardens of each parish. One of the churchwardens is always, and both might be made elective for the purpose of receiving the charge I would create on the property of each parish and benefactions whencesoever: I do this, especially with a view to provision for those parishes in which the charge which I contemplate may not be levied. I think some such provision absolutely necessary for the defence of the parochial system, for I felt the full force of the evidence given by Archdeacon Hale, that one of the dangers to be apprehended from the adoption of the Bill in all its nakedness, is the danger to the parochial system which it would entail. I would also, if the House thought fit, establish for the same pupose a correspondence between the parishes and a Committee of the Governors of Queen Anne's Bounty, a body not exclusively ecclesiastical, but including the mayors of towns, the Lords-lieutenant of counties, the Judges, and Queen's counsel, as well as the Bishops. This is a Board which has admirably administered the fund known as Queen Anne's Bounty for the increase of small livings; and, therefore, I propose that after the new charge has been collected with the county rate, by a purely civil process, that it shall be transferred through the borough treasurer in boroughs, and the county treasurer in counties, to the Governors of Queen Anne's Bounty, from whom the amount levied in each parish would be recoverable, if needed for the purposes of church rate, by the clergyman and churchwardens of each parish, or, if not needed, would accumulate in the hands of the Bounty Board for the purpose of creating an endowment in liquidation of the charge itself, which would thus be eventually merged. The difficulty of the present state of the law in respect to church rates has arisen, according to the evidence of Mr. Toulmin Smith, from the fact that church rate was originally levied by purely civil process, but the ecclesiastical authority encroached upon the civil, and then the rate became levied by ecclesiastical authority. It is chiefly from this circumstance that the objection to church rates has arisen. I would revert to the old state of the law in substituting the charge I propose for church rates by making the collection of the charge entirely a civil process. It would be collected with the county rate, paid by the county-rate collector to the county or borough treasurer, and until its administration was commenced no ecclesiastical authority should interfere with it any more than they could interfere with the collection of the rate prior to the encroachment of the clergy which has led to such disastrous results. I will not detain the House longer by entering into the details of a scheme which I am seriously desirous to submit to their grave consideration; but I wish to allude to one circumstance which has placed me somewhat in a false position. Last year my right hon. Friend the Member for Oxfordshire (Mr. Henley) voted that I might be permitted to lay my Amendments upon the table; but the noble Lord the Member for Northamptonshire (Lord Henley) rose in his place, and condemned me and my scheme in the most unmeasured terms. I recollect he used the expression that the majority would have the Bill of the hon. Baronet—the whole Bill, and nothing but the Bill. By an extraordinary blunder in a quarter in which a blunder seldom occurs—namely, in *Hansard*—the speech of the noble Lord was attributed to my right hon. Friend the Member for Oxfordshire, and I was perfectly astonished at finding that it was currently reported that my right hon. Friend condemned my proposal. I thought half the world had gone mad until I discovered the mistake which had been made. That mistake, led to great misapprehension, and I wish to state the position in which I stand. Having long contemplated the means of settling this much-controverted question, I thought I had hit upon a solution of the difficulty. I found a Bill in the hands of the hon. Baronet, and last year I ventured to make my proposal to the House. I was happy to find that proposal well supported, that 100 Members voted for my Motion; and having entered into communication with many persons in various localities, I found that I had generally their goodwill. Therefore, in a speech made in the country, but which was widely circulated, I stated that believing that my proposal had the sanction of high authority I should persevere in my Motion. I do so in no spirit of obstinacy, but every man has a character to hold or to lose as the representative of such a constituency as that which has for seventeen years returned me to this House—every man has a character to hold or to lose in this House. After having thus pledged myself I should deem it unbecoming of my character to yield on this question, because I am convinced that those who have heard me and those who know me would feel that I was departing from the course in public life to which I have long adhered. The offers of support which I have received from various quarters are alone sufficient to induce me to persevere. I state this because I have been told that this is a proposal which might be placed in better hands than mine. If last year I had been aware that it would have been taken up by abler men, I would have willingly resigned the matter to them. I think that a change has taken place in favour of my proposal since then, still if I am permitted to lay my Amendments on the table of the House I will willingly resign them into the hands of any abler man; but standing in the position in which I do, it is due, in justice to myself, in justice to the cause I advocate, and in justice to those with whom I have entered into communication, that I should take the sense of the House this year, as I did last, on the proposal which I now venture again to lay before the House.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'this House will, To-morrow, resolve itself into a Committee, to consider the propriety of establishing in lieu of Church Rates, thenceforth to be abolished, a charge on all hereditaments, in respect of the occupancy of which Church Rates have been paid within the last seven years; such charge to be levied with the County Rate at an uniform rate of poundage, the occupier being in all cases entitled to deduct the amount of the charge levied on his occupation," instead thereof.

Mr. CROSS, in seconding the Amendment, said that when it was brought forward last year he looked upon it merely as one of the various plans brought before the House to settle the church-rate question, and as he did not altogether approve of the plan he voted against the hon. Member for North Warwickshire. Since then all hopes of compromising the matter by any concession seemed to be at an end, and he had therefore reconsidered the matter, and on the principle alone that if they abolished church rates they were bound to provide some substitute, he should vote for the Motion. They must take care that in endeavouring to provide a remedy for a grievance they did not create one which was greater or depart from sound principles. The law of church rates as it existed was simply this—it was the duty of a parish to maintain the parish church; if the parishioners refused to perform that duty they could not compel them to do so; but if they chose to do it, then the majority in any one parish had a right to levy a rate which was binding on the minority. In the first place, they had a tax which was subject entirely to local government; and in his opinion a tax levied by the majority on the minority was perfectly sound in principle and consistent with all true principles of legislation. In the next place it was imposed upon property which had always been liable to it. It was true this was a tax *in personam*, but it was one imposed for the best of all purposes, namely, the support of religion, and not the religion of one sect only, but religion in its broad sense. In the evidence given before the Lord's Committee, Mr. Bunting, who it must be acknowledged was an unexceptionable witness, was asked this question:—

> "Is not the Church of England sometimes spoken of as the church of the poor?"

His answer was:—

> "It is certainly the only Church or sect which makes any permanent and general provision for the poor."

Mr. Toulmin Smith, also a Dissenter, was asked:—

> "Are you prepared to say that, looking upon the Church as having been in ancient times, and being now the Church of the people, the Dissenters, although they do not conform to the worship of the Church, may be supposed to have an interest in it, ought to be benefited by it?" The reply was—"Most decidedly; in the first place, just to clear the ground, I may say that there are many of the services of the Church, apart from the Sunday service, burial for instance, which we know the Dissenters claim; everybody has an interest in many of the services of the Church, in marriages, baptisms, and burials. But more than this, it seems to me that every person has precisely as much common interest in the Church, although they are Dissenters, as I may have in a highway at the other end of the parish in which I live—it is for the common good of the whole community. It is quite impossible that, under any conceivable state of education, the majority of mankind will be able to go into deep questions of theological doctrine; but it is important to all that there should be a religious feeling throughout society, and it is certainly more for the interest of society that there should be a Church common to all who have no very particularly decided views, than to suppress that Church because every one does not subscribe to some particular dogma; for that is what it comes to. It is said, in effect, if you do not subscribe to any particular dogma you shall not have any church. Now I may mention that my ancestors have, since the Reformation, been Nonconformists; and I yet say that every man has an interest in there being a Church which is common to the whole of the people, although they may not entertain any particular doctrine one way or the other; that it is better for the common interest that there should be some place in which all have a common right, than that every man should be obliged to tie himself to some particular sect. The Church of England does not oblige people to tie themselves to any particular sect: it is the Church of all."

There was therefore no grievance in taxing the whole of the community for the Church, because it was shown that all derived benefit from it. Two particular grievances were alleged. The first was that members of Dissenting denominations were taxed for a Church to which they did not belong; the second, that the collection of church rates created disturbances in every parish. He submitted that the first objection was unjust. At all events, the only persons who could most complain were the Roman Catholics and persons of the Jewish persuasion, neither of which bodies put themselves forward as great opponents of the church rate; while the Wesleyans, the most important body of Dissenters, did not object either to church rates or to the principle of an ecclesiastical establishment. Mr. Bunting was asked—

> "What is the reason why the members of the Methodist connection do not object to church rates, and do not exhibit the same hostility to them as the other dissenting bodies?"

And he said in answer—

> "I should say, generally, because we should be sorry to injure any great religious agency. I think there is a general feeling that the Church of England is a power of essential importance to the religion of the country, and increasingly so; and we should be very sorry to destroy anything in which we thought there was a blessing."

The second objection was not more formidable, because by far the greater number of the parishes in which disturbances had taken place were parishes in which church rates had been refused because they had been applied to improper purposes, or where an agitation had been got up through the instrumentality of the Liberation Society which now sought to take advantage of its own wrong-doing. He should like to see a return of the parishes which objected to church rates of their own motion, and not animated by feelings excited by the agents of a metropolitan association—which sought first to create disturbances in parishes, and afterwards brought the fact of such disturbances having taken place as a reason why the church-rate system should be abolished. He did not believe that more than 5 or 10 per cent of the parishes refused to have church rates of their own free will; and it was therefore most unjust that, in order to relieve them, the privilege which the other 90 or 95 per cent claimed, and which they had enjoyed for centuries, of supporting the Church through means of church rates should be denied to them. That was not remedying a grievance; it was absolute tyranny. He believed in truth that the object of the agitation was not to protect the conscientious Dissenters in the matter of church rates, but to destroy the Church of England altogether. With respect to the operation of the Liberation Society, he would read to the House an extract from the blue-book, which would at once show what those objects were. Mr. S. Morley, a Nonconformist of the Independent denomination, and a member of the Committee of the Liberation Society, was asked—

"Is not the principle which guides and actuates Dissenters in these questions—church rates taking a leading part in them, a desire to see the Church establishment placed under the same mode of Government—that is to say, on the same voluntary principle as their own body ?

His reply was—

"I quite believe that the concession of this question of church rates would not satisfy the ultimate expectations, or I will say, if you please, the requirements of Dissenters.

"You have alluded to ultimate objects; would you feel it consistent with your position before the Committee to state what those ultimate objects might be ?—I should be sorry to misrepresent those objects, but I can state only my own impression of what they are: I believe that the great object is to separate religion from the slightest connection with the State, to put it in very brief words.

"Would the Dissenters feel that, church rates being abolished, and so far there being by that abolition a line drawn between the interests of the Dissenter and the interests of the Churchman, the Churchman should be left in the enjoyment of the endowments which have been provided for the sustentation of the Church ?—That is a very important question. That the settlement of the church-rate question would meet the difficulties which Dissenters make I do not believe. I think you would find that the organizations which at present exist would remain so long as there existed any form of interference by legislation with religion.

"You hardly meet my question as regards cases of property ?—I believe that the opinion of Dissenters is, that Church property is national property, and that it would have to be dealt with according to the judgment of the nation.

"I think you have stated that it is the view of certain Nonconformists that they regard Church establishments altogether as things which are injurious to religion ?—I do believe so.

"And that ultimately they may hope in the extreme future to find an opportunity of taking the property which is now appropriated to the Establishment and applying it otherwise ?—That would certainly be the course of events if they shape themselves as no doubt many sanguine minds are anticipating."

Nothing could show the spirit and feeling of that association better than the extract he had read; and he asked the House whether it could approve of such a body or promote its views? It had also been proposed to give the Dissenters the right to be relieved from church rates by claiming a personal exemption. He did not approve that solution of the question. It was unjust to the Church, the object of which was to include within its pale the whole community, and which, by the exemption of Dissenters, would degrade itself into a sect. The adoption of the voluntary system had been suggested as another remedy; but the voluntary system had not answered for Dissenters themselves. To show the operation of the voluntary principle he would once more refer to the evidence of Mr. Bunting, who was asked by the Archbishop of Canterbury:—

"Do you think that the dissenting bodies generally would be sufficient to provide for the maintenance of religion in the rural districts, and in the less populous parts of the country ?"

Mark his answer:—

"Certainly not: I think that all experience shows that. I may be allowed to believe that the Methodists are doing nearly all they can do in that direction, and do what we can it is impossible for us to provide for the rural populations as the Church of England in the nature of things can do. I should extend that observation also to the large towns. I think that certain portions of large towns will never be provided for but by a parochial or a district system. Dissent never has done that, and I think there are insuperable difficulties in its way."

He was then asked by the Chairman—

"Will you be good enough to state what you consider those difficulties to be ?"

And he said,—

"I do not think that voluntaryism will ever provide missionary ministers in sufficient numbers, and at the same time pastors for congregations. "In fact," added the Archbishop, "there would be a want of support ?"

And the reply was—

"Yes; a want of pecuniary support."

Thus he had proved from one of their own authorities that the Church of England had a duty to perform which Dissenters had not. It was proved, by other evidence taken before this Committee, that not only was the voluntary system insufficient to carry on the work of the Church of England, but that among the Dissenters themselves it led to great difficulty. Now if the voluntary system had not answered for Dissenters it certainly would not answer for the Church. He believed, in short, that the only just and practicable solution of the difficulty was to be found in the nature of the rates themselves. In some parishes, chiefly in large towns, a majority of the inhabitants had refused to levy a rate. But churches in great towns stood on a different footing from churches in the country, because there were generally rich people in great towns who subscribed liberally for the maintenance of the churches, and other means were readily found for maintaining the fabrics. Where the refusal had been persisted in for a certain number of years, no further attempt should be made to impose church rates—a principle which had received the sanction of the Archbishop of Canterbury and of several influential Members of the present Government. Again, when church rates were first established, the whole country was of one religion; but a great change had taken place in that respect, and he saw no reason why an exemption should not be made in favour of those who differed from the Established Church and conscientiously objected to the payment of church rates. He would not treat them as Dissenters, but simply as persons who objected *bonâ fide* to church rates. The remedy he had just suggested would, he thought, satisfy every reasonable man, unless he wanted to pull down the church altogether. A third improvement might be adopted with advantage. The common law declared that the parish churches were to be opened freely to all; but they were now encumbered with high pews for the rich, while the poor were thrust into holes and corners where they could neither see nor hear. When a poor man was asked why he did not go to church, he replied that there was no place for him; that the rich surrounded themselves with barriers, as if they wished to keep him aloof; and the consequence was that we were now obliged to have special services for the poor. In very many cases these services were instituted, not because the parish church was full, but because, under existing arrangements, the poor would not come there, and, in fact, were not wanted. In a district with which he was acquainted, the rich inhabitants did not go to the parish church but to newly-erected places of worship, retaining, however, their seats in the parish church. The clergyman very properly ordered the pews to be thrown open to the poorer frequenters; but the moment the owners of pews heard of this they came to the church, and turned out the persons who occupied their seats, for the purpose of establishing their rights to the pews. This was a state of things which ought not to exist; and the common law right on this subject ought to be distinctly declared. He begged to second the Motion of the hon. Member for North Warwickshire, not because he agreed with the actual mode of compensation suggested by the hon. Gentleman, but because he felt the church rates ought not to be abolished without at least some compensation.

Mr. HORSMAN said, he was anxious to put a question to the hon. Member for Tavistock (Sir John Trelawny), with respect to this Measure. Last Session, when the Church-rate Question was brought forward by the late Government, two things seemed to be taken for granted—first, that the time had come when, from the frequent discussions the question had undergone, a settlement of it seemed desirable; and secondly, that no settlement was likely to be effected except through the medium of a Government measure. The Government of Lord Derby acted on that principle and introduced a measure which, whether good or bad, was an honest attempt at the settlement of the question. That measure however was defeated by the followers of the present Ministry, and their leaders assisted in the defeat. He asked, therefore, why, when they had come over to that side of the House they had receded from the professions which had been made when they sat on the opposite benches, and why they allowed this question to remain in the hands of a private Member? He wished to ask the hon. Baronet (Sir John Trelawny) whether he had made an appeal to the Government—whether he had reminded them of the futility of every attempt made by private Members to settle the question—and whether he had shown how hopeless it was that he could, at an early period, effect a settlement of the question? If the hon. Baronet had made that appeal and had been unsuccessful, he (Mr. Horsman) thought he stood clear of blame before the House; but if the hon. Baronet had not done so, he (Mr. Horsman) did not think he had quite done his duty to the House, which had supported him so steadily on this subject. The question of church rate abolition might be regarded as one of principle, of which the settlement was desirable; but there were other parties who regarded it rather as a political question, or, he might say, as a political clap-trap, which it was desirable to preserve. The earnestness and sincerity of the hon. Baronet were undoubted; but if the question was to be treated as one of principle, the Government ought to take up the subject as one in which the whole Liberal party were implicated; but if it were to be left to be dealt with by private legislation, the country, knowing that in such a case there was no prospect of an early settlement, might very fairly say, "You are not sincere in your endeavours. The question is a very convenient one at the hustings; it draws a distinct line of demarcation between parties; but you thereby degrade it into an instrument for unworthy purposes." He had throughout assisted his hon. Friend in his endeavour to settle the question, feeling that there were no parties so much interested in a settlement as Churchmen themselves. The injury arising to other persons from the existence of church rates was as nothing compared with that inflicted on the Church, which lost a great deal more from the animosities engendered by compulsory rates than was compensated for by any pecuniary gain. As to the argument that Dissenters bought their property with this obligation attached, and could not therefore afterwards complain, he thought it an entire fallacy. Dissenters had no option in the matter. If, indeed, there were two classes of tenements, one liable to, and the other exempt from, church rates; or if there were two quarters of every town, one separated from the other, like the Jews' quarter at Rome, and free from the impost; and if Dissenters, having a choice between the two, voluntarily purchased the property which they knew to be subject to the tax, then, indeed, it might be said they had wilfully incurred an obligation from which they could not afterwards expect to be released. But, as the fact was, they could not build or buy a house without being liable to the rate, it was hardly fair to say that any option was open to them in the matter. He would not, however, enter into any argument upon this exhausted question. He believed the time had come when a settlement of the question ought to be made; and after the House had given its determination on the subject the proposal for settlement ought to proceed from the executive Government, from whom alone the solution could be hoped. Religious questions between Churchmen and Dissenters ought, if possible, to be avoided. It was obvious that, after the course taken by the Government of Lord Derby last year, only Government could settle the question, and he regretted that his hon. Friend had been permitted to bring forward once more a proposal which, though it had been carried year after year in that House by large majorities, left the question no nearer a settlement than before.

Sir JOHN TRELAWNY said, he had hoped this Bill would have been allowed quietly to go into Committee, but having been so directly appealed to, he must say a few words in reply. The right hon. Gentleman (Mr. Horsman) had asked him whether he had inquired what the Government intended to do on this question. Now, when he (Sir John Trelawny) returned to Parliament in 1857, having been Chairman of a former Committee on this subject, he did ask the Government, and received a distinct intimation that it was their intention to introduce a Bill with respect to church rates. He remembered, too, that that announcement created a great sensation at the time, both in the House and among the public. The Government of that day further said that they would bring in a Bill within a specified time. He waited patiently, but the time expired, and no such measure was forthcoming. Subsequently a deputation, of which he was not a member, went up to the Government on the subject. A Bill was brought in by the Government of Lord Derby; and although that Bill was not one, as he thought, which met the case, that Government were so far entitled to praise, for having at least made an attempt to deal with it. But having studied the question for many years, he saw that that Bill would not settle the question. Indeed, he was convinced that all the measures proposed on the opposite side were, from a Church of England point of view, infinitely worse than his own measure. The scheme proposed now by the hon. Member for North Warwickshire was decidedly worse for the Church; since, while that hon. Member stickled for the absolute right of the Church to church rates everywhere, he would exempt all places where church rates had not been paid for seven years; and in those places he would in effect destroy the theoretical liability of parishes to repair fabrics, which liability he (Sir John Trelawny) left untouched merely abolishing church rates. Although church rates fall, the abstract doctrine of the obligation to repair churches would induce many conscientious persons to subscribe money, who would not be coerced to pay anything by the Ecclesiastical Court. That proposal, with regard to those parishes, was the same in kind with that which had been denounced as a confiscation of Church property, where church rates now existed. Again, the hon. Member for North Warwickshire, having taken the tax off the occupiers, who were the persons who profited by the enjoyment of the Church, for which they had to pay, and who had the right of voting for an expenditure beneficial to themselves, then very quietly transferred it to the owners who might be absentees and derive no benefit; forgetting that it was possible that an owner might be a Dissenter also, and might have a conscience and wish for exemption as well as the occupier. What would happen in consequence of this transference? There would be an agitation to get rid of the tax altogether, as there had been a successful agitation to get rid of Ministers' Money in Ireland, and the Annuity Tax in Scotland. If his (Sir John Trelawny's) measure were confiscation the proposal of the hon. Member for North Warwickshire was, in fact, a double confiscation. The hon. Gentleman appeared to suppose that the rate was charged upon lands and property, but in disproof of this it was only necessary to mention the fact that in the case of unoccupied property no rate could be levied. Indeed, it had long since been settled that church rates were no charge upon lands. If a county fail to repair a bridge, the county may be indicted. If a parish do not repair a road, the parish may be indicted. If the tithe be unpaid, there is a remedy by distress and even the land may be seized. But church rates are a tax in person and liable to be refused by a majority of parishioners. Also, an executor cannot be sued for church rates—the charge being *pro salute animæ,* and the executor is not interested. Then the hon. Gentleman proposed to exempt Dissenters; but the measure which he (Sir J. Trelawny) proposed was one which retained the chance of the Dissenters being conciliated, and being willing to contribute towards the support of the Church as they might perhaps be willing to do in some parishes where—what are called—Low Church doctrines are inculcated. He stood there independently of all parties; he really wished to settle this question, for he was heartily tired of it. He had presented 209 petitions upon it that day, and on an average 60 or 70 petitions each day for some days past; and it took him a whole hour to examine, and write his name on each of these petitions; he therefore wanted to get the question settled. But he could not approve of the various other schemes that had been devised, and he thought they would be treading upon very dangerous ground if those partial exemptions were attempted. If the settlement of this question were resisted, they would be losing the active sympathy of many persons who wished well to the Established Church, and they would lose the voluntary aid which might otherwise be forthcoming. As for the control of the expenditure of those voluntary subscriptions, it was not requisite to provide any complicated machinery. The Bill which he proposed would by no means abolish or supersede the old institution of churchwarden. It would be the churchwarden who must spend all the money he received for the repair and service for the church. Where a vestry meeting had been held, and a church rate had been refused by the majority, persons wishing well to the Church might be deputed to go round and collect subscriptions to the amount of what was wanted, and the churchwardens, having received such money, would be bound by the ecclesiastical law, under severe penalties, to spend it for the repair of the church. Now the best thing to do was to let the Bill go into the House of Lords as soon as possible. If it were still to be exposed to discussion and agitation for some years longer, the Church would suffer much more, for the agitation would extend itself. What had been the result of bringing the question to a settlement with regard to the Church of Ireland? He could remember how, at the time when the Church cess was abolished there, the existence of the Church of Ireland was not worth three years' purchase, and tithe could only be collected at the point of the bayonet; but now, although he would not say that nothing still remained to be done with regard to the Irish Church, we heard no more of those motions for the abolition of it which were so frequent when he commenced his public life. A great deal had been said about the Church of the people; but he regretted to find it proved that in many instances the poor were actually excluded from the churches, as in the case of Trinity Hulme, mentioned by Archdeacon Rushton in the Lords' Committee on Means of Religious Instruction, where "a poor and devout worshipper" was violently extruded from a church professedly full. For the remedy of this evil it was proposed ten years ago to build about 600 new churches, at a cost of £3,500 each, out of a fund of £2,000,000, to be created partly by sale of Chancery livings and partly by voluntary subscription: and there were said to be 614,000 people in London not supplied with religious accommodation. This plan of church building had been recommended by a Commission ten years since and yet was not carried out. He sympathised with the poor who wanted to go to church, and if nothing were done for them it would be a scandal and a disgrace. He hoped not a moment would be lost in making that phrase, "The Church of the poor," a vital fact, and not a delusion. This question of church rates was one which he earnestly desired to settle. He would give the most earnest attention in Committee to any proposition from either side; and, if he thought it would work better than the provisions of his own Bill, he would readily adopt it.

Mr. HENLEY said, that as a misapprehension existed as to his views, he wished to state that he supported the proposal of the hon. Member for North Warwickshire as he had done last year, although by some mistake the speech which had been made by the noble Lord the Member for Northampton (Lord Henley) against church rates, had been attributed by *Hansard* to him (Mr. Henley). He must beg entirely to disown the sentiments so imputed to him; but as his votes were upon record, he need not trouble the House with further explanation. As to the proposition involved in the Amendment of the hon. Member for North Warwickshire, the experiment of putting the tithe on the owners instead of on the occupiers of land had been tried in Ireland, and had proved successful there, and all the agitation upon that ground had ceased there. He was prepared, therefore, to assent to the principle of making the church rate a charge on the owners of property instead of on the occupiers.

Lord HENLEY said, that he regretted that his words on a previous occasion should have been improperly attributed to the right hon. Gentleman, and he regretted more that the right hon. Gentleman had not been induced to adopt them. He opposed the hon. Member for North Warwickshire on a previous occasion, and he rose to oppose him now, because he did not see how it would be possible, if the owners in a parish were very numerous, and lived in different places, for a rate to be properly levied. It is clearly the business of the occupiers of a parish to make the rate, because they alone know the real wants of the parish. But by the plan of the hon. Member for North Warwickshire it would come to pass that the owners paid the rate, and the occupiers voted and spent it. Such a system would necessarily give rise to dissatisfaction and want of confidence. He understood that the proposal of the hon. Member for North Warwickshire was, that a sum should be fixed according to the rate which was charged in the particular parish for seven years.

Mr. NEWDEGATE: No; I beg pardon. I thought that I explained my proposition fully. I propose a charge at the average amount of church rates throughout England; and if the amount raised in any parish should be found to be more than was wanted, that the surplus should be allowed to accumulate, and ultimately form a fund the proceeds of which should be appropriated to the purposes of church rate, so that when the fund became sufficient to create an endowment in lieu of the charge, the charge itself should cease.

Lord HENLEY: At all events, the money voted by the occupiers would be that of the owners. Now, by the operation of the old Poor Law that was shown to be a bad system. He should certainly oppose the proposition of the hon. Gentleman opposite (Mr. Newdegate), as well as that which was recommended by the Committee of the House of Lords. By that plan it was proposed that for the future persons desirous of being exempted from the payment of church rates should give notice to the churchwardens of their objections, and that such persons should be exempted from paying the rate, and not be entitled to go to vestry. Now, he thought that such a system, though it seemed fair and easy, would occasion much heartburning in various parishes where the landlord's influence was great, and powerful. He knew of many cases in which the landlord possessed the whole of the parish, and where the ratepayers dare not even sign petitions for the abolition of church rates. He trusted that the total abolition of this obnoxious impost would be speedily decided upon, believing that no measure short of that would give complete satisfaction. The Church was surely able to provide for its own fabrics, as the Dissenters did for theirs. While the Wesleyans had built chapels for two million persons, the Independents for half that number, and the Baptists for three-quarters of a million, while in England and Wales there were 20,000 churches and chapels that were independent and self-sustaining, with numerous congregations, surely the Church of England could support its own fabrics by a voluntary system similar to that of the Dissenters. He should certainly vote against the proposition of the hon. Member for North Warwickshire.

Mr. PHILIPPS said, the hon. Baronet the Member for Tavistock said he was anxious for a settlement of this question. Now, there were many ways of settling a question. A man, for instance, might be considering the kind of furniture, whether oak or mahogany, which he should put into his house, and having at length, as he thought, settled that matter, a fire took place and burned down the whole of his premises, which effectually settled the question in a decidedly opposite sense. He (Mr. Philipps) also was anxious to have the question settled, to have it settled fairly, and to give every reasonable satisfaction to the Dissenters; but he found that the opponents of church rates always found objections to any plan but that of total abolition. No plan proposed seemed to him to be quite unobjectionable, but in the absence of any alternative, save total abolition, he should support the Amendment of the hon. Member for North Warwickshire. Supposing even that churches could, upon the voluntary system, be maintained in repair as at present, there were two things to be considered—whether they could be secure that the subscriptions would be fairly raised from all those who could afford it, in proportion to their means and interest in the parish, and next, how they could secure against waste in the expenditure. In places where the property belonged to absentees, there was always difficulty in obtaining subscriptions; and, as an instance, he might quote his own town, where the great tithes of one of the parishes belonged to a person who lived permanently in America. Then there was the case of minors. It happened, too, that the world did not consist wholly of conscientious Churchmen and conscientious Dissenters, but there was a vast proportion of persons who did not care for any religious body at all, and he did not wish those persons to be exempted from all payment. In many cases, too, the apparent owners of property were not the real beneficial owners. He felt assured that if church rates were abolished, railway companies, clubs, and other corporate bodies would not be able to subscribe, and thus those sources would be cut off. With regard to the question of economy, he might observe that it was far more easy to raise subscriptions to build a new church or to restore a very old one than it was to procure funds to prevent an existing building from falling into a bad condition. Thus a church would be allowed to get into a worse condition from year to year, until it became ruinous, and then a subscription would be made to expend £500 to restore the building which a timely outlay of £50 might have kept in good repair. He would recommend the Church to make large concessions to conscientious Dissenters, but when he was asked to do more, and to relieve the selfish and indolent, he thought the demand was unjust, and that it would be weakness to yield to it.

Sir MORTON PETO said, he could assure the House that nothing short of unconditional and absolute repeal would satisfy the Dissenters. A great deal had been said about the ultimate aims of Dissenters, but he could assure the House that they did not desire to deprive the Church of one single shilling that rightly belonged to it, but they did and would resist an impost which affected their consciences, which was a personal tax upon them and not a charge upon property, and which they were determined should not be made so. The voluntary principle had already proved capable of providing all that was needful for the religious accommodation of the people. What had been the experience of this country within the last half century? In 1801 the total number of sittings in churches and chapels in England amounted to 5,000,000. In 1861 they exceeded 10,000,000, and of this number the increase obtained otherwise than by voluntary contributions was not much more than 200,000 sittings. Churchmen as well as Dissenters ought to put more trust in the vitality of the religion they professed. Look at the large sums that have been raised in Scotland by the voluntary efforts of less than 3,000,000 of people. Surely the Churchmen of this country would not be behind their brethren in Scotland in zeal and generosity towards the support of their religious edifices. He considered it was absurd to suppose that they would allow their churches to fall into decay, if this comparatively small sum of £300,000 a year were taken away from them. Were the members of the Church of England behind their fellow-subjects of Calcutta in fidelity towards their places of worship? It appeared that the followers of Bramah raised last year in Calcutta no less a sum than £200,000 for the building, repairing, and restoring of heathen temples in India. Surely it could not be for a moment imagined that the professors of the religion of Christ would be behind the heathens in zeal and liberality for the maintenance of their religious edifices. If the religion of this country were really of such a character—then he would say, perish that religion whose followers had shown themselves so unworthy of the character of disciples of their Divine Master, as to refuse not only their own contributions towards the preservation of His sacred temples, but to insist upon the money of others being dragged from them, to support a religion to which they were conscientiously opposed; but he knew too well the vitality of Christianity to feel any fear on its account. See how religion had thriven in Canada since the obnoxious question of the Clergy Reserves had been settled. He trusted that for the sake of religion itself the House would not stop short of the absolute and unconditional repeal of this obnoxious impost. In the Report of the Committee of the House of Lords a belief was expressed that a large body of Dissenters were not desirous for the extinction of church rates. He thought the Committee were altogether wrong in that impression. As he had before stated, the Dissenters were, in his opinion, most anxious for the total abolition of church rates, and it was his belief that if the impost were abolished a large number of Dissenters would be found amongst the voluntary contributors to a fund in lieu of them. It was idle to charge the Dissenters with the wish or intention of pulling down the Church of England. No such feeling of antagonism towards the Church existed in the minds of the great body of Dissenters, who displayed amongst themselves much fewer differences than were to be found within the precincts of the Church itself. He would remind the House of the decency and decorum observed during the religious services in the theatres of the metropolis. The aid of the police was not required there to preserve order. On the other hand, what was the conduct pursued in some of their churches? Were not some of their ministers approaching the practices and services of the Church of Rome so closely that he believed they would display their honesty only by going over to the latter Church altogether. What was the case in one of their churches? Was not the assistance of 100 or 150 policemen required to maintain order and to enable Divine service to be performed? There were no such differences amongst the Dissenters. If this impost were abolished he was convinced that the Church of England would advance with much greater strides than it had ever done before, and that the bitterness which was now increasing day by day in consequence of the present obnoxious system would completely disappear.

MR. PERRY WATLINGTON said, he could not agree with the hon. Baronet who had just sat down—for he did not consider that the disposition to make voluntary contributions for Church purposes was injuriously affected by the existence of an Establishment, any more than the fountain of private benevolence was dried up by the existence and operation of a poor law. Although this question had been frequently discussed in that House, still he thought that every succeeding year added something to their practical knowledge of the matter in developing, more and more distinctly, the ultimate objects of the supporters of this Bill, and in showing the effect that would be produced upon the Established Church if the proposed measure passed into a law. He for one would admit that if it were proved that the present system imposed a heavy grievance of conscience upon any class of the community, it would be their duty to remedy the complaint as speedily as possible. But when he found a mode proposed which would benefit a few by inflicting a great injustice on the many, he thought the advantage to be gained was wholly beneath the cost of the purchase. He would not trouble the House with extracts from the evidence taken before the Committee of the House of Lords which had been so largely quoted in the last debate upon this subject; but when he found Dr. Foster, a Baptist, saying that he considered it an immoral obligation for a Baptist or Independent to contribute to the support of a church in which he does not worship, and applying this remark to tithes as well as church rates—when he found Mr. Gladding, an Independent, declaring that he does not wish to see any change in the law, and does not think the conscientious objection is so extensive as is generally supposed—and the Rev. George Osborne, a Wesleyan minister, stating that he thinks he should not be wrong in inferring that there does not exist any very wide-spread opposition to church rates; but, on the contrary, and further, when he considered that the calculations of Dr. Hume, founded upon the formula of Mr. Horace Mann, had never been disputed, by which it appeared that—

13	per cent. of the population are	Wesleyan Methodists.
9¾	,,	Independents and Baptists.
6¾	,,	Other sects.
3½	,,	Roman Catholics.
42	,,	Churchmen proper.
25	,,	,, nominal.
——		
100		

He could not resist the conclusion that as far as the conscientious objection was concerned the abolition of church rates alone would be for the benefit of but few. And when he considered the large proportion of parishes in which church rates are easily levied—the petition signed by the whole body of archdeacons in their favour—and that where these rates are abolished, Birmingham for example, the churches are out of repair, and that where they are most readily levied—there, according to the evidence of Archdeacon Sandford, there are most voluntary contributions, he could not but feel convinced that to a large mass of the people of this country who had long looked to these rates for the support of their places of worship, an injustice would be done by their abolition of very considerable extent. When we considered the length to which religious controversy is too apt to run, the extreme bitterness it generally provokes, and the want of practical Christianity with which it is too often accompanied, every one must rejoice when any question that arouses it is removed from the arena of public discussion, and must be anxious to make the greatest concessions possible for the sake of peace. But where, he asked, was the guarantee that if they who did not regard the exaction of church rates as unjust or intolerable, were willing for the sake of peace to abandon these rates, where was the guarantee that that peace would be secured to them? Would the noble Lord, at the head of Her Majesty's Government, would the noble Lord the Member for the City of London, grant them an assurance that when this reason for agitation was removed a similar agitation would not take place upon the subject of tithes? Would they promise them that if it was so they would use all the influence they possessed in that House to oppose it? or, were they not rather to conclude from their conduct with regard to church rates that they would be too ready to give way upon the plea of expediency, and before the well-organized efforts of the enemies of the Establishment? But as he (Mr. Watlington) did not perceive the particular hardship of the incidence of church rates, he could not see that the abolition of church rates would give any certainty of such a state of peace. He doubted very much that such a measure would satisfy the enemies of the Church. He believed that the question of tithes would be afterwards raised in order to hang a grievance upon it. But it was said that the Church was rich and wealthy, and therefore did not require the assistance of church rates; and many hon. Members urged that it would be wise in her to give a portion of what she considered her rights for the sake of peace. But, he would ask, was the Church so rich, was she so wealthy? Was it not notorious that the ministers of the Established Church were much under-paid for the work required of them and the education they had received? In the Report of the Corporation of the Sons of the Clergy it was stated, that out of 20,000 clergymen in England there were 10,000 receiving only on an average £100 a year whilst in actual duty, and a large proportion go through life without much if any pecuniary advancement. In a recent charge of the Bishop of London, it was stated that the average income of the minor clergy of London was only £140 a year. It was hard to throw upon such incomes the charges which the abolition of church rates would undoubtedly impose. It was argued that it would be for the interest of the Established Church to abolish those rates, and a short time ago the churches in Birmingham and other places were referred to by the hon. Member for Nottingham as an example of the advantages of the voluntary system. It was a curious fact that two days after this statement was made by the hon. Member for Nottingham in the House of Commons, we find one clergyman from Birmingham (Mr. Yorke) stating before the Committee of the House of Lords that "the external appearance of his church is ruinous in the extreme." We find another clergyman (Dr. Miller) stating that "the present system, as carried on in Birmingham, is a perfect mill-stone round the necks of a great majority of the ministers in the town, seriously prejudicing their spiritual work;" and Archdeacon Sandford, speaking generally: "The churches in Birmingham are going into decay." Surely it is not to Birmingham that we can look in the interest of the Established Church for an example of the advantage of the abolition of church rates. From Braintree, too, a town well known in connection with this subject—a town in his (Mr. Watlington's) own county—from Braintree, where the rates are practically abolished, the Incumbent writes in November last: "Our dilapidated church presents a most deplorable aspect; we cannot now proceed for want of funds." These, surely, are not encouraging instances to churchmen in favour of total abolition. As he had before stated he did not for a moment believe that the existence of an endowed church was prejudicial to the disposition to make voluntary contributions for religious purposes, nor were Churchmen less prone than members of other denominations to recognize it as a duty to give to these objects according to their means. All were aware of the spiritual destitution of the metropolis; every one must fear that a similar destitution existed in all the large towns of the kingdom; every one must be alive to the sadness of that state of things, which admitted the possibility of an estimate being made by which 25 per cent of the population was shown to be totally irreligious—the great need of exertion was fully recognized—and if the efforts made did not meet the necessity of the case, it was owing to the infirmity of human nature, and not to the fault of the system which Churchmen upheld. Depend upon it, by injuring the Established Church, injury would be done to one of the most zealous advocates for the exercise of voluntary benevolence. He was entirely opposed to the measure of the hon. Baronet, because it was a proposition not for a compromise, but the total abolition of the church rates; but at the same time he could not support the Amendment of the hon. Member for North Warwickshire, which did not, in his opinion, meet the difficulties of the case. He considered that the measure already introduced by the hon. Member for Buckingham, or one founded on the Report of the Lords' Committee, would be far preferable; and he would resist to the utmost the measure now before the House.

MR. EVANS wished to say a few words lest his vote might be misinterpreted. He was not wedded to any particular measure, but was most anxious that this vexatious and annoying question should be settled. The right hon. Gentleman the Member for Stroud (Mr. Horsman) had called it a "convenient" question, but he thought it a most inconvenient one, for the constant agitation of it brought about ill feeling between Churchmen and Dissenters, and was most injurious to the Church itself. Having listened to the debates, and read the evidence on the subject, he must say that he did not apprehend any danger from the present measure. He had no fear for the Established Church. That Church was a rich Church, and he was certain that the Members of the Church were not less zealous than the members of other religious communities, and he believed that if church rates were abolished no difficulty would be felt in providing for the maintenance of the sacred fabrics and the decent celebration of the religious services. As to the Amendment of the hon. Gentleman the Member for North Warwickshire, he believed that hon. Gentleman was actuated by good motives. He believed the Amendment was based upon evidence given before a Committee of the House of Lords by Mr. Coode, who was of opinion that although the rate was levied, no one who objected to pay the rate should be obliged to pay it, even though the objection was not taken until the collector called for the rate. By the adoption of such a plan as this it was plain that agitation would be revived, not suppressed. He could not support the Amendment of the hon. Gentleman, for it would in no manner settle the question. He had not much hope of seeing the question settled this year. He feared it would not even if passed here meet a very favourable reception elsewhere, for last year the Bill passed by a large majority in this House for the abolition of Church rates was treated with very little ceremony by the House of Lords. He should be glad to see some measure devised which would meet with the approval of both Houses of Parliament, but he himself had no doubt that if the Bill of the hon. Member for Tavistock were passed into a law means would be taken to maintain the fabrics of the Church, and provide for the decent and proper performance of the services.

Lord JOHN MANNERS said, he was glad to observe a growing tendency on both sides of the House to settle this much agitated question in some fair and equitable manner; but the main obstacle which at present stood in the way of such a settlement was this Bill of the hon. Member for Tavistock. The hon. Baronet himself seemed to feel that the cause of which he was the advocate had become more hopeless and more vexatious than ever; and it was with considerable satisfaction he (Lord J. Manners) had heard the hon. Baronet say, that if he did not see his way to the settlement of the question this year he would not intrude it upon the House again. He was disposed to concur in the advice which the hon. Baronet had given to them—that they should pass the Bill in the shape in which it then stood, and so send it up to that bourne from which it would never return. If that course were adopted a hope might be entertained that afterwards some satisfactory settlement might be arrived at which would be accepted by both Houses of Parliament. Therefore, though he retained all his objections to the principle and details of this Bill, he was not inclined, in the present state of the measure, to support any of the Amendments of which notice had been given—not even that of his hon. Friend the Member for North Warwickshire, who had shown so honourable a zeal in this matter. He opposed that Amendment, not so much on a consideration of its merits as upon the general ground which he had endeavoured to explain, and because he regarded the Bill of the hon. Baronet the Member for Tavistock as one, the principle of which had been assented to by the majority of the House, and which was inconsistent with the principle of the Amendment. He did not think any good could be effected by a proposal of the nature of that now submitted by his hon. Friend the Member for North Warwickshire, as he was of opinion that it would be better to send the Bill to "another place" where it would receive its legitimate fate in due time. Such being the case he wished to reserve to himself perfect freedom to vote for any compromise that might be proposed for the settlement of the question, and which might be really calculated to effect that object. He was not aware whether the proposal which the right hon. Baronet the Chancellor for the Duchy of Lancaster (Sir G. Grey) intended to make in Committee with a view of imposing a charge for pew-rents was or was not to be considered as a proposal put forward on the part of the Government. He hoped it was not, but was the result of his individual opinions. He for one would rather accept the Bill without than with that so-called Amendment. He could not conceive anything more objectionable in principle than those pew-rents which the right hon. Baronet proposed to establish. He could not see how the right hon. Baronet could fairly come forward to make a proposition that would diminish the rights which the poor possessed, and send them to obscure corners of their parish churches. He believed that the proposal would be an injustice to the poor; and it should have his unqualified opposition. He regarded that Amendment as adding exclusion and unpopularity to the original injustice of the Bill of the hon. Baronet, and he would rather accept the Bill in its simplicity than cobbled and tinkered by Amendments of that objectionable nature.

Sir GEORGE GREY said, he had not intended to take any part in the discussion. He rose merely to say that having supported the second reading of the Bill, he should now vote for the Speaker leaving the chair. He would not enter into an explanation or defence of the clauses which he had given notice that he intended to move. If the House decided on going into Committee he should propose his clauses, and he would at the same time state the grounds on which he did so, and why he thought the fears of the noble Lord opposite were unfounded.

Mr. MELLOR said, that in this case he had long ceased to put any faith in compromises, one after another of which had been proposed from time to time and invariably rejected. He gave all credit to the hon. Member for North Warwickshire for the perfect fairness and honesty of purpose which characterised his conduct in all these matters, but he felt bound to say it was too late in the day for the hon. Member's proposition, which moreover was especially objectionable in that it sought to convert a rate, the non-payment of which was often made a matter of conscience, into a fixed charge upon land. No one now denied that church rates were not a charge upon property in the proper sense of the term. They were not a charge upon property in any parish until that parish voted a rate. It would be quite impossible, in the present state of public feeling on this subject, to work out the proposal of the hon. Member for North Warwickshire. The House of Lords had examined this question, and they had made a suggestion which he was astonished to find did not appear to hon. Gentlemen on the Opposition benches to be the most extraordinary suggestion ever made in any assembly. The House of Lords proposed to make church rates a fixed charge on property, and in effect to double the rates on those who were willing to pay church rates, in order that relief might be given to those who objected to pay church rates, The more he considered this question, the more convinced he became that all attempts to effect a compromise would fail, and that the best thing that could be done was simply to abolish church rates, leaving to the Church free action to obtain as she might think best the means of repairing the fabrics of the Church. He had no doubt that if the Church should propound a plan for the collection of means to repair those fabrics which would require legislative sanction, the House would be disposed to sanction that plan, if it were reasonable and fair. An hon. Member had stated that he (Mr. Mellor) had said on a previous occasion that the churches in Birmingham were not now in repair, although church rates were not paid. What he did say was that the churches in Birmingham were now in as good repair as they were before church rates ceased in that town, and that the state of religion was much better. He had known Birmingham longer than the rev. Canon Miller, whose testimony had been quoted by the hon. Gentleman. He wished to speak most respectfully of that most excellent clergyman. He remembered the case of which that rev. Gentleman spoke. In the year 1841, a relative of his (Mr. Mellor's) was rector of Birmingham, and at a meeting of the parishioners he refused to put an amendment against the levying of church rates, as he deemed the amendment to be illegal. A great riot occurred in the church, and a former Member of that House was prosecuted for being concerned in that riot. The trial lasted several days. It was a spasmodic effort on the part of the Church to revive church rates at Birmingham. The prosecution entirely failed, and the rector had to pay the costs, which he believed were not less than £1,200. From that time to this, no attempt had been made to impose church rates on Birmingham. In fact, you might as well attempt to collect the national debt as church rates at Birmingham. With reference to the testimony of the Rev. Canon Brooks, quoted by the hon. Gentleman, as to the sentiments of Dissenters with regard to church rates in the constituency of Nottingham—which he (Mr. Mellor) had the honour to represent—he begged to say that exemplary clergyman was, in his opinion, entirely mistaken as to those sentiments. His hon. Colleague had recently presented a petition, containing 6,200 signatures, from Nottingham, against church rates; and he himself had presented many similar petitions from that constituency. That ought to be a sufficient answer to the opinion of the Rev. Canon Brooks that three-fourths of the Dissenters in Nottingham had no objection to maintain church rates. Canon Brooks admitted that there were district churches in Nottingham for which Canon Brooks stated that churchmen thought it was unfair to call upon them to support the parish church. Why? Because they did not attend it, but attended the district churches. Why, that was the whole argument for abolition. According to his experience he thought the church would be better supported without church rates than with them. His notion was that people valued that which they paid for much more than they did what was provided by eleemosynary contributions.

MR. A. MILLS said, he had generally supported the attempts made at a compromise of this question, and he should support that contained in the Amendment of the hon. Member for North Warwickshire, not, however, because he thought it to be the best suggestion that could be made. He did not, however, think it was the part of the friends of the Church to propose compromises, or alternatives for the proposition which was now before the House to abolish church rates. This agitation had now lasted fifty years. The advocates of abolition asked us to annihilate an ancient and valuable machinery which 90 per cent of the parishes of England now voluntarily used for the maintenance of divine worship. It was for those who urged a grievance to present it to the House in a practical form, so that it might be dealt with, without interfering with interests that ought to be protected. The hon. Baronet (Sir John Trelawny) and his friends had not adopted this moderate and reasonable course. And now, when Parliament was actually extending and increasing the powers of local taxation, in respect of libraries and recreation grounds, and even so far as to provide for the analysis of articles of food, yet at the same moment we were called on to destroy the machinery by which the expenses of maintaining our churches were provided for. He thought that the plan by which Dissenters could have relieved themselves of the obligation to pay church rates by obtaining certificates that they were Dissenters and objected to the payment of church rates, had been too hastily disposed of. The objection to that plan was, that Dissenters would be ashamed of obtaining an exemption in that mode, and that they ought not, as the phrase went, to be "ticketed;" but he could not conceive why a Dissenter should be ashamed to avow his dissent. He (Mr. Mills) was not ashamed of avowing that he was a member of the Church of England, but if on the ground of nonconformity exception was claimed, let that ground be plainly stated, and let the Legislature deal with it in a fair and tolerant spirit.

Mr. WALTER said, there was a remark which he had met with of an eminent ecclesiastical writer of the present day, and which was a very trite one, that "When people understand each other, controversy is either at an end or hopeless." Now, if there was any one question of which it could be said that they all understood each other, it was that of church rates; and for his part the more he heard the subject discussed the more he was convinced that there were only two modes of dealing with it. One was to repeal the decision of the House of Lords in the Braintree case; the other to abolish church-rates altogether. He saw no middle course, and he believed there was none. Believing that it was impossible for hon. Members opposite to succeed in repealing the decision of the House of Lords, he could not see the use of wasting the time of the House and the country in perpetual discussions of the question year after year, and in endeavouring to arrive at a compromise which he considered to be unattainable. But of all the propositions ever made for the settlement of this question, that of the hon. Member for North Warwickshire appeared to him to be the most utterly hopeless. In the first place that hon. Gentleman very quietly assumed that the period of seven years was to be considered as a statute of limitations to establish a right of the Church in respect of church rates — to establish the right of the Church to levy a rate on owners of property instead of occupiers. [Mr. Newdegate dissented.] The words of the hon. Gentleman's Amendment were "to consider the propriety of establishing in lieu of church rates a charge on all hereditaments, in respect of the occupancy of which church rates have been paid within the last seven years." He presumed that meant, that in all cases in which church rate had been paid for seven years that rate should hereafter be levied as a permanent tax on the owners of the property. In the next place, it limited for all future time the discretion of parishes in respect to the collection of church rates; and it also adopted a principle which he thought was wholly inapplicable to church rates, because, if there were any one rate in connection with the Church which it devolved upon the occupiers to pay rather than the owner, it was that which went to the maintenance and repair of the fabric of the Church. They all knew that the Church to which the majority of that House belonged was not a material fabric, but, as it was defined in the Articles of their Church, a congregation of faithful men, the fabric being altogether irrespective of the essence of the Church. The material fabric being designed for the accommodation of worshippers, surely those who used the fabric should pay for the use of it, and not the owners of property, who might be living in another part of the country, and who might have nothing to do with it. Even as regarded occupiers it might be a matter of hardship. He could state the case of a tenant of his own—the tenant of a large farm—who would have to pay more than anybody else, though he had not a seat in the church, and could not get one; and a clergyman some days ago mentioned to him the case of a tenant of his who was in exactly the same position. He confessed, though as zealous a Churchman as any Member of that House, that he would have no hesitation whatever in relying wholly on the efforts of the voluntary system as a substitute for any deficiency that might arise from the surrender of this miserable contribution. When they considered how the proportions of the Church were varying from year to year—how new districts were being perpetually created—thus altering the proportion of the mother churches to the whole, the question was reduced to a very small point; and he put it to hon. Gentlemen opposite whether it was worth while contending for the retention of a rate of this kind, which would obviously be applicable to a mere fraction of the churches in this country. Even the Committee of the House of Lords, in their Report, proposed to exempt new districts from liability to the rate. On the other hand, if there were any other aid required as a supplement to the voluntary system, he could see no reason, either in theory or in practice, against the plan of a limited system of pew-rents, leaving, of course, a certain number of seats free for the maintenance of the fabric of the Church, in which the occupiers of pews had an interest. Considering that the wealthy classes invariably helped themselves to the best seats —and he did not quarrel with them for that—he saw no reason why they should not do what was done in every church on the Continent—pay for the seats which they occupied. When the House went into Committee on the Bill he should support the clauses which the right hon. Baronet the Chancellor of the Duchy of Lancaster (Sir G. Grey) intended to propose.

ADMIRAL WALCOTT: Sir, our churches are national monuments, and the signal evidence of the zeal, piety, and munificence of our forefathers. In France the State, embracing this idea practically, maintains the sacred fabrics in repairs. The clergy who serve in our churches as ministers of the national religion (too many of them receiving a bare pittance for their incessant toil), are at all times ready to answer every call, of pastoral duty or general active benevolence. The freewill offerings of the people raised the parish church and the grandest minster: and in the humblest hamlet, or the largest town, the venerable fabric is still its chief architectural ornament, and appeals to the highest associations of our nature, the tendeest of human memories, and the most sacred offices that have been celebrated without intermission within its walls. In such towns as Tewkesbury, Malvern, Sherborne, Beverley, Selby, St. Albans, Christchurch, and many others, are noble churches, once collegiate and conventual, and amply endowed, now standing in the midst of comparatively small populations. How are such magnificent structures to be maintained, destitute of a fabric fund, if church rates are absolutely abolished, and no substitute provided? The real question at issue is—Will you dissolve the Established Church? Will you rely upon the notoriously inefficient and precarious collection under a voluntary system for the support of religion? I for my part view with the deepest apprehension any change that would affect the union of the Church and State which is interwoven with our civil institutions and is the safeguard of our social peace. The churchman justly requires that the interests of his communion should be regarded, and his principles treated with respect; all he asks is the preservation of the time-honoured maxim that it is the duty of the State to maintain and repair the fabric as the essential condition of an established Church, while all that his most scrupulous opponent and the most earnest asserter of toleration can claim, is exemption from contributing to expenses incurred in the celebration of services peculiar to those who worship within the pale of the Church. This I am ready to concede, but I do fervently hope that this House will arrive at a satisfactory practical adjustment and final settlement of a long-vexed question, indeed, too long a theme of public discussion and local animosities and difficulty, for the evil is pressing, and requires an immediate remedy. I have no fear, however, of the result, even if the Church shall be told to lean on her natural strength and be left to the affections of the people, as her last and chief resource; but that is no redress for the serious blow and wrong which are aimed against her vitality.

MR. NEWDEGATE wished to say one or two words. [" Order!"]

MR. SPEAKER: The hon. Member, having moved an Amendment, is not entitled to speak again.

Question put, " That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 222; Noes 49: Majority 173.

Main Question put, and *agreed to*.

List of the AYES.

Adair H. E.
Adam, W. P.
Adderley, rt. hon. C. B.
Agnew, Sir A.
Alcock, T.
Antrobus, E.

Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.
Ball, E.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beaumont, W. B.
Bellew, R. M.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blake, J.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brocklehurst, J.
Brooks, R.
Bulkeley, Sir R.
Buller, J. W.
Buller, Sir A. W.
Butler, C. S.
Buxton, C.
Byng, hon. G.
Caird, J.
Cardwell, rt. hon. E.
Cavendish, hon. W.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clinton, Lord R.
Clive, G.
Cobbett, J. M.
Coke, hon. Col.
Colebrooke, Sir T. E.
Coningham, W.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Deasy, rt. hon. R.
Dent, J. D.
Dodson, J. G.
Douglas, Sir C.
Dundas, F.
Dunlop, A. M.
Egerton, E. C.
Ellice, E.
Ennis, J.
Evans, Sir De L.
Evans, T. W.
Ewing, H. E. C.
Fenwick, H.
Fermoy, Lord
Finlay, A. S.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Freeland, H. W.
Gavin, Major
George, J.
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, J.
Greenwood, J.
Grey, rt. hon. Sir G.
Hadfield, G.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marq. of
Hartopp, E. B.
Headlam, rt. hon. T. E.
Heneage, G. F.
Henley, Lord
Hodgkinson, G.
Hodgson, K. D.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Ingram, H.
James, E.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kekewich, S. T.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Knatchbull-Hugessen, E
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lee, W.
Leslie, C. P.
Lindsay, W. S.
Lindsay, hon. Col.
Locke, Joseph
Locke, John
Lysley, W. J.
Mackie, J.
Mackinnon, W. A.
Maguire, J. F.
Malins, R.
Majoribanks, D. C.
Massey, W. N.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, T.
Mitchell, T. A.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Noble, J. W.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Padmore, R.
Paget, C.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peel, rt. hon. F.
Peto, Sir S. M.
Pigott, F.
Pilkington, J.
Pinney, Col.
Ponsonby, hon. A.
Portman, hon. W. H. B.
Pugh, D.
Ramsden, Sir J. W.
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Robertson, D.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Salt, Titus
Scholefield, W.
Scrope, G. P.
Seymour, Sir M.
Seymour, W. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Slaney, R. A.
Smith, M. T.
Stacpoole, W.
Staniland, M.
Stansfeld, J.
Steel, J.
Stuart, Col.
Sturt, N.
Sykes, Col. W. H.
Taylor, H.
Thompson, H. S.
Tomline, G.
Tynte, Col. K.
Verney, Sir H.
Vernon, L. V.
Vivian, H. H.
Walter, J.
Watkins, Col. L.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
White, Col.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Willoughby, Sir H.
Winnington, Sir T. E.
Wise, J. A.
Woods, H.
Worsley, Lord
Wyndham, Sir H.
Wynne, C. G.
Wyvill, M.

TELLERS.
Dillwyn, L. L.
Trelawny, Sir J.

List of the NOES.

Bernard, hon. Col.
Bridges, Sir B. W.
Cave, S.
Close, M. C.
Cobbold, J. C.
Du Pre, C. G.
East, Sir J. B.
Gard, R. S.
Gladstone, Capt.
Gladstone, rt. hon. W.
Goddard, A. L.
Gore, W. R. O.
Graham, Lord W.
Haliburton, T. C.
Hamilton, Lord C.
Hassard, M.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Holford, R. S.
Hope, G. W.
Hotham, Lord
Howes, E.
Humberston, P. S.
Johnstone, hon. H. B.
Kennard, R. W.
Long, R. P.
Lowther, hon. Col.
Macaulay, K.
Mainwaring, T.
Mills, A.
Mundy, W.
Newark, Visct.
Nicol, W.
Pakenham, Col.
Papillon, P. O.
Parker, Major W.
Philipps, J. H.
Repton, G. W. J.
Richardson, J.
Rolt, J.
Selwyn, C. J.
Sibthorp, Major
Somes, J.
Spooner, R.
Stirling, W.
Torrens, R.
Upton, hon. Gen.
Vansittart, W.
Verner, Sir W.

TELLERS.
Cross, A. R.
Newdegate, C. N.

House in Committee.

Clause 1,

MR. CROSS said, he had several Amendments on the paper, to the effect that no church rate shall be levied in parishes unless certain proportions of the seats are free, but he was informed that he could not move to insert them in a Bill for the abolition of church rates. He voted for the last Amendment, because he thought the unconditional repeal of church rates should not be accepted by the House.

Clause *agreed to.*

Sir MORTON PETO moved to add as an additional clause after Clause 1:—

> "Nor shall any expenses, payable out of the proceeds of a church rate, be henceforth defrayed out of any sum or sums accruing from any other rate whatsoever, any law or custom to the contrary notwithstanding."

The object of the clause, he stated, was to prevent churches being supported out of poor rates, as several now were under local Acts.

Mr. NEWDEGATE fully admitted that the hon. Baronet (Sir Morton Peto) was perfectly consistent in the course he was pursuing as an opponent of all religious endowments, but he wished to make one or two observations on the present position of the question. Efforts had been made by some of his friends to induce him to withdraw the Amendment which had just been negatived. Great exertions to defeat him had been made on that (his own) side of the House. He should regret if anything personal to himself had induced this change of policy on his side of the House. But there were indications of a change of policy among the occupants of the Opposition front benches. It was a distinct change of policy; whether for good or for evil the change was distinct. The hon. Member for Tavistock's Bill proposed the abolition of church rates—a position which he (Mr. Newdegate) did not on that occasion dispute—but further, that no compensation should be given for the abolition of these rates. Those who had abstained from again supporting his (Mr. Newdegate's) Motion this year, although they did so last year, or who had reversed their votes, must be understood as rejecting all equivalent or compensation for the abolition of church rates. He lamented this. He was naturally surprised at it. From the support he received in July last year, and feeling confident in a continuance of that support, he had pledged himself to persevere; but his supporters had diminished from 100 to 50. The House had witnessed this change of policy, and he thought that it ought to be explained. In any case he should not abandon his position, but year after year he would indicate his feeling on this subject by a Motion.

Mr. MOWBRAY must say for himself, and many others who sat near him, that there was no inconsistency in the course they had taken. His hon. Friend had placed those who were as attached and as zealous in defending the rights of the Church as himself in the painful position of refusing to join him in affirming a proposition which, in their opinion, was not only not conducive to the interests of the Church, but which involved even greater and more numerous objections on the part of Dissenters than even the present law of church rates. His hon. Friend had been both privately and publicly implored to withdraw a proposition which many of his friends considered objectionable, and, giving his hon. Friend credit for sincerity and consistency, he had yet no right to reflect upon the consistency of those who had voted with him last July, but who now felt it to be their duty to walk out of the House, and to give no vote upon his proposition.

Mr. MALINS said, he had gone even a step further than his right hon. Friend (Mr. Mowbray) for he had voted against the Amendment of the hon. Member for North Warwickshire. He should, however, be sorry if it were supposed that he was in favour of the Bill of the hon. Baronet. He (Mr. Malins) was opposed to the abolition of church rates. He was, in fact, in favour of their total maintenance.

Mr. NEWDEGATE said, that what he had stated had at all events elicited some explanation, whether satisfactory or not was a matter for the judgment of the House. He could not forget that he had acted on the distinct suggestions that he received last year. Hon. Members might assign what reasons they chose for having changed their policy. He, at least, had pursued a straightforward course, and he hoped that the House would not think him disrespectful when he stated that he should continue to pursue it.

Mr. SELWYN opposed the clause of the hon. Member for Finsbury, which was an attempt to repeal local Acts without any sufficient cause.

Sir JOHN TRELAWNY did not think the proposed clause was in accordance with the Bill before the House, though the object of that proposal might be effected by a distinct measure.

Sir GEORGE GREY took the same view, and recommended the withdrawal of the clause.

Motion (by leave) *withdrawn;* Remaining Clauses *agreed to.*

Sir GEORGE GREY moved to insert the following clause:—

"(Specially appropriated pews may be charged with pew rents.)

"The Incumbent and Churchwardens of any parish, where they think it necessary for defraying expenses which might have been defrayed out of Church Rates if such Rates had not been abolished, may, with the consent of the Ordinary, from time to time charge such of the pews or sittings in the Church of such parish as by prescription, faculty, or otherwise are appurtenant to any messuage or appropriated to the occupier thereof, or as have heretofore been assigned to or commonly occupied by the occupiers of particular messuages without payment, with yearly or half-yearly rents, according to a scale to be fixed by such Incumbent and Churchwardens, with the consent aforesaid (and such scale may be varied from time to time by the like authority); and such rents shall be payable to the Churchwardens on such yearly or half-yearly days as the Incumbent and Churchwardens, with such consent as aforesaid, shall think proper."

Mr. CROSS wished to know whether this clause was within the scope of a Bill for the abolition of church rates.

The CHAIRMAN thought that no objection on this ground would be taken to the clause.

Sir GEORGE GREY explained the object of this and the other clauses he intended to propose. Although he agreed in the abolition of church rates in town parishes, he thought that in country districts the abolition of church rates without a substitute might entail hardship in parishes where there were no resident landowners, and where it might be difficult to raise the sum requisite for the decent performance of public worship. He quite agreed with the hon. Member for Berkshire (Mr. Walter) that the time for a compromise on this question was gone by. He had endeavoured on former occasions to propose a compromise, but without success, and now he agreed with the hon. Member, that after the repeated decisions of that House in favour of the total and entire abolition of church rates no compromise was possible. By the clause he had proposed he thought that the hardship to country parishes might be, to a certain extent, remedied. The noble Lord (Lord J. Manners) apprehended that legislation of this kind might interfere with the free access to the parish church now enjoyed by the poor. No such result, however, could follow from this clause. If the seats in any particular church were all free, they would so remain. If two-thirds of the seats were free, his clause would not affect the right of the poor to those seats. His clause would, however, apply to that class of seats in parish churches which were claimed by any landowner or occupier, by faculty or otherwise, and were exclusively appropriated to certain occupants or parishioners. With respect to these seats he proposed to give the churchwardens and the incumbent, subject to the consent of the ordinary, the right to charge a small annual payment for them. The class of persons upon whom this payment would fall would be those who now generally paid church rates. The noble Lord opposite had intimated an intention to oppose every Amendment that might be offered with a view to diminish the hardships likely to arise from the abolition of church rates, and the noble Lord appeared to think that if the Bill went up without such additions it would be more likely to be rejected elsewhere. He did not think this a proper course to be taken. He had proposed a practical remedy for a practical grievance, and he trusted that the Committee would adopt it.

Mr. SOTHERON ESTCOURT feared that the clause would go a great deal further than the right hon. Gentleman intended, for the terms were so wide that he did not see how any seat in a church was to escape. The possession of a certain seat in a church, with a legal and indefeasible title, was the exception, and if the Committee agreed to the proposition they would find scarcely a single square foot of the church really open and free to the poor. He did not think that pew rents were a good substitute for church rates, and on that ground, if there were no other, he should object to the proposal of the right hon. Baronet; but for the reason which he had just stated the clause was still more objectionable, and he should therefore object to its adoption by the House.

Mr. WALTER apprehended that all, or nearly all, the seats could be appropriated to particular persons only with the full consent of the persons so appropriating them to pay the tax on pews; and therefore he did not see where the hardship would be.

Mr. ROEBUCK asked what should determine the sum imposed on particular pews, and how the incumbent and churchwardens should be responsible for the sum they placed on one pew as compared with another?

SIR GEORGE GREY said, that it would be done by the incumbent and churchwardens according to the statutes now in force establishing the same principle, and which no difficulty was found in carrying out. As to the observation of the right hon. Member for Wiltshire (Mr. Sotheron Estcourt), the wording meant, of course, seats legally appropriated, and he was not aware that any individual seats were exclusively appropriated to particular persons.

MR. WALPOLE objected to read the clause a second time, for the right hon. Baronet did not appear to see the full scope of it, and did not intend that it should have the effect pointed out by his right hon. Friend (Mr. S. Estcourt). He observed that the right hon. Baronet used the words "exclusively appropriated;" but, if he would ask the law officers of the Crown in what way pews could be legally appropriated to any person, he would find there were very rare instances indeed, possibly there were none, in which pews could be claimed by any persons whatever, unless by faculty or prescription. The hon. Member for Berkshire (Mr. Walter) said he did not see any hardship in putting a rent on pews, because no person need pay such rent unless he chose. Need not pay it! Why, the effect of this arrangement would be simply to send down a message to every parish in the kingdom, that A B or C D, who had been accustomed to go to a particular pew all his lifetime, must pay rent for it in future, or he could not come to church. His hon. Friend (Mr. Walter) made a remark just now which certainly had some effect on the House. He said that when persons knew what they were about, there was either an end to controversy, or controversy was hopeless; but he wished to ask him—did they know what they were about? Down to a recent period the usual question in regard to church rates was this—Did it press on the consciences of Dissenters? But that was relieved, or offered to be relieved. And now did they know what they were about? According to the evidence taken before the House of Lords, the Dissenters declared that this was a step towards separation of Church and State and the spoliation of Church property and the destruction of the Church. He therefore wished to ask his hon. Friend whether they both knew what they were about?—whether his Friend (Mr. Walter) intended—he (Mr. Walpole) himself certainly did not intend—if the Bill passed in its present form, to admit the understanding upon which Dissenters were now pressing it on—namely, that it was a step towards doing away with the Church as a part of the established institution of the country.

SIR JOHN TRELAWNY thought that if a palliative was to be applied, it would require to be more mature than that the right hon. Baronet had submitted to them. He was afraid that the imposition of sums upon pews would have a tendency to dry up the liberality of contributors to the funds of the Church.

LORD JOHN MANNERS remarked that the ill-feeling and litigation caused by church rates had always been pointed out as one of the great reasons for their abolition; but it was certain that, if the clause now proposed were carried into operation, it could not fail to produce all the enmity and litigation which it was alleged to be the object of the Bill to prevent. There were at this moment societies formed through the country to put down this very system of appropriated pews which the clauses would perpetuate. Besides, it was clear, from the words of the clause, that the plan would take in the whole of the pews that by faculty, prescription, or use, had been appropriated to particular individuals. The right hon. Gentleman had overlooked the common law in this matter, which gave parishioners a right to go to the churchwardens, and ask for sittings; and the churchwarden was bound to appropriate them to the full extent of the church room. He would not go into the general question of the pew system. He had always held it in utter abomination, on social, religious, and political grounds, and would never do anything to extend a system which must be attended with such evil results.

MR. HORSMAN had on various occasions expressed his objection in the House to the pew system; but he must say he thought the present proposition of even a more novel, dangerous, and mischievous character. Hitherto there had been a cause of quarrel between the Church and Dissenters; but if this clause were carried it would now be between the clergyman and his parishioners. Any arbitrary and capricious imposition by the clergyman of a sum on any particular pew might have the effect of alienating the occupier and his family from that church, and perhaps adding them to the number of Dissenters.

Sir HENRY WILLOUGHBY hoped the House would not lightly reject the clauses of the right hon. Gentleman. He had always been of opinion that Dissenters ought not to pay church rates; and as it was necessary that the fabric of the churches should be maintained, some compromise ought to be proposed by which Churchmen might contribute to the support of the fabric. He had not seen a more favourable plan of compromise than that of the right hon. Gentleman, and therefore he supported it. He thought, however, that the imposition of sums on the pews should not be left entirely to the incumbent and churchwardens, but that the occupiers should have a voice in the matter.

Mr. BYNG should support the clause, because it would provide free sittings for the poor, leave Dissenters free access to the church, and secure the measure a more favourable reception in "another place."

Mr. MOWBRAY wished before the Committee divided, to have an answer from the right hon. Baronet to the question of the noble Lord (Lord J. Manners), whether the proposition before them proceeded from himself as an individual, or was one recommended by the united Cabinet, including the Chancellor of the Exchequer.

Sir GEORGE GREY said, that upon the question of church rates, it was well known that it was long since there had been an united Cabinet. Hon. Members opposite would recollect that a distinguished Member of Lord Derby's Government uniformly voted for the total abolition of church rates in opposition to his colleagues. He had no hesitation in saying that this proposal was brought forward by himself, and was not made by the Government. He had on former occasions taken part in the discussions on this question, and had felt it right to suggest what appeared to him an unobjectionable substitute in certain cases for church rates. He wished it, however, to be understood that he did not at all despair of the liberality of Churchmen in providing for the repairs of the churches, and had no expectation of seeing them allowed to fall into ruin, even though the rates were abolished. As there seemed to be a general impression in the Committee that they had not parted finally with the subject, and as it was desirable to leave some time for the passing of certain Votes in Supply, he did not wish to put them to the trouble of dividing at that moment on the clause.

Motion *negatived.*

House resumed.

Bill *reported* without Amendment, to be read 3° on *Thursday* April 19th.

SUPPLY.—ARMY ESTIMATES.

Order for Committee read.

Mr. SIDNEY HERBERT moved that the House go into Committee of Supply, in order to take certain Votes for the army on account, as the financial year ended on Saturday.

Colonel LINDSAY asked whether the right hon. Gentleman would undertake to lay the amended Army Estimates on the table before the recess, so that hon. Members might have them in their hands before they met again?

Mr. SIDNEY HERBERT said he would do so, if possible. At all events he would not take the Army Estimates after Easter until ample time had been given to consider them in their amended shape.

House in Committee.

Mr. Massey in the Chair.

(1.) £1,500,000 on account, Pay and Allowances, Land Forces.

Sir HENRY WILLOUGHBY asked whether any considerable increase in the amount of the Army Estimates was contemplated?

Mr. SIDNEY HERBERT said, the reprinted Estimates would show.

Lord CLAUD HAMILTON asked whether those amended Estimates would include the decision of the Government with regard to fortifications?

Mr. SIDNEY HERBERT said, no. It must be stated separately.

Colonel KNOX asked if the number of men would be exactly the same?

Mr. SIDNEY HERBERT said, substantially it would. There might be a small difference.

Colonel HERBERT asked if there would be any estimate for troops for India which have been some time in China?

Mr. SIDNEY HERBERT said, there would be a Vote of Credit without any Estimate.

Vote *agreed to,* as were also the following Votes:—

(2.) £233,000, on account, Miscellaneous Charges.

(3.) £1,000,000, on account, Embodied Militia.

(4.) £34,000, on account, Volunteer Corps.

(5.) £65,000, on account, Departments of Secretary for War and Commander in Chief.

(6.) £125,000, on account, Manufacturing Departments, &c.

(7.) £315,000, on account, Wages of Artificers, &c.

(8.) £114,000, on account, Clothing and Necessaries.

(9.) £427,000, on account, Provisions, &c.

(10.) £723,000, on account, Warlike Stores.

(11.) £215,000, on account, Fortifications.

Upon a Vote of £69,000 for Civil Buildings,

SIR HENRY WILLOUGHBY said, he assented to these Votes on account with the confident expectation that the right hon. Gentleman would exercise the power given him very sparingly, and that he would take care to leave open all questions for the Committee on a future occasion.

COLONEL KNOX protested against the plan of taking Estimates on account. There was never any redress when they had parted with such large sums in that manner.

MR. BENTINCK asked whether the fortifications at Alderney were included?

MR. SIDNEY HERBERT said, that whatever works were under contract were included. He presumed that the House of Commons would not wish to stop works in progress under contracts already made.

MR. CHAIRMAN said, the Vote before the Committee was for Civil Buildings.

Mr. BENTINCK said, that recent experience showed there was no difficulty in breaking contracts. He objected to the outlay of a single shilling more on the fortifications at Alderney. He wanted to know whether it was intended to go on spending money which many hon. Members believed would be utterly wasted. He was opposed to these works altogether, and intended to oppose every one of them.

MR. SIDNEY HERBERT said, that in that case the Chairman had better report progress, and ask leave to sit again.

Resolutions to be reported *To-morrow;* Committee to sit again on *Friday*.

House resumed.

INCOME-TAX BILL,

COMMITTEE.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER moved that the Speaker leave the Chair in order to go into Committee on this Bill.

Motion made and Question proposed, "That Mr. SPEAKER do now leave the Chair."

COLONEL DUNNE complained that many hon. Members had had no opportunity of discussing the provisions of this Bill, to which there were great objections. He himself intended to propose that in Ireland the tax should be 9*d.* and not 10*d.*, and unless a promise were given that he should do so to-morrow on the Report, he would proceed with his Motion now.

THE CHANCELLOR OF THE EXCHEQUER said, there would be an opportunity to-morrow evening, on bringing up the Report. The only reason why he asked the House to permit the Bill to pass this stage to-day was to prevent the House of Lords being compelled to postpone their adjournment for the Easter recess.

MR. W. WILLIAMS said, he had thirty petitions to present, praying the House not to impose the income tax on incomes of less than £150 a year.

MR. SPEAKER: The hon. Member cannot present petitions on the Question that I leave the Chair.

House in Committee.

MR. W. WILLIAMS said, he would take the sense of the House to-morrow on the question that incomes of less than £150 a year be exempted.

MR. BENTINCK urged the Chancellor of the Exchequer to fix a certain hour after which he would not bring up the Report to-morrow.

LORD CLAUD HAMILTON hoped that the right hon. Gentleman the Chancellor of the Exchequer would not attempt to force this Bill through the House without giving an opportunity for full and ample discussion.

It being a Quarter to Six o'Clock the Chairman left his seat at the table, and the Speaker returned to the chair.

House resumed.

THE CHANCELLOR OF THE EXCHEQUER said, that the stage of the Bill would be lost unless hon. Gentlemen opposite would consent to the House going again into Committee.

Committee report Progress; to sit again *this day*.

House will immediately resolve itself into the Committee.

House in Committee.

Mr. MASSEY in the Chair.

Claues 1.

Mr. VANCE urged that a promise should be given by the right hon. Gentleman the Chancellor of the Exchequer that there should be a discussion on the Report

The CHANCELLOR of the EXCHEQUER said, he would, if possible, induce the House to agree to that course to-morrow evening.

Clause *agreed to.*

Mr. BENTINCK, after other clauses had been agreed to, said he was given to understand that the proceeding was wholly irregular, and that it was not in accordance with the laws and customs of the House to go into Committee twice on the same Bill on the same day.

Mr. CHAIRMAN (Mr. Massey) said, there could be no question whatever that it was competent, with the assent of the House, to go into Committee at any time.

Remaining Clauses *agreed to.*

House resumed.

Bill *reported;* as amended, to be considered *to-morrow.*

House adjourned at Two Minutes before Six o'Clock.

HOUSE OF LORDS,

Thursday, March 29, 1860.

Minutes.] Public Bills.—1ª Unnion of Befices. 2ª Marriages (Extra-Parochial).

DWELLINGS FOR LABOURING CLASSES (IRELAND) BILL.—COMMITTEE.

On Motion that the House do go into Committee on the Dwellings for Labouring Classes (Ireland) Bill,

The Marquess of CLANRICARDE said, he hoped the Bill would be allowed to pass through Committee. He understood the Board of Public Works in Ireland had been consulted, and had stated that they had no objection to the measure, being perfectly satisfied that the Treasury could be guaranteed against the possibility of any abuse of the provisions of the Bill. Looking at some of the objections that had been made against the Bill he thought the matter had been looked at by some in too narrow a spirit. There had been a great diminution of available labour in Ireland owing to the extensive emigration, and the fact that labour was in greater request in other countries. The true remedy against a further diminution was to increase the temptation to the labouring class to remain at home; and no one could doubt that one of the first steps in that direction was to improve their dwellings. This Bill was therefore one step in the right direction. He would mention to their Lordships that the Farmers' Club of the County Westmeath had sent to him a petition, signed by the president, to present to the House in favour of the Bill, which stated, that there were in that county 100,000 dwellings which were valued by the Government valuators at from 5*s.* to 1*s.* per annum, and that such dwellings in the majority of instances were wholly unfit for the abode of human beings. He thought their Lordships would see that it was highly important for the country and for the State that something should be done to improve the dwellings of the labouring classes, in order, if possible, to check the emigration which was so regularly going on of the best of those classes. Surely the improvement of the dwellings of the labouring class was as important an object as draining and improving the land.

The Marquess of WESTMEATH said, he had seen no reason to change the opinion he had expressed on the first discussion. As to the petition from the Farmers' Club of Westmeath, it was really the petition of only one gentleman, who was quite as peculiar in his opinions as the noble Marquess himself. If new dwelling-houses were built under the Act, who was to keep them in repair? The Board of Works was to provide the machinery of the Bill, but they were not told what that machinery was to be. He was as much convinced of the necessity of improving the dwellings of the labouring class as the noble Marquess; but the object of the Bill seemed to him to be to enable a man who had no house to ask another man to build one for him. Neither was it stated in the Bill whether the improved dwellings were to be built in the streets of towns or on farms. He would not oppose going into Committee, but his opinion of the measure was not changed.

The Duke of NEWCASTLE said, that a clause would be proposed in Committee which would meet the objections of the noble Marquess, and also that he had received a letter from Sir R. Griffiths, the Chief Commissioner of the Irish Board of Works, approving of some such arrangements as were provided by the Bill.

The Chief Commissioner stated his belief that the general Act under which the Board was constituted gave ample powers to the Treasury to frame any additional regulations as to the application of loans of public money under this Bill; no clause was required to state the manner in which the money should be applied; the power of the Treasury to lay down stringent regulations on the point was sufficient. Under these circumstances he hoped it would be seen that the interests of all parties concerned and those of the landlords of Ireland would be better served by the Bill as it stood rather than by not legislating on the subject.

LORD REDESDALE said, the House, in extending the powers to grant money for the improvement of estates in Ireland, were as fully competent as the Treasury to fix the terms on which those improvements should be undertaken. Any person bearing in mind the object with which the Bill was introduced would admit that no cottages ought to be built for the accommodation of a greater number of labourers than were required for the proper cultivation of the particular estate. He believed the House would therefore do well to adopt a clause empowering the Board of Works to see that no more cottages were built than were absolutely required. The Amendment of which he had given notice was intended to have that effect.

THE EARL OF WICKLOW said, that the object of the Bill was very valuable, but thought that the Amendment suggested by the noble Lord who had last addressed them was exceedingly desirable, and if their Lordships would not sanction such a clause he hoped the Treasury would take care that similar restrictions were enforced. He doubted whether the proposed provision went far enough, for it appeared to him not only desirable that the restrictions should be made as to the building of cottages, but that provision should be made for the maintenance of the cottages that were built. The general good sense of the Irish landlords would prevent abuse; but in some cases the landlords might take advantage of the loans for the purpose of building cottages, which they would let at a high rent; but they would also retain the old and worthless habitations which it was the object of this measure to get rid of.

VISCOUNT DUNGANNON observed that it certainly was most desirable that provision should be made for the maintenance of the new cottages to be erected under this Act, for if left to themselves, as was too often the case in Ireland, they would fall into ruin and decay. The removal of the original cottages, which were in most cases mere hovels, fit neither for human nor animal occupation, should be provided for. The Bill he believed to be a most useful measure; but it ought to be accompanied by protective clauses.

House in Committee.

Bill *reported* without Amendment.

LORD REDESDALE moved a clause giving power to the Board of Works to exercise control over the number of cottages to be erected on the estate. Their maintenance in good repair would be secured in a great degree by the supervision of the officers of the Board of Works, who, as long as there was money to be repaid, would take care that the security was kept in proper order; and, as the repayment was to extend over a period of twenty-two years, the extent to which these buildings would be suffered to want repair could not be very serious. The Board, too, would no doubt take care that the cottages were efficiently maintained, so as to produce a rent adequate as a security for the repayment of the loan. He left the removal of the old buildings altogether at the discretion of the Commissioners of Works, who would be guided by the proportionate increase which might take place in the population.

Amendment *moved* to

"Omit the Words ('the Labouring Classes in Ireland,') and insert ('Labourers and their Families in any Case in which it shall appear to the Commissioners for Public Works in Ireland that more or improved Accommodation for such Labourers is required; and the Commissioners, as the Condition of such Loan, shall require existing Dwellings to be removed, if they shall consider such Removal expedient, and shall not sanction the Erection of any greater Number of Dwellings by means of such Loan than they shall consider sufficient for the Accommodation of the Labourers required for the proper Cultivation of the Estate on which any such Loan is to be advanced, or of the Portion of such Estate on which such Dwellings are to be erected.")

THE MARQUESS OF WESTMEATH complained that the principle was about to be departed from of making the money expended on these estates reproductive.

THE MARQUESS OF LONDONDERRY said, those who were interested in the passing of this measure looked for its reproductiveness to the increased comfort which it would bestow on the labouring class. It was very desirable to know what amount still remained at the disposal of the Board of Works, for he had been informed some time ago that the then Chancellor of the Exchequer refused to sanction the re-issue of money which had been repaid to the Commissioners, or was in course of repayment, unless a fresh Parliamentary grant were made for the purpose.

THE MARQUESS OF CLANRICARDE expressed a hope that there would be a report from the Board of Works setting forth the effect in Ireland of the loan as hitherto applied; because he thought it would appear from such a document that the Board of Works had done its duty, that the landlords and tenants for life of the property had also done their duty, and that the Loan Act had been altogether of the greatest utility to Ireland. He objected to the proposed clause, because it would unnecessarily fetter the discretion of the Commissioners, and because it would be sure to occasion objection in the other House of Parliament.

THE MARQUESS OF BATH supported the clause, which would, he thought, constitute a useful rule for the guidance of the Commissioners of the Board of Works.

THE DUKE OF NEWCASTLE said, he had made inquiries on the subject, and he had found that there was a sum of money under the old Loan Act, which would be applicable for this purpose, if the Bill were passed. He objected to the proposed clause, because to enact this restriction without others, would be to say to the Commissioners, that this was the only restriction imposed upon them; whereas there were many other rules by which they ought equally to be bound. He hoped, therefore, that under the circumstances their Lordships would not agree to the clause proposed by his noble Friend.

THE EARL OF MALMESBURY said, that he had not any property in Ireland, and he must confess he was very ignorant of the particular points to which reference had been made in the observations that had been addressed to their Lordships. He had, however, listened to the remarks made by noble Lords connected with Ireland, and they seemed to be pretty equally divided. He should, under these circumstances, act as he would if the question was one which related to England; and if his noble Friend (Lord Redesdale) divided the House, he should vote with him. He should do so on this ground, that when agreements of this sort were entered into, they ought to be made as perfect and complete as possible, and that as little discretion as possible ought to be left in any body of Commissioners, or any body whatever. When loans were granted they could not be too explicit in stating how and why those loans were advanced, and why and how they were to be expended. He did not doubt the accuracy of the noble Duke's statement, that the matter which he proposed to leave in the hands of the Treasury would be perfectly safe in their hands, but on principle he thought they ought not to trouble the Treasury with the exercise of the discretion which the noble Duke proposed to vest in them.

On Question, that the words proposed to be left out stand part of the Bill?

Their Lordships divided:—Contents 24; Not-Contents 26: Majority 2.

CONTENTS.

Newcastle, D.
Somerset, D.

Clarendon, E.
De Grey, E.
Ducie, E.
Grey, E.
Saint Germans, E.
Vane, E.

Eversley, V.
Sydney, V.

Churchill, L.
Cranworth, L.
De Tabley, L.
Foley, L. [*Teller.*]

Lyveden, L.
Methuen, L.
Pensonby, L. (*E. Bessborough.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Stewart of Stewart's Court, L. (*M. Londonderry.*)
Strafford, L. (*V. Enfield.*)
Sundridge, L. (*D. Argyll.*)
Truro, L.
Wodehouse, L.

NOT-CONTENTS.

Bath, M. [*Teller.*]
Salisbury, M.
Westmeath, M.

Amherst, E.
Carnarvon, E.
Cathcart, E.
Lucan, E.
Malmesbury, E.
Powis, E.
Stanhope, E.
Verulam, E.
Wicklow, E.
Winton, E. [*E. Eglintoun.*]

Dungannon, V. [*Teller.*]

Broderick, L. (*V. Middleton.*)
Chelmsford, L.
Clifton, L. (*E. Darnley.*)
Colchester, L.
Denman, L.
Digby, L.
Downes, L.
Egerton, L.
Redesdale, L.
Saltoun, L.
Templemore, L.
Wynford, L.

Words struck out; other words inserted; Clause, as amended, *agreed to:* Bill to be read 3^{a} on *Monday* next.

THE YEOMANRY CAVALRY.
THE HORSE TAX.—QUESTION.

THE EARL OF CARNARVON asked the Under Secretary of State for War, Whether it is the intention of Her Majesty's

Government to allow an Exemption of the Horse Tax in respect of the Yeomanry Cavalry during the present year. The Yeomanry Cavalry enrolled previously to 1859 were entitled to this exemption; but many had been enrolled during the last twelve months, under the circumstances that had led to the formation of Volunteer Corps, and under these circumstances he hoped to hear that the exemption would be extended to them.

EARL DE GREY AND RIPON said, the Government had decided to grant an exemption of the Horse Tax to the Yeomanry in the fullest sense; that was to say, it would embrace both the classes to which the noble Lord had referred. He wished to take that opportunity of stating also that the Act which relieved the Yeomanry from the Horse Tax, applied equally to Mounted Volunteer Corps; and that persons belonging to these corps were entitled to be exempted from the tax, if they performed the duty required by the Act of Parliament.

INDIAN FINANCE.

MOTION FOR PAPERS.

THE EARL OF ELLENBOROUGH said, he hoped the noble Duke opposite (the Duke of Argyll) would be able to inform their Lordships that the Government were officially in possession of the speech of Mr. Wilson, in which that Gentleman made an exposition of the financial position of India, and of the manner in which he proposed to deal with it. If the Government were authentically in possession of that speech, he thought it most desirable that they should lay it before the House. It was a speech of singular ability, and explained very fully the former and present state of the finances of India. But at the same time he must confess that the appendices attached to it were not altogether as complete as could be wished, inasmuch as they did not give the receipts of revenue for successive years. Those appendices gave an account of the deficit and surplus, and of the expenditure in successive years, but gave no account of the actual state of the receipts. He thought that omission ought to be supplied; and also that it was very desirable their Lordships should be put in possession of the account of the state of the balances in the hands of the Government in the various Treasuries of India. He was inclined to think it would be found, in the answer to the return he proposed to move for, that a very considerable portion of those balances consisted of deposits over which the Government had no power whatever. He might mention one that came under his own knowledge, to the amount of £500,000, over which the Government certainly had no power—that was the amount of the sums paid in under the head of prize money to the troops. He proposed to move for an account of the amount of the sums so situated, and of the purposes to which they were appropriated. He was very much struck by the amount of revenue which Mr. Wilson stated he expected—an amount, after deducting all charges of assessment and collection, of more than £37,000,000. If that were the case, what must be the position of Indian finances now compared with what they were in 1857, when revenue and expenditure were equalized? Still, he should like to entertain a sanguine hope in regard to them, because while in our own country the interest of the public debt amounted to a third of the whole public revenue, in India it amounted to only a sixth. India was, therefore, not only one of the most lightly, if not the most lightly, taxed of all countries, but also the one most lightly indebted. Mr. Wilson proposed, by great economy and by extending the taxation of the country, to equalize the revenue and expenditure. His own impression had always been, and was now as strong as ever, that the only true foundation of economy, in the administration of the finances of India was to be found in a thorough reconciliation between the Government and the people. Now, he did not think any progress was made towards that result by the plan of finance which Mr. Wilson had propounded. Instead of confining himself to the novelties of finance, he proposed to go back to the most antiquated notions, and to impose a graduated poll tax. Everybody, down to the mere artizan, was to be subjected to it. Now, he could imagine no system of taxation more distasteful to the people. He did not think it would promote good feeling between the people and Government to subject the artizans to that tax and to bring them into direct contact with the tax assessor and collector. Neither was the new tax on tobacco a measure tending to the popularity of the Government, it would be sure to create great dissatisfaction. It was stated that Mr. Wilson intended to levy the income tax upon all classes of the community. He felt confident that this must be an oversight, and that he had no intention of making it apply to the non-commissioned officers and privates of the army. The income tax, however, was to be a general tax upon all classes of persons. He confessed that a tax of that description would be extremely advantageous if there were a hope of making the people believe that it would be levied with thorough honesty and in accordance with the pledged word of the Government, and if also there existed in that country any machinery for the assessment and collection of the tax in a manner that would be just to the people. No doubt the Government had been held to be precluded for many years from levying in the settled provinces taxes upon the zemindars. He was satisfied that these persons would not think the Government had acted justly, and he was disposed to think that their under-tenants would be of the same opinion. He was afraid the measure of redress which the zemindars would adopt would be to make their under-tenants pay the tax and to save themselves. In this country there was ample machinery of a trustworthy character for assessing and levying the income tax, and a respectable tribunal before which appeals were heard from those who thought themselves aggrieved. But how would it be possible in the social state of India to find any similar body of persons or the requisite machinery for levying the tax with common justice? He was afraid he knew what the result would be—a constant conflict between extortion on the one side and fraud on the other, and no trustworthy body to decide between them. However advantageous, therefore, the tax would be if it could be honestly and fairly carried out, he feared that it would excite the deepest and strongest discontent throughout the whole of the country. There was one passage in the speech of Mr. Wilson to which he desired to draw their Lordships' attention, because he thought that in the expressions used by him in respect to the army there was more danger than in any scheme of taxation in India. Mr. Wilson desired to make a very large reduction of the Native army. Mr. Wilson said the time was favourable for this reduction; and no doubt at the termination of a great war there was a general desire for a large reduction in the military expenditure. Mr. Wilson said:—

"The Sepoy army, which so long has been our real danger in India—which so long has been, if not a standing menace, at least a standing source of apprehension to our far-seeing statesmen—has at last dissolved itself: an army petted and spoiled by indulgences inconsistent with discipline—a close body, self-recruited by the men themselves, with brothers, and cousins, and relatives, of which many understood the danger, but which none had the boldness to incur the risk of dealing with,—that army has disappeared, and is blotted out. This Frankenstein, which at one time was only alluded to with bated breath and in a whisper, when it was discussed as a source of insecurity, has committed suicide, and can be spoken of openly and all its errors exposed. I hope the example it has set and the experience it has given us will never be forgotten."

Mr. Wilson added:—"Our local European army also is gone." Now, at the time that Mr. Wilson said that, the real state of the local European army was as follows:—10,000 men had taken their discharge. Most unfortunately, and without previous reflection and consideration, Lord Palmerston, being then Minister, expressed in the course of debate, apparently to get rid of an inconvenient suggestion, an opinion which was taken advantage of by the soldiers, who demanded their discharge or a fresh bounty if they continued. Unfortunately the Government took no reasonable step to remove that impression. They told the troops that their claim was inadmissible, without giving any reason for that assertion; until, alarmed by the position in which they found the army, they gave reasons for continuing to hold the nullity of the claim at the very moment when they were conceding it. The Government of India forgot that it was a case in which they must not only be just, but must also make these men understand that they were just. At the very moment, however, when Mr. Wilson talked of the local European army having gone, there existed in India an army of nearly 12,000 men, 6,000 of whom were Artillery. Every one who has communicated with officers of Her Majesty's army who have served in India must be aware that there was no Artillery in the world superior to that of the East India Company. When Mr. Wilson spoke, 3,300 more men, sent out before the 1st of December, must either have arrived or were on the point of arriving, and of this number 1,286 were Artillery. Therefore there were in India more than 15,000 men of the local army, nearly half of whom were Artillery. There were also nearly 1,400 recruits in this country, of whom 454 were Artillery. So that the total force of that army, which

Mr. Wilson represented as non-existent, was 16,500 men, of whom 7,700 were Artillery. Then with respect to that army, upon whose fidelity and loyalty the preservation of India depended, it was expedient that Mr. Wilson should have taken pains to be a little better instructed. The expressions of Mr. Wilson were perfectly plain, and they were expressions without exception; but, however, they might apply to the larger portion of the Bengal army, they were wholly inapplicable to the armies of Bombay and Madras, which had been faithful found among the faithless, and who had assisted in achieving all the great victories of Central India. They had fought throughout steadily on our side; and the total force of this Sepoy army, of which Mr. Wilson spoke so disparagingly, was hardly short of 200,000. There was a degree of indiscretion most dangerous in a person of such high authority hazarding such statements. What was the real extent of the army? There remained of the old Bengal army 15 regiments of regular Infantry. There were 52 regiments of regular Infantry at Madras and 29 in Bombay, making 96 regiments of regular Infantry, of which the establishment was very little short of 90,000 men. At Madras and Bombay there were 11 regiments of regular Cavalry, and in Bengal 11 regiments of irregular Cavalry. There were also 10 or 20 corps of the irregular Bengal Infantry who had remained perfectly faithful. Mr. Wilson's general censure, therefore, upon the whole Sepoy army reflected upon 200,000 men who had fought by our side, and had contributed to the very political tranquillity that afforded the Government the means of imposing this taxation. A paper had been laid before their Lordships relative to the distribution of the officers of the disbanded regiments which was very instructive, and gave a great deal of information as to the manner in which the Government disposed of these officers and the real utility of the local and Native army. Of the officers of the disbanded regiments there were not less than 275 who were employed in situations that had reference to the civil government of the country. Of these 115 officers were engaged in political and civil employment; there were 64 in the Police Force; 58 in the Commissariat, and 38 in the Public Works. Of the remaining Native regiments there were 40 officers employed in a similar way. The officers of the Bengal European regiments were 36, and of the Artillery 21; so that there were not less than 372 officers besides Engineers at present employed under the Bengal Government in offices of a civil character. Probably there were as many at Madras and Bombay. So that at the present time there must be from 700 to 800 officers employed in the discharge of civil duties. There was no body of officers to be found to whom the performance of civil duties could be so well intrusted. They were men who made India their home, who had been the pride and spirit of the Native army, who had acquired the languages of India, who were identified with the country, who looked forward to obtaining their reputation and fortune by the performance of the duties with which they were entrusted. He did not know how it would be possible, if they were to dispense with the local army, to find persons qualified for these appointments. No doubt, there were men to be found in Her Majesty's army who might devote themselves in the same way to the acquisition of the languages and to a knowledge of the general affairs of India, so as to qualify themselves for public service in India; but they must always be considered as comparatively strangers in the land—as men who felt that they were there only for a time; who looked to England and not to India, and it was not reasonable therefore, to suppose that they could furnish the same description of officers in every respect as well qualified for the civil service of the country. But there was another consideration that had pressed itself strongly on his mind in connection with this subject. They must recollect that in India there was no class apart from the army prepared to support the Government. They had no resources but in the army, and the control of that army must be found within itself—in its own organization and its own discipline. Between the Queen's army and the Native and the English local army there had been rivalry, but nothing beyond rivalry; there had been great emulation between them, and on many occasions it had been found that this had materially contributed to the maintenance of the authority of the Government. He did not think, therefore, that it would be safe to attempt to form in that country a homogeneous army. In such an army, grievances, whether real or imaginary, would arise and affect the whole body, and the Government would, in that case, have no arm on which to rest its authority. Last year he had used an expression in that House with respect to the Indian army which he would now repeat—that they should build their vessel in compartments, so that, in the event of a misfortune, at least some part of it might be left intact. One word as to the position in which the noble army of the late East India Company was now placed. The officers and men of that army had now been waiting for eighteen months, perhaps not very patiently, for the decision of the Government in respect to their case. They knew that they had in their favour certain words in an Act of Parliament that were meant to preserve to them all the material benefits they were entitled to derive from their profession; but they had no security for their families and those dependent upon them, and the officers had no security that thoy would not be driven into the position of retired officers, and deprived altogether of the opportunity of sharing in the future enterprises of the army, and distinguishing themselves as they had hitherto done. This was a very hard position in which to place a great body of officers; and it must be recollected that when such a man as Mr. Wilson addressed the public with reference to the army of India as he had done, the whole of that army would feel that in the mind of one of the most able Members of the Government, at least, it was not intended to fulfil their expectations. This state of uncertainty had existed too long, and ought not to last longer. Justice should be done to those brave officers and men; some consideration should be shown for their feelings; and he trusted that when Her Majesty's Government met Parliament again they would be enabled to inform the country that they had recognized their services, and placed the future of the army of India on a firm, secure, and honourable basis. The noble Earl then moved an Address for—

Income of India in each Year, from the Year ending on the 30th of April 1834 inclusive.

Statement of the Total Cost and Charge of Collection in every Branch of the Revenue, and of the Total Amount of all Territorial and Political Pensions, and of all Allowances to District and Village Officers and Enandars, and of all charitable Grants in each of the above Years.

Statement of all Sums advanced in India on account of Military and Naval Operations in China and repayable by Her Majesty's Government; showing the Years in which such Advances were made respectively, and the Years in which they were repaid.

Statement showing on what several Accounts the Sums in the several Treasuries of India on the 30th of April 1859 had been paid in; at what Periods and under what Circumstances such Sums were severally liable to be paid out, and the Balance remaining at the absolute Disposal of the Government of India for the Service of the current Year.

THE DUKE OF ARGYLL said, he hoped to show the noble Earl that a copy of Mr. Wilson's statement could not be laid on the table of the House. Mr. Wilson had sent home copies of his statement to the President and members of the Indian Council, and also to a few individual gentlemen, of whom the noble Earl was one. It was perfectly true that the propositions contained in the document had received the sanction of the Governor General and his Council; but for the form and the terms in which they were conveyed Mr. Wilson was individually responsible. It was not usual to make a Parliamentary document of any speech delivered by a Minister at home, and of course it could not be done in regard to India; he was sure, therefore, that his noble Friend would not ask them to produce, as a Parliamentary document, a speech for which Mr. Wilson was alone responsible. Disclaiming all responsibility for the terms used by Mr. Wilson in his speech, he must at the same time say that he thought his noble Friend had borne a little too hardly on Mr. Wilson in his interpretation of those passages of the speech to which he had referred, and had gone a little further than Mr. Wilson's language warranted him in doing. In speaking of the financial question, his noble Friend had, he thought, materially exaggerated the objections that might lie against Mr. Wilson's propositions. His noble Friend seemed to have forgotten the peculiar position in which the Government of India was placed. They had a deficit very much the same as that which we had to deal with at home in the current year, namely, £9,000,000; and they had the prospect in the following year of a deficit of not less than £6,500,000. Now, he agreed with the noble Earl in thinking that the best economy in India was to stand well with the Native population; but he defied any Minister to meet a deficit of £9,000,000, without having recourse to some new sources of revenue; and though his noble Friend had found fault with Mr. Wilson's propositions, he had not stated what means he himself would have resorted to in the same circumstances. Although he did not agree with Mr. Wilson in the opinion that the land tax was not a tax, he believed that the people of India were overtaxed or overrented (whichever term might be considered the right one), in regard to the land; but Mr. Wilson did not propose to bring in any increased revenue by adding to that tax; on the contrary, he had pointed out that an actual increase of revenue had been produced by lowering the land tax; and, therefore, as regarded that tax or impost no increase was proposed. That being the case, it could not be said with accuracy that the new system of taxation would be made to press with severity on the great mass of the population. As to the income tax, his noble Friend had forgotten to point out, what Mr. Wilson stated in his speech, that there always existed a certain amount of machinery in India that might be usefully used for its collection. Then with regard to the army, his noble Friend had laid far too much stress on particular words employed by Mr. Wilson. Whatever might be the construction that could be put on those words, it was manifest that when Mr. Wilson spoke of the Sepoy army having committed suicide when it broke out into the late mutiny, only a few regiments remaining in whose loyalty we could confide, he meant the Bengal army. It was perfectly clear that when he used the words quoted by his noble Friend, he had not in his mind the great armies of Madras and Bombay, by whose assistance the mutiny was quelled. It could not be said that the local European army had ceased to exist; but the noble Earl seemed to forget that, owing to the fact that so many of the men had taken their discharge, almost every regiment of that army was reduced to a skeleton. [The Earl of ELLENBOROUGH: No, no!] The noble Earl was, he thought, not correct in holding that opinion, for he found, from a Return which he held in his hand, that the number of men who had taken their discharge from the Bengal 1st Light Cavalry were 436; from the 2nd, 592, or more than one-half; and from the 3rd, 509. There was not, in short, one of the regiments of that army from which less than 300 men had taken their discharge; the regiments, therefore, had been reduced to skeletons. The question of dealing with the local army was one in reference to which the noble Earl must also take into account the circumstances in which the Government were placed. The late Government had appointed a Commission to inquire into and report on the subject. That Commission comprised two Secretaries of State, as well as a very considerable number of officers connected with the Indian army. The result of the investigation was—the two Secretaries of State having abstained from voting—that the majority of the Commission reported against a local army being maintained in that country. Almost all the officers of the Queen's service voted against retaining the local army, and almost all the officers of the East India Company's army voted in favour of retaining it. The Government of the day had under those circumstances to adopt a certain course, and they decided in favour of its maintenance in the proportion of 2-5ths to 3-5ths of the Line. Such was the position of affairs when Her Majesty's present advisers had come into office. His right hon. Friend the Secretary of State for India accordingly announced last year in the House of Commons that, having duly weighed the arguments which had been advanced on both sides of the question, he had determined to adhere to the decision with respect to it at which his predecessors in office had arrived. He might, however, be permitted to observe that, although at the time when the Commission was appointed the opinion of the late Company's officers had been almost unanimous in favour of keeping up a local army in India, events had subsequently occurred by which that opinion had to a considerable extent been altered, and which caused the amalgamation of that army with the Queen's to be regarded, especially by the younger officers, as an object which it was desirable to effect. He had, indeed, been informed that these officers looked upon such a step as one which would be calculated to contribute to their own professional advantage, instead of imagining that their prosperity was bound up with the maintenance of a separate army. He might quote a large number of influential names in support of that view, that it was expedient that the amalgamation of the two armies should take place; but the only one which he should on the present occasion mention was that of Sir Patrick Grant, Commander-in-Chief of the Army of Madras, and a distinguished officer of the late Company, who had, through the usual channels of information, declared himself to be favourable to that opinion. He did not, however, mean to say that the Government had determined to act in accordance with that particular view. Indeed, he almost used Mr. Wilson's very words, saying that the late local army was at an end, and that it ought to be amalgamated with the Queen's army. He did not say that that was the opinion of the Government. The question involved considerations of a very complicated nature and required to be dealt with with due deliberation. He was, nevertheless, prepared to admit that unless means could be found not only fully to provide that the interests of officers in India should not suffer, but also for securing for the future in that country a class of men valuable—or rather invaluable—for the discharge of those duties connected with the civil service which they had hitherto performed—it would be absolutely essential, for some time at least, to maintain a certain amount of local force in India. There were of course, those who were of opinion that not only could provision be made for the officers of that force now in India, but that we should be enabled to secure for the future a supply of men both able and willing to devote their whole lives to the Indian service. Unless means to effect those objects could be found it was a question of the utmost importance to consider whether the determination of the late and of the present Government in the matter was not one to which it was desirable to adhere. With respect to the officers of the local army now in India, he might be allowed to refer to a return from which the noble Earl had quoted, and which proved that, so far as they were concerned, no injury had hitherto been done to their interests. He found by that return that out of the number of 1,151, including both officers of the local and Native army, there were only sixty-four who were not employed in the performance of either civil or military duties; so that they, at all events, had no right to complain that a hardship had been inflicted upon them. In conclusion, he had simply to repeat that the subject was under the consideration of the Government, and would receive at their hands that attention which its importance demanded.

THE EARL OF ELLENBOROUGH observed that at the end of the last Session Government brought in a Bill to enable the Crown to increase the strength of the local army in India; so that at least at that time the tendency of opinion was in favour of maintaining a local army. His opinion had not been in the slightest degree varied by the events which had occurred, and he could not express too strongly his conviction that our future security in India depended altogether on maintaining that diversity in the composition of the army in India that had hitherto been maintained.

LORD LYVEDEN said, that although the financial statement of Mr. Wilson had been received by the editors of newspapers and some private persons, it had not been officially communicated. Although, therefore, the Government could not lay on their Lordships' table the speech of Mr. Wilson, yet probably they could produce some information which would enable their Lordships to discuss the merits of that statement on some other occasion. The noble Earl (the Earl of Ellenborough) had introduced this subject in a speech of the deepest interest; but there was hardly a question relating to the Indian Empire that had not been introduced into that speech, and in a totally unexpected manner, and therefore it would be utterly impossible to continue the discussion on that evening. He hoped, however, that some future opportunity would be afforded of discussing the important subject which was more immediately before them. If he understood aright the duty imposed on Mr. Wilson was, that he would have to propose Acts in the Legislative Council to carry out the proposed alteration; but unless that body had altered its rules of business, three months must elapse between some one stage and another, through which these measures must pass. He should like to know whether it was the intention of the Indian Government to suspend the usual rules, so as to enable the Government to pass the Acts in a more summary manner. The moment the Acts passed the duties imposed would be levied, even though the Government at home should afterwards annul the Acts; and therefore the matter stood much the same as a Resolution of the House of Commons repealing or imposing a duty previous to the assent of Parliament to the measure by which it was proposed to give permanent effect to the Resolution. If the old rule as to three months elapsing between the stages remained, then, of course, the Legislature here would have ample opportunity of discussing the matter; but if that rule were not to continue, then the sooner the necessary information to enable them to discuss Mr. Wilson's proposal, were laid on the table the better. He was, he believed, when in the other House, the first person who proposed in that House to send out a financial Councillor to India, though the noble Earl (the Earl of Ellenborough) might have originally ventilated the scheme before their Lordships; Lord Stanley coincided in the opinion expressed; and ultimately Mr. Wilson was sent out. He was not, however, in the least responsible for sending out Mr. Wilson, but, without approving all he had done, he must say that Mr. Wilson was the only person who had grappled with the difficulty. For years they had gone on with a deficiency in the revenue, and confusion in the accounts. [The Earl of Ellenborough:—I never could understand them.] They were, indeed, unintelligible — and the Government of India had not discovered the errors in the accounts or made any proposal to meet the difficulty. They had appointed fifteen Gentlemen at home, on account of their supposed experience, but not one of them could invent any scheme to set right the Indian finances. The public were paid off with a convenient cant word that the Revenue was not "elastic." Although Mr. Wilson might possibly have acted hastily, yet he contended that the public were immensely indebted to him for the gallantry with which he had met the difficulty. The first thing he did was to impose an income tax, of the elasticity of which their Lordships knew something, or would do next year. He believed that this was a measure which it would be found possible to work, though there might be many difficulties in its way. He believed that the noble Earl had himself admitted that there were no persons so lightly taxed as the merchants in India, and the difficulty of getting at their resources was only the same difficulty as was found to exist in this country. He believed it could be levied on them as easily as on the merchants of London. He should like to know whether there was any despatch in which Mr. Wilson had referred to his proposals which could be laid before the House; and he should also wish to know whether these proposals had the sanction of Lord Canning, and whether the Council coincided with Mr. Wilson. He perfectly agreed with the noble Earl (the Earl of Ellenborough) that, although he was not prepared to say to what amount, there must be some local army maintained in India.

The Earl of ELLENBOROUGH said, he was afraid that Mr. Wilson would be too fast for the noble Lord, for he thought it might be inferred from that Gentleman's speech that the Standing Orders would be put aside and the measures passed without delay. He himself found great difficulties, financial as well as military, bequeathed to him when he arrived in India. He had to look around in all directions to discover the means of raising money. Amongst other means that of establishing an income tax was considered, but the difficulties of assessing it and collecting it were so great, and it seemed expedient to allow of so many exceptions, that the plan was given up on account of the smallness of the sum it would have realized. He dismissed altogether the idea of taxing the army, as a thing which was suicidal and altogether contrary to reason. One great practical difficulty in dealing with the wealthy Natives was this, that they were in the habit of lending their money to numerous individuals at very high interest, and he did not know how it would be possible to get at their incomes.

The Duke of ARGYLL said, there was no accompanying despatch and no official information which the Government could produce. Of course, as soon as any despatch arrived, it would be presented to the House. He hoped that the Government in India would lose no time in passing the measures. It had been the object of Parliament, in passing the late Act, to form a strong Government for India, and also that the Government of India should be in India. It was necessary that the original action of the Government of India in matters of taxation, should be in India.

The Earl of ELLENBOROUGH said, he wished to be allowed to express one word of caution to the noble Duke and the Government. Let them observe that this great measure of taxation, which was to press on every individual in India, was committed to the decision of a legislative body, which, though composed of very respectable gentlemen, was altogether without the confidence of any one man in the country, and that this body was to dispose of the property of all the Natives, many of whom thought that it was contrary to good faith to tax them at all, and that there was not a Native, who was capable of expressing an opinion on the subject.

The Marquess of CLANRICARDE hoped the Indian Government was not quite so bad as noble Lords opposite supposed. If so, what was the good of having an Indian Council at all? He had always heard this old song, that India should be governed in India; but practically they were always governing it from England. A Council formed of men of Indian experience was appointed here, and then they sent out a gentleman, who had never been in India in his life, and in a few months he proposed that the whole population should be taxed. He hoped the speech of Mr. Wilson would be laid before the House. It must have come home, or been commented on in some Minute of the Council in Leadenhall Street. Or, if not, it might be made the subject of some innocent Minute, to which the speech might be added as an inclosure, and thus laid before the House. He hoped the whole subject, one of the very gravest importance, would be brought regularly before them.

LORD WYNFORD asked, whether it was intended to form a staff corps of officers for India; and whether officers of the Indian army would be allowed to exchange into the Queen's Army?

THE DUKE OF ARGYLL stated (as we understood) that there would be a staff organized for India; and that the other point had not been decided.

THE EARL OF ELLENBOROUGH suggested that the noble Marquess (the Marquess of Clanricarde) should move for the production of the documents he had referred to. If the Indian Council had any opinion on the subject, it was right that the House should know it.

THE MARQUESS OF CLANRICARDE said, he was disposed to do so. The House had a right to know their opinions. They had been appointed to assist the Secretary of State, and he ought to be able to rely on their advice.

Motion *agreed to.*

House adjourned at half-past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 29, 1860.

MINUTES.] PUBLIC BILLS.—1° Emblements, &c. (Ireland); Tenure and Improvement of Land (Ireland); Bank of Ireland; Poor Relief, &c. (Ireland); Landlord and Tenant (Ireland); Highland Roads and Bridges.
2° Pawnbrokers Act Amendment; Bankruptcy and Insolvency; Companies.
3° Benefit Societies Rules Amendment.

BERWICK-UPON-TWEED ELECTION.

House informed, that the Committee had determined,—

"That DUDLEY COUTTS MARJORIBANKS, esquire, is duly elected a Burgess to serve in this present Parliament for the Town of Berwick-upon-Tweed.

"And the said Determination was ordered to be entered in the Journals of this House."

CORONER'S INQUEST.—QUESTION.

MR. BRISTOW said, he would beg to ask the Secretary of State for the Home Department if he can state why no Inquest was held by the Coroner upon the body of a Coastguardsman who was killed by one of the trains of the South-Eastern Railway Company on their North Kent line, at Milton, next Gravesend, on or about the 1st day of February last?

SIR GEORGE LEWIS said, that in reply to a communication made to the Coroner, stating that dissatisfaction had been expressed at his omission to hold an inquest, that Gentleman explained that he was not surprised at the dissatisfaction which had arisen, but that, in declining to hold the inquest, he had only acted upon the instructions issued by the magistrates of the county to Coroners, and not on his own view of the requirements of the case.

CHAPLAINS IN THE NAVY.—QUESTION.

MR. SELWYN said, he wished to ask the Secretary to the Admiralty, Whether the Lords Commissioners of the Admiralty intend to recal the Circular of the 2nd of February, 1860, relating to the rank of Chaplains in the Royal Navy, or to alter the Circular so as to make it accord with that portion of the Order in Council which relates to the same subject; and whether the Lords Commissioners of the Admiralty are prepared to make any arrangement, in compliance with the request of the Chaplains, that in choice of quarters, sharing prize money, and taking a passage, they rank with Commanders afloat, or field officers when employed on shore?

LORD CLARENCE PAGET said, that he believed the question of the hon. and learned Gentleman referred to an Order which had been issued on the 23rd, and not on the 2nd of February, which cancelled a former Order framed upon an Order in Council. He believed the Circular, with regard to Chaplains, had been issued in accordance with the desire of a large portion of the Chaplains themselves, who did not wish to have any military rank. It was only a certain limited number of ambitious gentlemen who desired to have that rank, while the great majority of the body thought their own sacred calling was a sufficient distinction. With regard to the choice of quarters, by which he presumed the hon. and learned Member meant cabins, he had to state that Chaplains were always allowed one of the best cabins in the quietest part of the ship. With regard to sharing prize-money and taking rank as commanders afloat, he was afraid the Admiralty could not accede to that proposal. The Chaplains had never ranked with Commanders afloat, but had taken their rank with the Paymasters and Surgeons, and other Officers of that class, and the Admiralty had no intention of altering that arrangement.

ITALY—THE PAPAL STATES.

NOTE OF THE CARDINAL SECRETARY OF STATE.

QUESTION.

Mr. BOWYER said, he rose to ask the Secretary of State for Foreign Affairs, Whether Lord Cowley has forwarded to Her Majesty's Government a Copy of a Note, dated the 29th day of February last, from his Eminence the Cardinal Secretary of State to the Nuncio at Paris, answering the arguments of Mons. de Thouvenel; and also, whether Her Majesty's Government will lay that state paper upon the Table of the House?

Lord JOHN RUSSELL said, that the Government had not received any Copy of the Despatch in question from Lord Cowley; but Cardinal Antonelli had stated to a Diplomatic Agent in Rome he was extremely sorry he could not give a copy of the document at the time, but that it was about to be published, and he would furnish Copies of it to the Diplomatic Agents in that City. As soon as Her Majesty's Government received it they would take care to lay it on the Table of the House.

LUCKNOW PRIZE MONEY.—QUESTION.

Mr. VANCE said, he would beg to ask the Secretary of State for India when the prize money for Lucknow will be distributed, and if simultaneously to the Officers entitled to it who have remained in India and to those who have returned home with their regiments, or are invalided?

Sir MINTO FARQUHAR said, that before the right hon. Baronet answered that question he wished to know whether he could state what were the Troops among whom that prize money was be divided.

Sir CHARLES WOOD said, he was not then in a position to answer the question put by the hon. Baronet. In answer to the hon. Member for Dublin (Mr. Vance), he had to state that the prize money belonged in the first place to the Crown, and it was necessary that the permission of the Crown should be obtained, through the Lords of the Treasury, for its distribution among the Troops. The matter had therefore been referred to them, and it was for the Treasury to give the necessary instructions for the distribution. But the Lords of the Treasury had proposed that a different scale should be adopted from that which usually prevailed, their suggestion being that the scale should be the same as that adopted in the case of the Russian war. The effect of the proposal would be to increase the shares of the private soldiers and to diminish that of the officers of high rank. The authorities at the India Board stated they had no objection whatever to such an arrangement; and that was the state in which the matter stood at the present moment, and he could not precisely say when the distribution would take place.

BANKRUPTCY BILL.—QUESTION.

Mr. VANCE said, he wished to ask the Attorney General if he can state to the House what will be the increased charge on the Consolidated Fund by the operation of the new Bankruptcy Bill?

The ATTORNEY GENERAL: Sir, the charge to be transferred to the Consolidated Fund appears by the last Return, ending 31st of December, 1859, to be in the aggregate, £20,227. That is a charge for compensations and retiring annuities which, of course, will diminish almost daily, seeing that the greater number of them had been granted so long ago as 1832. I think one gentleman, possessed of the large sinecure of nearly £8,000 a year, has been in the enjoyment of it for thirty years. In all probability therefore that charge will be greatly reduced before the 11th of October, 1860, the day when the Bill proposes to come into operation. But then I do not in the smallest degree consider that there is any engagement on the part of the Chancellor of the Exchequer that the payment of compensations and retiring annuities should be a permanent charge on the Consolidated Fund. I expect, if the Bill answers its purpose, that there will be a very large surplus revenue from the income of the Bankruptcy Court. I have provided by the Bill that a very accurate Return shall be made, and therefore as soon as the Bankruptcy Fund is able to bear the expense, this charge may be transferred from the Consolidatad Fund, provided the Bankruptcy Fund can bear it consistently with the reduction of the fees. Beyond that sum the Bill proposes to charge the Consolidated Fund with the salary of the Judge and Secretary, and that I expect to be a permanent charge upon it. The compensations of the released Commissioners will be paid, as their salaries now are, out of the Fees of the Court.

MURDER OF CAPTAIN LAMBERT AT LIMA.—QUESTION.

Mr. BAZLEY said, in the absence of his hon. Friend (Mr. Turner) he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received from the British Charge d'Affaires in Peru any communication in reference to the recent robbery and murder in open day, at Lima, of Captain Lambert, of H.M.S. *Vixen;* and, if so, whether any steps have been taken by Her Majesty's Government in relation thereto?

Lord JOHN RUSSELL said, it appeared that it was a murder committed solely for the purpose of robbery, that it bore no political character whatever, and that the Government of Lima were using their best exertions to detect the perpetrators.

SURREY RIFLE VOLUNTEERS.

QUESTION.

Lord ASHLEY said, he wished to ask the Secretary of State for the Home Department, Whether his attention has been directed to a Letter, signed E. G., which appeared in *The Times* of Thursday last, complaining that on the 20th of March four persons, dressed in the uniform of a Rifle Corps, while practising on Wandsworth Common, aimed at and shot the favourite dog of the writer's sister, immediately upon which fatal catastrophe they all ran away; and, whether it would not be advisable to authorize the Police to put a stop to sharp-shooting upon public footpaths?

Sir GEORGE LEWIS said, he understood that the North Surrey Rifle Volunteers had been upon the day in question drilling in that neighbourhood, and that four men in their uniform were seen near the spot where the dog was killed, but that the Police could not discover who was the person who had fired the shot. He understood that no sharp-shooting had taken place near the footpath.

ORGANIZATION OF THE WAR ESTABLISHMENTS.—QUESTION.

In reply to a question of Sir De Lacy Evans,

Mr. SIDNEY HERBERT said, that it was his intention to move, after Easter, the re-appointment of the Committee on the Organization of the War Establishments.

EDUCATION IN IRELAND.

QUESTION.

Mr. MAGUIRE said, he rose to ask the Chief Secretary for Ireland, Whether he has received the Rejoinder of the Catholic Archbishops and Bishops of Ireland to his Reply to their Memorial on the subject of Education; and whether, if he has received such Rejoinder, he is prepared to lay it upon the Table at the earliest opportunity? He also wished to ask, Whether, as the Irish Members were anxious to return to Ireland for the Easter holidays, the further consideration of the Irish Reform Bill will not be put off until after the holidays?

Mr. CARDWELL said, he had received the Document referred to, and would readily lay it on the Table. With regard to the second reading of the Irish Reform Bill, there seemed no prospect of reading it a second time before Easter; and, therefore, he proposed to have it brought forward on Friday, the 20th of April.

DRAINAGE.—QUESTION.

Sir WILLIAM MILES said, he would beg to ask the Secretary of State for the Home Department if it is the intention of the Government to introduce any measure this Session for the improvement of Outfalls, the deepening of existing public Water-courses, and the drainage of low-lying Lands in districts by means of general provisions; and, if not, whether the Government would appoint a Commission to inquire into the extent and nature of existing evils and the best means of remedying them?

Sir GEORGE LEWIS said, the Government had had under their consideration for some months past a Bill upon the subject of public drainage. It was in a forward state, and if there was any prospect of its being proceeded with, it might be introduced to the House; but in the present position of public business, he did not see that any benefit could arise from the introduction of such a Bill.

ORDER OF BUSINESS.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to move that the notices of Motions be postponed until after the Orders of the Day for the consideration of the Income Tax Bill as amended, and the Committee on the Stamp Duties. It was material with regard to the arrangements made in "another place" for the Easter vacation, that the two Bills alluded to should be taken that evening. He was under the impression that it was not the desire of the House to renew, in any extended form, the general debate upon the Income Tax Bill. If there were any such desire he at once admitted that it would not be fair to displace the ordinary business, but it would be certainly most convenient that the Bills to which he referred should be taken at once.

Motion made, and Question proposed,—

"That the Notices of Motions be postponed until after the Orders of the Day for the consideration of the Income Tax Bill, as amended, and the Committee on the Stamp Duties Bill."

MR. LINDSAY said, he had a Motion on the paper referring to what he conceived to be a very important subject. He had had a similar Motion on the paper when the Treaty of Commerce was under discussion, and the Government then appealed to him to withdraw it, giving him a distinct pledge that they would grant a day to bring it forward in a distinct form. He saw however, from the great pressure of public business that it would be utterly impossible for the Government to redeem that pledge, and he, therefore, considered it was his duty to go to the noble Viscount (Viscount Palmerston) and state that, however important he considered his own Motion, yet the exigences of the public business appeared so great that he could not keep the Government to their pledge regarding it. He, therefore, took his chance, and balloted for a day. He got that day, his Motion stood second on the paper, and there was, therefore, a good prospect of having it brought on. Now, if the Chancellor of the Exchequer's Motion were carried there would be but little chance of its coming on that night, and, consequently, of its coming on before the Easter holidays. He felt, therefore, reluctantly compelled to oppose the Motion.

VISCOUNT PALMERSTON said, he could assure the hon. Gentleman that there was no intention on the part of the Government to offer any opposition to his Motion. On the contrary, he thought it would be a fit resolution for the House to adopt, and therefore, so far as that circumstance might guide him with regard to the question of time, he could assure the hon. Gentleman that so far as the Government were concerned they had no objection whatever to his Motion being acceded to at once. Whatever hon. Members might determine as to the right of precedence, he trusted that even if the Motion of the Chancellor of the Exchequer should not be acceded to, the two Bills to which it referred might be proceeded with at a somewhat early hour in order that hon. Members, who were anxious to express their opinions with regard to them might have an opportunity of doing so.

MR. DISRAELI said, that this was the fourth Thursday that private Members had been called upon to relinquish their right of proceeding with the business on the paper in its regular order by giving the Government precedence. He considered that they ought not to be called upon to give up their privileges, unless in case of urgent necessity. He was not prepared at all to assent to the assumption of the Chancellor of the Exchequer that there would be no further discussion upon the Income Tax Bill, or even upon the other financial measures. He rather apprehended that there would be a somewhat long discussion. He should himself consider the question very much in reference to the course the Government proposed to take with regard to the duty on paper; and he hoped some communication would be made to the House as to the position in which they were placed on that subject as regarded the duty on the export of rags. That was a subject which very much interested the public at present, and he hoped it might be in the power of the Government to make some satisfactory statement in reference to it. He was at a loss to understand why the Government could not proceed with the financial measures to-morrow.

MR. E. P. BOUVERIE said, he hoped the House would not agree to the Chancellor of the Exchequer's demand. The whole business of the House was getting topsy-turvy. They were making Friday a Notice day, and now the Government proposed not to take the Orders of the Day in precedence of Notices of Motion, but to run down the list of Orders, and take two particular Orders, 10 and 11, in precedence of everything else. What was the use of their instituting particular rules for their guidance and information as to when business was to come on, if they were systematically infringed. What was to become of the Orders which stood first on the list, and over which the Government had no control? Both the hon. Members for Liverpool and Guildford had Bills of considerable importance which stood before the Income Tax and Paper Duty Bills.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman need not be so anxious as to the necessity for resisting the demands of Government, because that was one of those demands which it was not in the slightest degree the intention of the Government to force upon a reluctant House. Unless with general acquiescence such a Motion ought not to be carried—it ought not to be forced forward with a limited majority, amid discontent and dissatisfaction. He would therefore withdraw it. All he could venture to say was that he hoped that the Government would be permitted to take the Bills at a later hour than otherwise would have been usual. The right hon. Gentleman (Mr. Disraeli) had referred to a point of importance which he said was much connected with the progress of the Bills. He had no difficulty in giving an explanation upon it. He should have been very desirous to bring forward the Paper Duty Bill that evening if the state of public business had permitted it, but he did not think in the present position of the business it would be possible to proceed further before Easter. So far as regarded the duties to be imposed, or not to be imposed, on foreign paper, that was in no respect an urgent question, and there was no necessity whatever for asking the attention of the House until a convenient period after Easter. He begged leave to withdraw the Motion which he had proposed.

MR. MAGUIRE said, he was very glad the Motion had been withdrawn, and he was also glad to hear the noble Lord (Viscount Palmerston) say that there would be no opposition on the part of the Government to the Motion of the hon. Member for Sunderland. That discussion would probably, therefore, be short, and would give an opportunity to the Chief Secretary for Ireland and the Attorney General for Ireland to bring forward a question of very great, indeed of almost vital importance, to the people of Ireland. The notices of those Bills had been kept upon the paper for the last two months, and he hoped that the right hon. Gentlemen would, therefore, avail themselves of that night's opportunity to make such explanations as might be necessary in reference to them. He would even go further and say, that if the opportunity should come at a late period of the night, the Irish Members would be satisfied to have the Bills laid upon the table, without explanation, in order to give an opportunity for their discussion on an early day.

MR. W. WILLIAMS said, he thought that the imposition of an income tax of ten millions sterling upon the people was of more importance than the Motions of private Members. The Bill had yet proceeded without a single debate. It was read a first time after midnight, read a second time after one o'clock, and went through Committee on Wednesday, a few minutes before the adjournment of the House. He asked the Chancellor of the Exchequer to give a pledge that he would not proceed with the Bill after nine that evening, or ten at latest.

MR. MONSELL said, he concurred with the hon. Member for Dungarvan (Mr. Maguire), in the hope that the Chief Secretary for Ireland would be prepared, when his turn came, to proceed with the Bill which stood in his name.

MR. CARDWELL said, he certainly was prepared and desirous to avail himself of the opportunity.

Motion, by leave, *withdrawn.*

REORGANIZATION OF THE INDIAN ARMY.

PAPERS MOVED FOR.

COLONEL SYKES said, he rose to bring forward the Motion which stood in his name for certain Returns connected with the reorganization of the Indian army. As he had served with the three armies of India in the field, he was probably justified in forming his own opinion upon the subject; but as he might be considered to have taken a prejudiced view, he moved for these Returns, in order to enable the House to determine what value was to be attached to his opinion. Although his

Motion was headed "The Organization of the Indian Army," that, in truth, was a misnomer, for although the Bengal army had already disappeared, with the exception of thirteen or fifteen regiments; the armies of Bombay and Madras stood intact in their organization, and were now as loyal and effective as they ever were. The question he wished to bring before the House was simply whether the army in India should be under the control exclusively of the Governor General of India and the Secretary of State for India, or whether it should be one under the control of the Secretary of State for War in England and the Horse Guards? The right hon. Secretary of State for India, seemed last year to have made up his mind upon the subject, because he had passed a Bill through that House for the maintenance of 30,000 European troops in India as a local army; and he would now ask him whether in a review of the services of that army he had found that the Indian service had ever been wanting in cases of emergency or been unequal to any crisis, or whether there had been a single instance of such a disaster as the loss of an army under an Indian officer, and whether the same could be said of Royal commanders? Most undoubtedly not. As regarded its commanders, had the Indian service not produced its Clive, its Goddard, who marched 6,000 Bengal Sepoys, unaided by European troops, from Calpee, through a hostile country, and saved Guzerat from desolation? Had it not also produced its Ochterlony, its Pollock, its Nott, its Outram, its Havelock? The fact that the misfortunes which had occurred in India had never happened under an Indian officer, was attributable to the local experience of Indian officers, their knowledge of the country and the people, and of the organization and temper of their troops. It was by these means that the Indian officers had got through difficulties which had overwhelmed others. With regard to the seniority system in the Indian army, it had been asserted that it necessarily produced old men, worn out in the service, incompetent to command, and physically and mentally unsuited to the elevated position in which they were placed. The names which he had already given was a sufficient answer to that unjustifiable assertion. Moreover, in the Royal army had they not some of the most distinguished men as successful commanders in India at a very advanced stage of life, or, at all events, beyond those periods of life at which officers of the Indian army generally remained in India. They had a Napier and a Gough, and they had now a Clyde—all of them septuagenarians. Therefore the arguments that the seniority system necessarily incapacitated officers for command by reason of age were groundless and futile. The difference of cost between the line and local European troops was 20 per cent; but admitting it to be only 10 per cent, that difference upon ten millions of money spent annually upon European troops in India would be exactly one million per annum saved. Was not that another argument in favour of a local army? Another advantage in regard to the local troops in India, was in their being acclimatized. They were not subject to the same mortality to which troops lately arrived in India were subject. In illustration of this fact, the gallant Colonel mentioned an instance which occurred in the force under General Whitelock, which was composed of troops of the line, and local European troops, about equal in strength, and whilst the losses amongst the acclimatized troops amounted to 3½ per cent only, the losses amongst troops of the line was 10½ per cent. Another instance occurred in the 71st Regiment of the line, which, with the 3rd Madras European Regiment, was under the command of Sir Hugh Rose, and upon one occasion the 71st Regiment, which had lately arrived from Europe, had twenty men struck down by sun-stroke in one morning, many of whom died. How many men did the House suppose were struck down on that day in the old Indian Madras European Regiment? Not one! It had been said that if a local army in India were maintained, it must deteriorate in its *physique*, *morale*, and discipline; but he need only refer to the services rendered by the 1st Bengal Fusiliers and the Madras Fusiliers, and Bombay European Regiments, at the battles of Plassey, Buxar, Arcot, and Guzerat, fought a hundred years ago, and to many other battles whose names emblazon their colours, and to the glorious services recently rendered by those troops during the late outbreak in India, to prove how utterly without foundation was the assertion of deterioration. Again, in this country so jealous were the people of having a standing army that the army was only maintained by an annual Mutiny Act and annual money Votes. What would the people say, then, to an army of

100,000 men being maintained in India, and paid out of the revenues of India, and being under the Secretary for War and the Horse Guards, but independent of the House of Commons? It was proposed that 80,000 European troops should be maintained in India; that every regiment should be relieved decennially; consequently, there would be annually 8,000 men afloat or *in transitu;* and with the reserves and depôts, the actual number, independent of the House of Commons, would amount to 105,000 men. Now, he asked, would it be possible to recruit an army of 105,000 Englishmen, for Indian service, independently of the army required for the Imperial service at home or in case of a European war? It would be physically impossible; and nothing short of a conscription would ever do it. Besides, an army of 100,000 men must consist of 100 regiments, which would require each from forty to sixty officers, so that there would be 4,000 or 6,000 commissions to be given away. And would the House of Commons be willing to add this vast amount of patronage to that already possessed by the Horse Guards? Yet such would be the effect of the scheme proposed; and if the army in India, with its own organization, was not to be kept under the Governor General and the Secretary for India, there would be a constant clashing of authorities. The returns for which he had asked were absolutely necessary to enable the House to form a right judgment when the question came regularly before it; and he did not see that they could be objected to. They comprised the opinions of men whose opinions, whatever they were, would possess almost irresistible weight in this country, and they could not, he thought, be considered of a confidential character, as every official department was bound to give such information to Parliament when it was demanded, and nothing should be kept back. He agreed with a distinguished public servant now in India, that whenever anything in such cases was concealed the Government itself was damaged by that concealment, and he would warn the right hon. Baronet the Secretary for India that a great feeling of distrust was now growing up in the minds of thousands of our officers in India, and a suspicion was entertained that it was wished not to carry out in a *bonâ fide* spirit that clause of the late India Act which ensured to every civil or military servant of the East India Company on their transfer to the Crown, that the same rights, privileges, promotions, pensions, and other prospects that they had before enjoyed, should be maintained and continued to them under the Crown. There was a growing fear amongst the officers in India that this clause would not have the efficacy it was intended to have. Under these circumstances, he begged to move for an—

"Address for Copies of the Report of the Military Committee of the Council of India," &c.

Motion made, and Question proposed,—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House Copies of the Report of the Military Committee of the Council of India to the Council upon the Re-organization of the Army of India; of the decision of the Secretary of State for India in Council thereon; and, of all Minutes of Members of the Council upon the subject.

"Of the Report of the Actuary to the Secretary of State for India in Council on the cost of a Military European Force in India of Troops of the British Line, as compared with the cost of an European Local Force.

"Of all Minutes in Council in Calcutta by Sir Bartle Frere, K.C.B., and Major General Sir James Outram, baronet, G.C.B., on the subject of the Re-organization of the Indian Army.

"And of all Correspondence between the Imperial Military Authorities in England and the Secretary of State for India in Council, from the 1st day of September, 1858, regarding disbursements involving additional claims for Military Expenditure for Imperial purposes, to be defrayed out of the Revenues of India, together with a tabulated Statement showing the amounts admitted by the Secretary of State for India in Council, and those not admitted, and the totals of each."

Mr. BUXTON said, that before this matter was irrevocably decided by the Government, he was glad his hon. and gallant Friend had given him an opportunity for a little conversation upon a question which really was one of great importance. The question was, whether the European force in India, which at present was, in a great measure, a local one for India alone, and belonged, so to speak, to the Governor General of India, should in future consist wholly of regiments of the regular army, taking India in their rota, as they might take any other colony. At first sight it seemed very natural, now that they had done away with the East India Company that they should abolish its army as well, and defend India, as any other part of Her Majesty's dominions was defended, namely, with a portion of the regular army of the country. Doubtless, at first sight, that proposal commended itself by its simplicity; and no doubt some strong arguments in favour of this scheme were adduced by the witnesses who were examined before the Commissioners who inquired into this subject, some of which he would briefly and fairly lay before the House. One of their arguments was that if regiments were permanently stationed in India they were apt to deteriorate in discipline. That, however, was stoutly denied by many officers of high authority, and he thought it was hardly borne out by Indian history, which, as the hon. and gallant Officer (Colonel Sykes) had said, teemed with the achievements—showing no less good conduct than valour and discipline—of the local European force. They further urged that it would be a good thing for the regular army to have its share in the credit and experience that might be derived from Indian wars. But now that there was no longer a single warlike neighbour to contend with, they might fairly look forward to a long period of peace, so that the soldiers would be more likely to be injured by the Indian climate than benefited by Indian campaigns. It was further said that a mutiny among the European troops would be more easily put down if they belonged to the regular army than if they belonged to a local force—an argument which he did not think worth discussing. These three were the only arguments in favour of the scheme which seemed to him worth notice, except the grand argument—and he allowed it to be a powerful one—the argument that surely it must be far best in a single country to have but a single army under a single head; that by blending the two into one they would render the whole force a more effective instrument, and would escape those jealousies that must arise between two services running in couples. It might be replied that what some call jealousy was regarded by others as a wholesome and stimulating emulation; and again, that actual experience had not shown any ill effects from the combination of the local with the Imperial forces. Waiving that, however, and allowing that the army of India should be one army under one head, still it was an open question whether the sound inference would not be to make the whole European army a local one, under the Governor General, instead of making it altogether a part of the regular army, under the Horse Guards. That alternative was exactly as open to them as the other, and they ought to remember that the Native army must perforce be a local one. If, therefore, they made the European force a local one as well, then they would indeed make the Indian army a single army under one head; whereas, in the other case, they would retain the evil, such as it was, of a divided army, under a divided command; and he saw that Indian officers of great experience looked forward with alarm to the mortification and jealousy which the Native army would feel were the line drawn so sharply between itself and the European force. It appeared to him, then, that the arguments in favour of the proposed change were not of great weight, except the last, from which, however, the legitimate inference would not be to imperialize the whole European force, but to localize it all. But, when he turned to the other side of the question, he found the arguments against the scheme so numerous that the difficulty no longer was to find out what they were, but to choose among them, and so powerful that it was not surprising to find nearly every Indian statesman of experience and authority dead against the change. He might just mention the names of the Earl of Ellenborough, Earl Canning, the noble Lord the Member for Lynn; and above all, Sir John Lawrence. No one who had had any intercourse with Sir John Lawrence would dispute his profound knowledge and profound wisdom on questions of Indian policy; but he (Mr. Buxton) knew that Sir John Lawrence looked upon it, not as a matter of secondary consequence, but of first-rate consequence to the welfare of India, to prevent this scheme from being carried out. The House ought to observe this, that while on the one hand the scheme had proceeded from a Commission consisting mainly of a number of English generals and the British Commander-in-Chief, from whom they could not look for any intimacy with Indian affairs, and who might, perhaps, have some bias towards increasing the power of the Horse Guards, on the other hand the scheme was condemned by nearly every man whose judgment on Indian affairs was worth sixpence. And now, what were the arguments that weighed with the latter so strongly? It would detain the House too long were he to dwell upon them all; some, therefore, he would not touch upon. There were a few which he would barely refer to; but there were three or four to which he really was anxious to invite the attention of the House. The arguments that he would simply mention, without dwelling upon them, were these:—It was said that if regiments were permanently stationed in India, instead of merely paying it flying visits, they acquired a kind of traditional knowledge of the way to encounter the climate, and of the necessity for temperance and care; and, in the same way, they acquired an intimacy with the character of the Natives, which preserved them from violating their feelings, and further a smattering of the languages of the country which is found to be very convenient, especially in campaigning. Again, it was pointed out that if a regiment were a mere bird of passage, the men formed no lasting ties in the country, whereas, in local regiments, many of the men intermarried with the Natives, and many of the invalids and pensioners settled among the hills. As regarded health, the mortality in regiments that landed fresh in India was perfectly awful. Some returns given in the Appendix to the blue-book showed that in those regiments that went straight from England to India, 110 men out of every 1,000 die in the first year, and that fact might suggest another strong argument in favour of a local force. They were assured by the highest local authorities that, in Lord Ellenborough's words, it was cruel to see how young men, whose constitutions had not been formed, perished on their arrival in India. Well, then, if they had a distinct army for India, they might for that army put the age of admission, say, three years higher than for the regular army. By that means they would cease to compete with the home army for recruits, while they would lessen the mortality in India, with all the sorrow, suffering, and expense which it entailed. But, once more, they were warned, and that by men of great authority, and with great emphasis, of the risk there would be, that if the European force in India were merely part and parcel of the regular army, then in any stress at home, the remote interests of India, despite their infinite importance, would be forgotten, and our military force there dangerously weakened. To these secondary, and yet weighty arguments, he would add but one more. It was said that already the Horse Guards was overwhelmed with business, that the interests of the army suffered greatly from the impossibility of giving minute attention to such vast affairs, and that it would be a serious evil to the regular army if the Commander-in-Chief was further encumbered with the weight of the whole European force of India. But he came to the main objections to the scheme, and the first of these was as follows. It was proposed to keep up an army in India of 80,000 Europeans. Plainly then, if the regiments were to be shifted to and fro every ten years, each year 8,000 men would be brought from India and 8,000 would be sent there to take their place. That is to say, every year 16,000 men would perform that four months' voyage, and their services, meanwhile, would be utterly and absolutely lost. Nay, in time of war, instead of being a great strength, they would be a great weakness to the country, from their liability to be captured by the enemy. The next consideration was that the expense of these vast movements of whole regiments every ten years would be a most disastrous burthen to the Indian finances. Sir A. Tulloch, who was an ardent admirer of the proposed change, reckoned that if some economical plans of his were adopted, the transmission of regiments by the Cape would only cost £430,000 a year; but the House could guess whether such estimates would be found to be within or without the mark. It was said, however, that there would be no great difference in expense between a permanent and a local army, because men now only enlisted for ten years, and, therefore, in any case, they must needs be sent back, and substitutes sent out, when that term of service had expired. But they must remember, that the moving of regiments would be altogether exclusive and independent of those movements of individual soldiers. During the regiment's ten years' stay in India, the terms of service of at least nine-tenths of the men would have expired before its last year; a multitude more would have been invalided, or would have died, and their places taken by recruits from England; but the shifting of the entire regiment at the end of its term of Indian service would be quite distinct from this, and in addition to it. And even should the expense now exceed half-a-million, still he was sure that no one who had paid attention to Indian affairs would deny that this was a matter of very grave importance. For his part, he believed that the very essence of sound wisdom and policy with regard to India at the present time was to pare down the expenditure to a level with the income, and that nothing could be more fatal to the wellbeing of that country than recklessly to fling away millions and half millions. The third essential consideration was this—that if there were a separate army for India, every officer would go out there while still young. He would go not for a short sojourn, but to spend his days there. He would look forward to an Indian career, and to an Indian career alone. He would therefore have a powerful inducement to familiarize himself with the language of the people, and with whatever else would be likely to advance him in that Indian career, and being, so to speak, the servant of the Indian Government, his abilities, if he proved a man of ability, would be available for that Government either for any military or any civil post, and everyone who was at all acquainted with Indian history must be aware of the incalculable value to our dominion over that country of services so obtained. Some objections no doubt had been made to that system, but in the opinion of the wisest Indian statesman, and again he might quote Sir John Lawrence, its effect was to give a powerful stimulus to the officers of the Indian army, by setting before them careers of responsibility and glory, even in the time of peace, and to supply a large body of excellent officials; while, in case of war, it had been found that no officers had shown such robust and vigorous ability as those whose minds had been trained by dealing with large civil affairs. But, abolish the local European force, and that system would be at an end. In that case the thing would work thus:—A regiment stationed, say at Gibraltar, would be sent out in its turn to India; the superior officers would, as a matter of course, be middle-aged men, past the period for entering upon a new career; the young men would feel that in ten years they would leave India and be home again; that even then perhaps they would be little more than thirty years of age, and the minds of all would rather look to an English or European career than one in Oriental banishment—nor, indeed, would it be possible for the Governor General to borrow other people's officers for his own purposes. If he did so, it would lead to endless clashing between the plans and orders of the unlucky man's two masters. The final consideration, and one of grave moment, was, that if the local army were given up, the head of the European force in India would no longer be the Governor General, but the Commander-in-Chief at home. Could it be wise to wrest from the Governor of a country like India his authority over the army, and transfer it to an individual 12,000 or 13,000 miles away, and who could have no special knowledge of Indian affairs, nor any special interest in India? Why not leave all possible authority in the hands of him who was responsible for the tranquillity, and well-being, and defence of the empire entrusted to his charge. But if it were said that the change would be merely one of name, and that the Governor General would still exercise paramount sway over the European force in India, then he asked whether it was not an obvious principle, but especially obvious with regard to such a country as India, to leave the whole prestige of authority where the actual authority resided? Why should they needlessly lower the ruler of the country in the eyes of those under him, by placing or seeming to place the command of his military force in other hands? Upon the whole he (Mr. Buxton) was not aware that he had ever endeavoured to weigh the pros and the cons of any subject in which he found the arguments on the one side so utterly overborne by those on the other—perhaps the papers which the hon. Member had moved for might throw some light upon it—but he earnestly hoped the Government might be induced to pause before they gave their sanction to this scheme.

COLONEL P. HERBERT said, when the question at issue came fairly before the House, he did not think that the sentiments of the hon. and gallant Gentleman, which from his having been long connected with the local army, to be both natural and honourable to him would carry much weight with them. The real question which they had to consider was, what would most tend to the efficiency of the army in India, due regard being had to the interests of officers then in the service. The hon. and gallant Gentleman laid great stress upon the economy of the local troops, in contradistinction to the Royal troops. He (Colonel Herbert), however, thought that he had placed the charge of the former at too low a figure. To the alleged impossibility of maintaining the required number of the Royal troops in India, on account of the difficulty of raising recruits, the best reply was, that the recruits had been got. Although it might be difficult suddenly to increase an army, yet, once increased, there could be no real difficulty in maintaining it at the requisite strength. He freely admitted that the local army had done excellent service; but he must say, so far as his small experience in India went, and from what he had learned in conversations there with officers of high rank, the discipline of a local European force was not equal to that of Her Majesty's army. To his mind, there was one great advantage which a Royal army had—namely, that in the case of disaffection arising in any of the regiments of a Royal army, the Indian Government would have the power of moving those regiments down to the coast and sending them to any of the colonies or to England, without assigning any reason, and thereby eradicating the evil; whereas in the case of a local force in India the Government had no such power. All that they could do was to move disaffected regiments from one station in India to another, which would only have the effect of disseminating, instead of eradicating the evil. The question was one to which he paid earnest attention when he was in India; he discussed it also with gentlemen in high stations, both military and civil, and the conclusion at which he arrived, even before the recent mutiny, was that if they were to have a force raised solely for local service they would run the risk of losing for the Government of India that freedom of action which was so necessary for a Government to possess. Occasions might arise on which a local army would combine together for a given purpose like one man; not so a Royal army; and in such an emergency they would run the risk of sacrificing the independence of the Government of India by the army becoming that greatest of all curses—the master, instead of the servant of the State.

SIR DE LACY EVANS was understood to express his astonishment that that discussion had been considered at all necessary, when he remembered that on the debate that took place last year on the question whether there should or there should not be a local European force, the right hon. Gentleman the Secretary for India (Sir C. Wood) went even beyond the expectations of those who desired a local force by intimating his intention to introduce a measure with the object of increasing it considerably. On that occasion, too, the noble Lord the Member for King's Lynn (Lord Stanley) expressed himself most emphatically upon the subject, and said it was his bounden duty to place upon record his opinion that the local force was indispensable for the good government of India. Notwithstanding, however, those expressions of opinion on the part of the noble Lord and the right hon. Baronet the Secretary for India, it was rumoured—he hoped without any foundation—that the right hon. Gentleman had found good reasons for changing his views upon the subject. He (Sir De L. Evans) had certainly not changed his own views. The sole object of the present Motion was, as he understood, to obtain the best information possible for the guidance of the House in coming to a decision upon this great and important question when it regularly came to an issue before them. Were they, then, now to be told by the right hon. Gentleman that he meant to withhold those documents moved for, that they were of a confidential character, and that he did not deem it necessary for the House to have them? If the right hon. Gentleman had had access to important information from persons of great weight and authority on the subject in question, it would surely not be treating the House fairly to withhold it. He (Sir De L. Evans) conceived such information to be public property; and the House would be placed at a great disadvantage if it was asked to decide the question without that information. If there were any expressions contained in those papers of a personal or confidential nature nothing could be more easy than to omit such statements. The hon. and gallant Member for Ludlow (Colonel Herbert) said that a local force was dangerous, inasmuch as they acted together as one man against the Government. The facts that had taken place were, however, a reply to that assertion. What was called a mutiny had taken place in India. He would not call it a mutiny. He would remind the House that the noble Viscount at the head of the Government had stated in that House that, upon the passing of the Bill for the better government of India the local force were entitled to their discharge. The Commander-in-Chief, he believed, was of the same opinion. The Government of India had, however, acted with singular want of tact in their treatment of the troops. It was generally thought that if the Government had in the first instance offered those men so entitled to their discharge the ordinary bounty for entering the Royal army their services would still have been secured. Instead of that, the

Government published a legal document, drawn up by a gentleman who was more a lawyer than an officer, to the effect that they had no right to their discharge. What had been the result? The soldiers having naturally relied upon the opinion of the heads of the Government and army of this country, and having made up their minds that they were entitled to their discharge, contended obstinately for such right, and got out of temper at finding it denied to them. The Indian Government at length declared that they might have their discharge. But did they act—as it had been said they would in such a case—as one man? No; 10,000 decided to come home, but 11,000 remained. They were greatly provoked, and their demand to be discharged was fully justified. But judging from the treatment which near a thousand of them had received on board the *Great Tasmania* on the voyage home, it would almost seem as if the authorities in India entertained some feeling of resentment towards them. He was still of opinion that it was not safe for the Government of India to be without the services of a body of officers who had been trained there, and whose ambition was more exclusively directed to Indian than to European service. Then, in reference to the Royal Commission that had been appointed upon the subject, however honourable and independent were the members of that Commission, it should be recollected that very few of them had ever been in India. That Commission consisted of eleven members, the three principal of whom, including the Secretary of State for War, who was chairman, and the Commander-in-Chief, had never been in India, and therefore knew personally nothing whatever of the subject. There were, however, four Indian General officers, and they signed the Report. On the other hand he believed that no less than seventeen gentlemen of the greatest authority and experience in India had dissented from the opinions expressed in the Report of that Commission. Amongst those gentlemen were, he believed, the Governor General of India and the Governor of Madras, Sir John Lawrence, and Sir J. Outram. The hon. and gallant Gentleman said that the discipline of the European local troops was not equal to that of the regiments sent out from England. Although martinets and civilians, looking to smartness on parade, might fancy there was a superiority in favour of the latter, yet when they took the field the rough and easy manner of the local European regiments accustomed to India told very much in their favour. The local European troops in India had undoubtedly performed singular and continuous services of the highest importuance. Amongst the many regiments that had passed through Calcutta, the Madras Fusiliers were received with the greatest acclamation, and had conferred on them the most honourable distinctions. He believed that a great portion of them had obtained their discharge. Were they therefore to be stigmatized for want of loyalty who had so pre-eminently distinguished themselves throughout the whole service? If the right hon. Gentleman should refuse the papers asked for he for one would use every effort to obtain their production when the question came again before the House.

SIR CHARLES WOOD said, he thought his hon. and gallant Friend, who moved for certain papers which he thought the House ought to have in their possession to enable them to discuss with advantage the question whether there should be any change made in the Indian army, had not acted consistently with his declaration that these papers were necessary to form a correct opinion in entering at considerable length into the general discussion. He certainly would not follow either his hon. and gallant Friend or the other hon. Gentleman who spoke after him. He had stated, in reply to a question put to him a short time ago, that the Government had not finally made up their minds on this important question. It was not a question for the decision of the Secretary of State for India alone; it was not a question which could be decided only on Indian grounds; it must be decided not on Indian, but on Imperial grounds. When that question was decided it might be necessary for him to bring the subject formally before the House, and that would be the proper occasion for discussing the merits of the question. It was quite true that early in the summer he had stated that the Government were prepared to maintain a local European army in India; but very important circumstances had taken place since that time. He would not say there had been a mutiny in the local European army in India; but the fact of upwards of 10,000 men taking their discharge as they did was a circumstance that could not be passed over by the Government in forming a final decision on this subject, as, in truth, it had changed the opinion of many of the most eminent persons in India. This alone, he thought, was sufficient to show that, however anxious they might be to come to a decision on this most important subject, the Government had not acted without good grounds in having paused before they took a final determination. Among the papers moved for by his hon. and gallant Friend were some which had only recently arrived in this country. It was impossible he could enter into a discussion of the main question without indicating an opinion on the one side or the other, and he repeated it was not yet ripe for discussion, and would not be until the question was decided by the Government, when he should bring it before the House and the country. With regard to the papers themselves, he did not think it right to produce them at that stage of the question. When the question could be brought fairly before the House, however, it would be his duty to lay on the table not only the greater part of these papers, but others having an important bearing on the whole subject. With regard to "the decision of the Secretary of State for India in Council," no decision had yet been come to on the subject. The next paper was "the Report of the Actuary to the Secretary of State for India in Council on the cost of a military European force in India of troops of the British line, as compared with the cost of an European local force." He certainly was in possession of that Report; but it was only within the last three days that he had received a very important letter questioning the accuracy of the views contained in it, and he had a decided objection to lay it on the table at present. If his hon. and gallant Friend really wished to have the last portion of the papers—namely, the correspondence between the military authorities—he had not the slightest objection, for these papers contained no opinion on the subject; but he thought the House would agree with him that not only these, but papers on both sides would be necessary to enable them to come to an opinion on this question. In fact, there must be a large blue-book. He had not the slightest wish to keep anything back. He only wished, by producing all the papers together, to enable hon. Members to consult them not partially, but at one view, so as to make up their minds on the whole matter. The papers would be produced whenever the Government had decided the question, and that they must do shortly. He trusted after that assurance his hon. and gallant Friend would be satisfied; he only begged the House to believe that he was not anxious to withhold papers; he was only anxious to lay on the table full and fair information.

Sir JAMES ELPHINSTONE said, that he had never heard a syllable breathed against the loyalty of the local European troops; and as for the discontent (for it had never amounted to mutiny) that had prevailed amongst them, it arose from an amount of indiscretion on the part of the Government which could not be censured in too strong terms; for it had broken up a force of the very finest description, and had resulted in scenes of cruelty and misery that would for ever attach a stigma upon the present Indian executive. In 1832 he was in command of 500 European artillery and infantry who had been placed on board his ship; and he found that the men anticipated a bounty whenever the power of the Company (the charter of which was on the point of expiring) should be transferred to the Crown. He believed that idea had existed almost traditionally in the minds of the European troops. Certainly nothing could be more unfair than the course which had been pursued. They gave a bounty of 30 rupees to the soldiers of any regiment that was coming home, if they would volunteer into another regiment that was remaining in the country; and yet it was proposed that the whole of the Company's army should transfer their allegiance without receiving a farthing. It was the most scandalous thing a Government ever did, and had left a stigma that would remain upon the Government of India as long as it was a Government. He had attempted, with his hon. Friend (Mr. Willoughby), to draw up a clause upon this subject for insertion in the Bill lately introduced for the government of India, but neither of them had been long enough in the House to understand the proper form in such matters, and they had consequently let slip the proper moment to bring it before the House. But he had always been certain that there would be a difficulty experienced in dealing with the local European troops, knowing as he did what their opinion was with regard to the change of allegiance.

Mr. BRIGHT said, he thought the answer of the right hon. Secretary of State for India to the Motion of the hon. and gallant Officer (Colonel Sykes) far from satisfactory. The right hon. Gentleman professed the greatest anxiety to give the House all the information in his power, and even more than the gallant Member for Aberdeen had asked for; and yet he coolly refused it the information to be obtained through these Resolutions. The House had seriously to consider what sort of a question that was—not exactly the question involved in this Motion, but the question to which that Motion referred. For his own part he looked upon it as one of the most important subjects that could come before them in connection with the whole future government of India. In time of peace the army expenditure of that Empire was about £12,000,000 sterling, and in the last few years the amount had advanced to some £20,000,000. They might well hope the expenditure would come down again to its old standard, and, for his own part, he would say the sooner the better. But the present question was whether that House should have before it now, or at any early period, such information as the Government could afford to enable it to form a sound judgment on the future management of the whole military establishment of India. Much confidence could not be placed in the right hon. Gentleman's desire that they should know all about it, or in his assurance that when the Government arrived at their decision and came before Parliament for the means of carrying out that decision, then every information would be laid before the House. They were all aware that when the Government had decided, even although they had decided wrongly, a great power was thrown into the balance on one side as against the other; and any conclusion to which a large portion of that House might afterwards come might be seriously prejudiced by the previous conclusion of the Government. Therefore, while the question was still under consideration, not only by the Cabinet and the Horse Guards, but by the part of the public conversant with the matter, it was most important that information should be produced that the House might have an opportunity of studying, conversing, and thinking on the subject; all which would, no doubt, have an influence even on the decision of the Government itself. He had understood the right hon. Gentleman to say that opinions regarding the military establishments of India had greatly changed since the occurrence of recent events. Probably the events thus referred to consisted of the refusal of the Company's European troops to transfer their allegiance to the Queen, and their consequent return home. These circumstances had, however, arisen at the time when the right hon. Gentleman discussed this matter before. But, be that as it might, it would be the paltriest of quibbles for any Government to say that a great question of so much importance ought to be decided upon a ground such as that, springing out of no disloyalty on the part of the troops, but out of one of perhaps the most extraordinary blunders ever committed by any Government. Whether Englishmen were in India as servants of the late Company or of the Crown, he undertook to say that, if the same measure of justice were meted out to them, there would be the same measure of discipline and loyalty. To assert, then, that because 10,000 men had returned to England believing they had been unfairly dealt with—as, indeed, they must have been, or they would not have been allowed to come home—that fact changed the bearing of this whole question, was an excuse which ought not for one moment to be listened to. The Motion of the hon. and gallant Member for Aberdeen asked for copies of the Report of the Military Committee of the Council of India to the Council upon the reorganization of the Indian army, and of the decision of the Secretary of State for India in Council thereon. Of course, if the Secretary of State had not decided, that portion of the return could not be produced. But the Report of the Military Committee to the Council would be of great value to the House in considering this subject. The hon. and gallant Gentleman further asked for the Minutes of members of the Indian Council. Now, though he understood that the members of the Council had not the smallest objection to the publication of that part of the return, yet the Secretary of State might think it not desirable to place these Minutes before the House, because they might disclose discrepancies of view the existence of which it would not be for the advantage of the service to make known. The gallant Member might, therefore, consent to waive that portion of his Resolution. The Motion likewise asked for the report of the Actuary to the Secretary of State on the cost of a military European force in India of troops of the British line as compared with the cost of an European local force. The right hon. Gentleman had stated that within the last few days he had received a revised estimate differing from the original estimate, and he could not yet tell which of the two were correct. If, however, the right hon. Gentleman would undertake to lay the Report on the table as soon as he had ascertained which estimate was correct, the object of the Motion would be answered, and the Resolution might be so altered as to include papers that could be easily granted. That was not the proper time to discuss the great question whether the Indian army should be under the control of the Horse Guards, or under the Secretary of State in Council here, and the Government in India. He had paid no inconsiderable attention to the affairs of India, though not so much to this branch of the subject, perhaps, as to some others; but he thought they would commit a very great error if they permitted the Government, without the most serious deliberation on the part of that House, to come to such a conclusion as should hand over 50,000, 60,000, 70,000, or 80,000 European troops in India to the management of the Horse Guards in this country. Judging from all past experience, the expenditure for the Indian army out of the revenues of India would rise rapidly if the control were transferred to the Horse Guards. And whatever evils had hitherto arisen in the management of the patronage connected with the Indian army would be greatly aggravated if that patronage were added to the present patronage of the Horse Guards. Such being his opinion—though he could not say that no documents which might be produced would change that opinion—he was entitled, and the House was entitled, to call upon the right hon. Gentleman to be frank with them in this matter. An hon. and gallant Member who sat below him (Sir De L. Evans) had referred to a point not often alluded to in that House, and had spoken of the influence of the Court as to that question. It was to be hoped that the House would not feel itself unable to discuss freely a subject on which it was supposed that the influence of the Court was largely engaged. The great interests of India and of England, and the question whether the Indian military expenditure should be £12,000,000 or £20,000,000 sterling were infinitely more important than the sentiments of anybody connected with the Court of England in such a case. The House should, therefore, have the matter fairly before it, that it might not find itself to have been kept entirely in the dark till it was too late to reverse a perhaps unfortunate and fatal decision of the Government. He trusted, therefore, that the right hon. Gentleman would see that he had not quite treated the House with the consideration to which it was entitled, and would take steps to lay before it all the information which it ought to possess on a question of such magnitude.

MR. A. MILLS said, that without attempting to prejudice the question at all as to whether the Government ought to decide in favour of the regiments of the line or a local European force in India, he could not help observing that it was of the utmost importance that they should arrive at some definite determination upon the subject speedily, for it was important to the maintenance of our power in India, and of the good faith and loyalty of the troops, that no unnecessary delay should be permitted. The Minutes of the Members of the Council he thought a most important document and one that should be placed before the House if Parliament were to express any opinion at all upon the matter. It had struck him on a perusal of the documents already published that the balance of opinion among the Council was in favour of the local army, and he was himself rather inclined to that view; but whichever way it might be decided, he earnestly hoped that the Government would not refuse to Parliament the documents bearing upon both sides of the question, so that the House might know exactly what the most learned and experienced men had said and written upon the subject before it was called upon to pronounce a final decision.

SIR EDWARD COLEBROOKE said, that this question pressed for an early decision, because the state in which it had been left during the last two years had acted most prejudicially upon the public service in India. For his own part, he entertained a strong opinion in favour of a local European force; and that opinion had not been shaken by any of the suggestions which had been made either in that House or out of it. He agreed with the Earl of Ellenborough that the presence of a large European force, consisting exclusively of troops of the Line, would operate injuriously upon the Native service. He entertained, further, the greatest distrust of the extent to which the claims of the Horse Guards might be carried in respect to the Indian service. This was a question which affected, not merely the commands of regiments, but all the staff appointments; and he would remind the House that, if so large a force were transferred to the Line, the Governor General would lose a portion of that proper control which he ought to possess over the whole army in India. The greatest care should be taken that the control of the Governor General should not be impaired. With regard to the Motion, he submitted that there were many reasons why the House should press strongly for the production of the papers now moved for, more especially for that of the opinions of the Members of the Indian Council. Those councillors had been excluded from the House of Commons and placed very much under the control of the Government, and it was therefore very desirable that their Minutes should be laid before the House, in order that they might assist it in coming to a decision upon this question.

Lord ADOLPHUS VANE TEMPEST said, the right hon. Gentleman (Sir C. Wood) found fault with the gallant Member for discussing the subject before the papers had been laid on the table; but then he stated that he should not think proper to produce them; and it thus resulted that the question was not to be discussed at all. The intelligence which had just been received from India, however, showed the importance of the question as to the reorganization of the Indian army. They read that Mr. Wilson contemplated, if he had not executed, the disbandment of the whole Native force of India. Now, having served some time in that country, he entertained a very strong opinion that it would be impossible to maintain British dominion in India with an European force alone. He did not think that a European force of 80,000 men could be permanently kept up; and, besides, there were camp duties which would be much better performed by Natives. The Motion ought to have received more consideration than the right hon. Secretary of State for India seemed disposed to show to it; and, at all events, the right hon. Gentleman ought to lay upon the table such papers as he thought might be produced without inconvenience to the public service, in order that hon. Members might have some *data* upon which to form an opinion as to one of the most important questions which could affect our Indian Empire.

Mr. T. G. BARING said, he concurred with those who urged that the House before it discussed the question, ought to be placed in full possession of the materials for arriving at a conclusion. He would remind hon. Members, however, that his right hon. Friend the Secretary of State for India had promised that prior to that discussion, and as soon as Her Majesty's Government had decided what course they ought to pursue, such of these papers as existed should be laid upon the table. He had also added—and he hoped that would be satisfactory to the House—that he would at the same time produce other papers bearing upon the subject. There was not the slightest intention to conceal from the House the opinions of the members of the Indian Council; on the contrary, those opinions would be laid before Parliament at the proper time, and therefore he hoped the hon. and gallant Member for Aberdeen would not press his Motion to a division. The hon. Member for Birmingham (Mr. Bright) would perhaps feel relieved when he told him that the question was not one of the magnitude that he supposed with regard to the number of troops it concerned. It did not affect the number that he had stated.

Mr. BRIGHT said, he had stated no specific number. What he said was—50,000, 60,000, or 80,000, or whatever the number might be.

Mr. T. G. BARING said, that when he informed the House that the whole of the Local European troops concerned amounted to between 11,000 and 12,000 men, it would be seen that the hon. Member had rather exaggerated the numbers. The hon. Member talked also as if the whole power and patronage of the army in India were to be transferred to the Horse Guards. Now, if the hon. Member had read the papers already upon the table with the care and attention that he usually gave to other subjects, he would have found that more than one feasible plan had been proposed by which, if that change were made, no addition at all would be made to the power of the Horse Guards. He (Mr. T. G. Baring) would carefully abstain from expressing any opinion upon that subject, but he wished to disabuse the minds of hon. Members of the idea that the Indian army, under any new arrangement, must necessarily be handed over to the Horse Guards, or that there would be any addition to the patronage of the Horse Guards in respect to staff appointments in India. The hon. Gentleman had further suggested, not in the most civil language, that it was a quibble when his right hon. Friend said that recent occurrences in the European army had obliged Her Majesty's Government to take this matter again into their consideration. He (Mr. T. G. Baring) appealed to hon. Members, and especially to hon. and gallant Officers present, whether those occurrences were not of the most grave character, and whether the Government were not perfectly justified in allowing some delay in order the more carefully to consider the whole question, so that they might not, by a hasty decision, pledge the country to a course which in the end might not be the most advantageous to the public service.

Sir HENRY WILLOUGHBY said, the question was narrowed to this—whether the documents should be produced or not. He thought they ought; and he would remind the House that as the report of Sir Patrick Grant, expressing a strong opinion on one side had been laid on the table, justice required that the opinions of Sir James Outram and Sir Bartle Frere should also be produced. He entreated the House to take care that they had all the documents before the discussion took place. It was said that when the Government had decided the course they would take, then the question should be discussed; now he thought the discussion ought to precede the decision. Besides, a grave constitutional question was at issue —whether the Government was to have under its command 80,000 or 100,000 men who were not subject to the Mutiny Act or in any way under the control of Parliament. The Indian army was entitled to know what course the Government intended to pursue. He believed that a portion of the Indian Army should consist of local troops, while the other should consist of regiments of the line; but nothing could be so dangerous as to hang up a question of such vital importance, and he hoped the Secretary of State would feel it to be his duty to produce the documents asked for as soon as possible.

Sir HARRY VERNEY said, he hoped that in the consideration of this question only one object would be kept in view,—the welfare of India; because, upon a wise and prudent decision of it depended the safety and welfare of that country. He could not pretend to say that he had made up his mind in the present state of his information, but strong opinions having been expressed upon one side, it was but fair that the members of the Military Commission who had been appointed for the purpose of making the inquiry, and who had made their Report last June, should have their views made known. Why the House should not be in possession of them he was at a loss to know. All the House wanted was to learn the opinion of all who were competent to assist it, in order that it might itself be rendered competent to exercise its judgment. He hoped, therefore, the Government would assent to the Motion.

Viscount PALMERSTON: It seems to me, Sir, that this matter has been either misunderstood or not properly treated. It has been assumed by many who have spoken that there is a disinclination on the part of the Government to lay before the House the information necessary to give a full knowledge of the arguments on both sides of this important question with regard to our local army in India. Now, my right hon. Friend distinctly stated, in objecting to the Motion of the hon. and gallant Gentleman, not that we were disinclined to produce the papers, but that the particular information asked by the Motion could not be given, because in some cases the papers did not exist, and in other cases they were papers not in a state to be presented, and moreover that those which could be presented would be imperfect, and would not give a clear view of the whole question, containing the arguments on both sides. My right hon. Friend stated, moreover, that whenever full information was in the hands of the Government, and the Government had made up their minds, and arrived at a decision on the subject, that information would be afforded. The hon. Member for Birmingham, according to the theory which he has always put forth—and which I have no doubt he sincerely entertains—the opinion that the House of Commons is the executive Government, and the responsible ministers of the Crown are to do nothing but follow the behests and orders of the House of Commons, says that it is necessary that the House should consider and decide the question, and then that the Government should act according to the decision the House may pronounce. I venture humbly to submit that that is an unconstitutional doctrine. By the constitution of this country the responsible executive officers of the Crown are bound in duty to consider and determine on this matter, which belongs to their functions, and then to submit it on their responsibility to Parliament. Parliament is, afterwards, to pass judgment on their conduct, approve or disapprove of their acts, and punish them, if you please, by a vote of censure; but it is not the proper function of a legislative assembly to take out of the hands of the executive administration the affairs of the country. Then, I say, it is the duty of Her Majesty's Government to take into consideration this question and to decide upon it on their own responsibility. It is very possible that as on many other questions, so upon this, the action of Parliament may be necessary in order to give effect to the decision of the Government. In that way, no doubt, Parliament will be called upon to co-operate with the Government in carrying into effect anything the Government may think proper to recommend; and without such action the decision of the Government may be totally vain and fruitless. In that respect the argument of the hon. Member for Birmingham is correct and constitutional. But before Parliament can come to that point it is necessary that they should be in possession of the full information on which the Government may have acted, and the manner in which the Government may intend to carry its intention into effect. Now, Sir, this question is one which no doubt affects the interests of a great number of gallant and meritorious officers, and that may be one element, no doubt, in the consideration; but I contend that it is a question not merely regarding those officers, and not merely regarding the interests of India, but it is a great and Imperial question. It is a question involving the interests of the British Empire, and it is a question to be decided not on narrow and local grounds, but on grounds of military and political expediency, as bearing upon the general interests of the empire at large. It is stated—and I am almost ashamed to advert to these clap-trap arguments or insinuations which we have heard in the course of this discussion—that the Government would be swayed in their decision by considerations of Court influence, of Horse Guards patronage, and God knows what. I feel almost ashamed to defend the Government against those insinuations. I should hope that any Government that aspires to the confidence of this House and the country would act on higher grounds than those —on a sense of public duty—of what they believe to be the proper interest of the country, and would not allow themselves to be swayed by prejudices either on one side or the other. Therefore I say, while, on the one hand, none of those influences which I have alluded to ought for one moment to be considered; so, on the other—although it so happens that all those who have been employed in India may follow the groove in which they are accustomed to run, and speak according to the views and habits of former life—we should not be swayed solely by the turns of thought engendered by those habits and that particular kind of employment. Now, Sir, it is said that if you have the whole of the force a European force in India for general service, the population of the country will not sustain the strain. I should like to know if a certain number of European soldiers are required for service in India what great difference it can make as regards the strain whether they serve in the general service or in the local force. They must serve in India clearly. The hon. Baronet opposite (Sir Henry Willoughby) considers it in a constitutional point of view, and says you will have an army that will not be under the control of Parliament. Why, if that argument has any force, it does not apply any more to the local army than it does to the general service. The local army not coming in any way whatever under the cognizance of Parliament, is exactly that unconstitutional force which the hon. Baronet inveighs against as inconsistent with the institutions of the country. Parliament certainly must have more effectual control over the force in India, if it belongs to the general army than it can have over a local force which is totally withdrawn from all cognizance and control of Parliamentary action. Well, but then, he says, an army in India supplied from the general service would not be sufficiently under the control of the Governor General. [SIR HENRY WILLOUGHBY: I never said a word about it.] Well, then the argument was used by some other hon. Member. I beg to say to that hon. Member that the Governor General would have every control over the arrangements for the general service troops—in fact, the same as he has over the local service. The only difference is, that the general service troops are under the general regulations of the army established by the Commander-in-Chief; but all the local arrangements are as much under the orders of the Governor General, with respect to the general service troops, as with respect to the local service troops.

But, however, I will not enter into that now. My right hon. Friend has stated that when all the papers which are essential to a full and proper consideration of the subject shall be ready for presentation, to this House they will be given. He objects, and I object, to partial information, which would only tend to mislead, or insufficient arguments on one side with corresponding arguments on the other. We object to a partial production, but we shall be perfectly prepared to give full information to the House when it is in our hands. I hope, therefore, the hon. and gallant Gentleman will not put the House to the trouble of dividing. His object will have been obtained by that which we shall voluntarily give. With regard to the letter of Sir Patrick Grant, that was addressed to the right hon. and gallant Member for Huntingdon (General Peel), and forms part of the documents already presented.

Colonel NORTH said, that the hon. Member for Birmingham was in the habit of making statements which were wholly and wilfully erroneous.

Viscount PALMERSTON said, he rose to order. The hon. and gallant Member would feel on reflection that the expressions which had just been used by him were not consistent with the usage or courtesy of the House.

Colonel NORTH expressed his regret at having transgressed the bounds of order by using an expression which was considered discourteous, but he could not help expressing his wonder that the hon. Member for Birmingham, who had constant opportunities for considering the Army Estimates, should not know that the Horse Guards had nothing whatever to do with the Army Estimates. They were entirely under the control of the Minister for War, and the constant complaint of the Commander-in-Chief was, that he could not command a single farthing even for the purposes of the most necessary sanitary Reforms. With respect to the Indo-European Army, his hon. and gallant Friend (Colonel Sykes) had paid a justly-merited compliment to its bravery, but what he (Colonel North) complained of was the want of discipline which could have allowed disaffection to go on so long without the knowledge of the officers. During the whole proceedings not a single non-commissioned officer had made his officers acquainted with what was going on, and it was only in consequence of two Queen's soldiers joining the service and telling their officers what they heard, that the matter was at last brought to light. With respect to the Returns moved for, he thought that nothing could be more objectionable than to have information given to the House piecemeal.

Mr. KINNAIRD said, he did not think that the reasons assigned by the noble Lord for refusing his assent to the Motion were satisfactory. The despatch moved for by the hon. and gallant General opposite, expressing as it did a strong opinion on one side of this question, had been granted, and it was only just, therefore, that publicity should be given to opinions of a contrary nature.

Mr. VANSITTART observed that he had been told that in Mr. Wilson's financial statement that gentleman said he was not prepared to recommend the resuscitation of the local European Army. It was most desirable to do away with the absurd anomaly of separate Armies in India, with separate interests and separate rules of promotion. He should feel it his duty to support the Government upon that occasion. As it appeared to him that it would, at the present moment, be premature to call upon the Government to produce the papers connected with that important question.

Colonel SYKES, in reply, said, he held in his hand a copy of Mr. Wilson's speech, and it contained not a word on the subject. If, however, his right hon. Friend the Secretary for India would give him an assurance that he would produce the papers within any definite period, as for instance a week or a fortnight after Easter, he would not press the Motion.

Sir CHARLES WOOD stated that he could not accede to his hon. and gallant Friend's request, but as soon as he was in a condition to produce papers which would reflect opinions on both sides of this Question, he should be prepared to lay them on the table.

Question put and *negatived.*

DIFFERENTIAL DUTIES—(FRANCE).

ADDRESS MOVED.

Mr. LINDSAY said: Sir, I rise to propose the following Motion:—

> "That an humble Address be presented to Her Majesty, praying that she will be graciously pleased to enter into negotiations with the Emperor of the French, with the view of making a Treaty for the reciprocal abrogation of all discriminating duties levied upon the vessels and their cargoes of either of the two nations in the ports of the other; and for procuring such alterations in the Navi-

gation Laws of France, as may tend to facilitate the Commercial intercourse, and strengthen the friendly relations between England and France."

After the statement made in the early part of the evening by the noble Lord at the head of the Government, that he did not mean to offer any opposition to this Motion, I should content myself with simply proposing it to the House, were it not that, from the peculiar nature of the subject to which it relates, there are two parties who must give to it their assent before it can be attended with any practical effect. This House may adopt the Resolution, but it can lead to no result, unless it shall also meet with the approval of the Government of France; and I therefore deem it expedient that I should go at some length into the question with which it deals. I believe that although the change which I advocate is desirable on the part of England, it would be still more beneficial to France. Those Navigation Laws, which we abolished in the year 1849, had been imitated by France and other countries. They had been framed as long ago as the year 1651, and they had been in operation since that period until the year 1849, with the exception of those alterations which had been made in them under Reciprocity Treaties, concluded some time after the commencement of the present century. By them it was provided that no goods from Asia, Africa, or America should be imported into this country in any but British ships; and that from Europe no goods should be imported except in British ships, or ships of the country where the goods were produced. There were, besides, lists of what were called "enumerated articles," which could only be imported, under any circumstances, in English vessels; and there were double duties against foreign ships for Light Dues, Harbour Dues, and other charges. Those laws remained in force until the year 1850, when the measure for their abolition, which had been passed in the preceding year, came into operation. They were somewhat broken in upon by a Treaty into which we entered with Turkey in the year 1809, and which was our first Reciprocity Treaty. But the first great blow next struck at them was the Reciprocity Treaty which we were compelled to conclude with the United States of America in the year 1815. By the laws previously in force we prohibited the Americans from bringing us their own produce in their own ships. They protested, and very properly protested, against such a provision, but their remonstrances had hitherto been made in vain. At last they gave notice to our Government that they would be obliged to exclude the ships of England from their ports unless we made a material change in our Navigation Laws. The British Government paid no attention to that threat, and then the Government of the United States levied a duty of one dollar per ton on every British ship entering their ports; and not satisfied with that, they imposed a differential duty of 10 per cent on all our manufactures imported in British ships. The result was that we were driven to the necessity of forming with them a Reciprocity Treaty, which placed American ships entering our ports upon the same footing, with regard to duties and local charges, on which they placed our ships entering their ports. Shortly after that we had to make a similar concession to almost every other country. Every one conversant with that subject must be aware that in the year 1822 the Prussian Government complained of the effect of our Navigation Laws on their trade, and threatened to exclude our ships from their ports unless we changed those laws. The consequence was that Mr. Huskisson found it necessary to conclude a Reciprocity Treaty with Prussia upon the most liberal terms which had previously been adopted, in the case of the United States of America, in 1815. Then followed our Reciprocity Treaties with other countries, including France, with which we entered into a treaty of that character in the year 1826. France, it might therefore be said, had imitated our policy in that matter throughout its two early stages. She had followed our exclusive system, which we had commenced in the year 1651, and which she had "imitated" in the year 1664; and she had afterwards concluded, as we had done, Reciprocity Treaties. It will, perhaps, be advisable, considering the subject which I have now in view, that I should here state what it is that we have lost or gained by the policy which we have pursued upon this subject. In the year 1720—the earliest period for which we have any Returns—under the protective system, there cleared outwards from our ports 430,000 tons of British shipping; and in the year 1810 there cleared outwards from our ports 1,600,000 tons; showing an increase of 1,170,000 tons in these ninety years. Hon. Members might think that was a large increase; but as throughout that period we had the command of nearly the whole Carrying Trade of the world, he believed it ought really to be regarded as a very small increase, and it would appear still more so when it was compared with the figures of other epochs. The middle stage of our Navigation Laws was that of a reciprocity period. In the year 1820, before the operation of the reciprocity system, there cleared outwards from our ports 1,670,000 tons of British shipping. In the year 1849 we abolished our Navigation Laws, and with them the reciprocity system, and in the year 1850 there cleared outwards from our ports 4,700,000 tons of British shipping; showing, under a partial free trade, an increase of upwards 3,000,000 tons in a period of thirty years, while under a strict protection the increase had amounted to only 1,170,000 tons in ninety years. In the year 1858 there cleared outwards from our ports 6,440,000 tons of British shipping, which give in the eight years an increase of 1,740,000 tons —a greater increase than that which had taken place in ninety years under a close protection. But as it might be said that these Returns did not give a correct view of the state of the trade, I must direct the attention of the House to a statement of the tonnage of the ships which we owned. In the year 1830, under the reciprocity system, we owned 2,500,000 tons of shipping; and at the end of last year we owned nearly 6,000,000 tons; showing, during that interval, an increase of 3,500,000 tons. Look, too, at the other advantages which accompanied the change — at the great improvements which have taken place in the models of our ships—at the application of the screw to navigation—at our magnificent steamships constructed of iron—and, above all, if we look at the vast increase in our commerce which this free trade in shipping has materially assisted, we must at once admit that the free-trade policy was a wise policy, and that it has greatly benefited, not only the country generally, but the shipowners themselves. Now, as I have already said, France followed the example of our ancient navigation laws. She thought that they were founded upon a wise principle; and I fear she still considers that to be a policy which it is her interest to pursue. By her first navigation law she levied 50 sous per ton on all foreign ships frequenting her ports. In the year 1687 she made the law almost an exclusive one against foreigners; and, not satisfied with confining her coasting trade and the trade with her colonies to her own ships, she actually imposed a duty of £30 per ton on all exports from her West Indian colonies, and a duty of £50 per ton on all imports into those colonies; and those charges had to be paid by her people for the purpose of "encouraging" the enterprise of her shipowners. But France, as I have already stated, wisely entered into reciprocity treaties, and her treaty with this country was concluded in the year 1826. I shall now proceed to allude to the state of her navigation laws as they at present exist. There is, first, her coasting trade, which is strictly confined to her own ships, any foreign vessel engaging in that trade being liable, as well as its cargo, to confiscation. There is, next, the direct trade—that is to say, such a trade as that between France and England—and, by the Treaty of Reciprocity, that trade is placed upon the same footing in the two countries. There is, thirdly, the indirect colonial trade of France. That trade is entirely limited to French vessels, the differential duties to which foreign ships are liable being so high that they are excluded from any share in it. Then there is the indirect foreign trade—such a trade, for instance, as that between New Orleans and Havre, or that between Brazil and Bordeaux. From that trade, too, English ships are almost wholly excluded, because the differential duties to which they are liable are so high that they could not enter into the competition. I wish the House to observe what has been the result to France of the policy she has thus pursued. In the year 1787 she had 164,000 tons of native shipping employed in her trade with foreign countries; in the year 1830 she had only 156,000 tons engaged in that trade; so that in the course of those forty-three years that portion of her shipping had decreased by 8,000 tons. In her colonial trade, which is entirely confined to her own ships, she had in the year 1787 not less than 114,000 tons of shipping; she has now only 102,000 tons; so that there has been in the forty-three years a decrease of 12,000 tons in that strictly protected trade. Another very remarkable fact is, that while the protected branches of her shipping have decreased, there has been an increase in those branches of it which were unprotected, and had to engage in a competition with other nations. On comparing the entrances and clearances of France for the year 1856, with the mean number of annual entrances and clearances during the five years from 1851 to 1855, I find that although in the trade with the Colonies there was an increase of 16 per cent, in 1856 there was a decrease of 17 per cent in her strictly protected trade with her own, French possessions out of Europe; and that in her fisheries which were guarded with unusual care, there was a decrease of 4 per cent. But both in her non-protected trade with European countries there was an increase of 10 per cent, and in her non-protected trade with countries out of Europe there was an increase of 11 per cent. What I say is this, that while the policy which has been pursued by France towards this country, in a commercial view, has been injurious to us, it has been far more injurious to France. Let us examine the question with respect to the number and the tonnage of the French ships, and contrast them with ours. In 1787 France owned 500,000 tons of shipping; in 1850, sixty-three years afterwards, she owned only 688,000 tons. Her shipping has only increased, therefore, in sixty-three years, 188,000 tons. In 1835 I find France owned 15,600 vessels; in 1840, instead of any increase, I find she only owned 14,800. The House may say that, although the number of vessels is small, their tonnage may be large. What is the fact? Why, that out of 14,800 vessels there were 10,000 under thirty tons, and 3,000 between thirty and 100 tons. France, in 1838, owned 680,000 tons of shipping, but instead of increasing she appears to have been on the decrease, for I find that in 1844 she owned only 604,637 tons of shipping. Taking the whole period, from 1838 to 1858, the increase in her shipping, under her protective policy, was only 370,000 tons; whereas, if I look to the increase of British shipping during the same period I find it has increased from 2,890,601 tons to 5,609,623. So, while the French shipping has increased only 370,000 tons under her protective policy, British shipping has increased under a free and enlightened policy no less than 2,800,000 tons. What is the case with respect to steam? I find that while we had, in 1838, 82,716 tons of steam vessels, in 1858 we had no less than 488,000 tons; while France, which in 1838 had 9,693 tons of steam shipping, had only increased in 1858 to 66,587 tons. Thus while we have increased upwards of 400,000 tons of steam shipping in the last twenty years, France has only increased about 55,000. The House will also remember what France has given large bounties for the creation of a steam merchant fleet, and yet with all her protective policy in her favour and with all these bounties she can only show an increase in sailing vessels of 370,000 tons as against an increase in British sailing vessels of 2,800,000 tons, and in steamers an increase of 55,000 as against 400,000 tons. Why is all this? France has a greater seaboard than any other country in Europe. Her coast is studded with magnificent ports along the Channel to an extent of no less than 150 leagues; on the shores of the Atlantic she has a seaboard of 130 leagues; and on the shores of the Mediterranean she has a seaboard of 90 leagues. Her situation is all that they can desire for carrying on a very large maritime trade. France is also increasing at an extraordinary rate in her general trade, for I find the increase of her special commerce from 1827 to 1836 to have been 10,000 million francs; from 1837 to 1846, 15,000 million francs; and from 1847 to 1856, to have been no less than 22,000 million francs. That is the commerce which includes only her own manufactures and her own produce, and articles which she imports for her own use; yet in the ten years from 1847 to 1856 the increase in that special commerce has been the immense sum of 20,000 million francs. How is it that, with a splendid situation for carrying on large mercantile pursuits, with such a large seaboard studded with magnificent harbours, with a vast and rapidly increasing commerce of her own, that the shipping of France is almost at a standstill? I will tell you why. It is because the shipowners have been taught by their legislators to depend upon the Government instead of depending upon themselves. As with individuals we seldom see those who have been left well provided for so energetic as men who have to make their way in the world themselves, so it is with nations. It has been proved by the policy of this country that when British shipowners were left to their own energies and their own resources they went on increasing largely, and I have no hesitation in saying if the Emperor of France had adopted as wise a course of policy the shipping of that country would be greatly increased and materially benefitted, and its commerce generally would be vastly increased. Now, Sir, observe how unjustly these laws operate upon the

French people themselves. It was stated before us the other day in the Merchant Shipping Committee, by an intelligent witness, that in one particular branch of trade alone, which was a very small branch, the difference of freight paid between the French and English ships on sugar imported from our possessions in the East to France was no less than £300,000. Of course France pays that. It is not possible, but if it were possible to show what the people of France are suffering and paying in trying vainly to increase their Merchant Navy, I have no hesitation in saying that the people of France would at once appeal to the Government, and demand a change in the Navigation Laws for their own interest. Because, if in a small branch of trade in which only about 180,000 tons of shipping are engaged, the people of France have to pay every year £300,000 for the benefit of that trade, what must it be with the trade of France as a whole. France, with her vast commerce, has not got a merchant navy one-fourth sufficient to enable her to carry on her own trade; consequently, she is obliged to come and seek shipping from other countries, and, in spite of her protective laws, foreign shipping, to a very large extent, entered the ports of France. In 1857, the total number of entries in French ports was 4,162,000 tons, but of that number no less than 2,550,000 were foreign ships; so that by far the largest proportion of the carrying trade of France is conveyed in foreign ships, and if we could get at an estimate of the differential duty paid upon that 2,550,000 tons of shipping, it would be found that the people of France are taxed to an enormous extent in their vain attempts to create a merchant service and a foundation for her navy. The people of France are beginning to find that this policy of protection to shipping is a mistaken policy for their own interest. Honourable Members may have seen by the public press, the other day, that the merchants and planters of Guadeloupe have memorialized the French Colonial Minister, and have represented to him the very great inconvenience to which they have been subjected from the want of a sufficient supply of French tonnage to carry their sugar and other produce to France; and only the other day I had a letter from a large East India House, and though I do not wish to weary the House with extracts, this is so important that I must beg permission to read it—It is from a merchant and shipowner at Bordeaux to the head of an East India House resident in London, and is an answer to a communication with respect to the rice market in the East. This firm had written to the French merchant to know if they could supply him for the incoming year, as on previous occasions. The following is his reply:—

> "I have received with much pleasure your letter of the 24th November, and thank you for the information it gives me on business in rice this year. I must tell you that rice is no longer admissible, except by a French flag, since the beginning of this year; that is, that it pays a duty of 9 francs per 100 kilogrammes, if by a foreign ship, which excludes it completely."

I find, Sir, that in 1847 France imported 3,000 tons of rice; but in 1856, when the duties on rice and other grain were suspended, she imported no less than 50,000 tons of rice from the British East Indies, showing the enormous benefit which, in this case, France derived from a free-trade policy, by which they allowed ships of all nations to convey rice from our possessions in India to the ports of France. But this is not all. Take the case of the manufacturers, and here again I beg to refer to another important communication. About a fortnight since I made a speech in regard to this same question, and it so happened that the words which fell from me found their way to the French press, and were somewhat extensively circulated. And in consequence I received a communication from a large manufacturer carrying on his business in a northern town of France:—

> "I am interested," he says, "here in jute-spinning, and our trade in France will be much injured, if not ruined, if the present differential duties are continued; and as these duties are injurious both to the British shipowner, as well as to the French manufacturer, while not in reality serving the French shipping, I thought your influence might be brought to bear on the subject."

Well, Sir, the only answer to be given to the French manufacturer was—"Really, this is more a question for the French manufacturer and the French people, than it is for the British shipowner. Memorialize your Government to release you from the trammels by which you are bound; agitate throughout the country for the repeal of the laws, to the repeal of which you must look for advantage as a manufacturer, and by so doing do good to the people, and also to the shipowners of your country." But, Sir, while we are impressing upon the French Government that, in justice to us, as well as in justice to their own shipowners; and, above all, in justice to the people of France, they should make a material change in the navigation laws of that country, let us not forget that we have a duty to perform to France. We still levy Light Dues on the ships of France entering our ports, as we do on the ships of all other nations. But France lights her shores free. She makes no direct charge on the ships of England under the head of Light Dues. There are other small taxes, more annoying, perhaps, than of pecuniary importance, which we still continue to levy upon the ships of France frequenting our ports, from which freemen are entirely exempt. I believe these charges are well known as Freemen's Dues. France, upon various occasions on which we have endeavoured to obtain reciprocity from her, has made these charges the ground for not entering into reciprocal dealings. I think such excuses have been frivolous, but still they have been made, and I say we must be prepared to remove those charges, which are still levied at 83 ports throughout this country. We must exempt the ships of France from all such charges; we must exempt them from Light Dues; and when we have done so, we shall have placed the ships of France in all our trade on the same terms in every respect as our own ships. Having done so, it is to be hoped that the Emperor of the French will be willing and ready to meet us in making the change I propose, which is much more essential to the interests of his own people than it is to the interests of the people of England. To what extent it is desirable that that change should be made it is not for me to say. That is a matter which must rest with the Government of France itself. If I had anything to say in the matter, if I was a Frenchman interested in the question, I should urge the total and unconditional repeal of the Navigation Laws of France, and I should urge it not merely on the ground of justice to the shipowners, but, above all, in justice to the people of France. If the French Government is not prepared to go to that extent, and to say that the Navigation Laws should be totally repealed, they ought at least to put the trade between our colonies and possessions, and France in the same position as the direct trade is now placed; that is to say, they ought to abolish all differential duties levied on goods conveyed from our possessions and colonies to France in British ships. In that trade, which is peculiarly our own, we ought at least to be placed on exactly the same footing as our ships are now placed with respect to the direct trade. The noble Lord (Viscount Palmerston) has been good enough to say that this Motion is not to be opposed, and that, so far as Government is concerned, it will be allowed to pass this House. Allow me, however, to take the opportunity of saying to the noble Lord that something more is wanted. If this Resolution is adopted by the House, it will be in the shape of an Address to Her Majesty, and it will be the duty of the Government to lay it before the Queen. But there is another duty connected with it beyond that —a duty which is most important; and I do trust that Her Majesty's Government, if the Motion is carried, will use its most strenuous efforts and every argument in its power to impress on the Government of France that if the Treaty of Commerce just ratified is to produce the good both nations anticipate—if it is to increase their commerce and bind them more closely together in their friendly relations, and thus tend to prevent war, then it is essential that a great change be made in the Navigation Laws of France, so as to enable the more free interchange of commodities, and remove the irritation which these differential duties create, and which tend to produce angry feelings, and too often, with them, war. I wish my feeble words could reach the palace of the Emperor and the Senates of France, but far more do I wish that they should reach the hamlets and the homes of the heavily taxed and toiling millions of that fair—that sunny land. The question, as I have endeavoured to show, is of far greater importance to the people of that country than it is to England; but in the interests of progress, and, above all, of peace, it is one of vast importance to both. However prone man is to evil—however desirous to vindicate what he considers "right" by might, no nation can desire war. To Her Gracious Majesty I move this Address. I know that she ever has and ever will mourn the sacrifice of her people on the battle field; that she will ever be ready to put forth her hand to aid the cause of peace; and I cannot but feel that her great Ally, the Emperor of the French, must equally deplore the dread havoc which war creates, and that he will be ready to join our Queen in the adoption of such measures as are likely to render more secure the peace of Europe, and promote the happiness and prosperity of the people. There can be no happiness in their palaces when the harsh note of war is sounded. On questions such as these they must hold even stronger feelings than the people, for in the uncertainty of war their own destinies are at stake, and in its results depend the stability of their thrones and kingdoms, and often their personal liberty. They, indeed, must be deeply interested in any movement which tends to join nations together in the bonds of peace and goodwill.

MR. HORSFALL, in seconding the Motion, expressed his conviction that the greatest good would be produced by the fact of its receiving the unanimous support of the House and the Government.

MR. MILNER GIBSON said, that, as his hon. Friend was already aware, no opposition would be offered by the Government to the Motion. He quite agreed with the hon. Gentleman that if this address were adopted it would be necessary that steps should be taken to give effect to it, and at a fitting opportunity the Government would use their utmost endeavours for that purpose. There could be no doubt that British ships laboured under many disabilities in French ports. The coasting and colonial trade, or the trade between France and her own colonies, might not at once be conceded; but with regard to the indirect carrying trade or the foreign trade of France, seeing that all countries, with the exception of France, Spain, and Portugal, had extended full reciprocity to England in the foreign carrying trade, he might fairly express a hope that the facilities enjoyed elsewhere would be also extended to this country by France. He felt the advantage it would be to French commerce and to the French nation, and, without taking up the time of the House by travelling over unnecessary ground, he might say that he fully concurred in the views of the hon. Member as to the great advantages conferred on English shipping and commerce by the liberal navigation code which we had adopted. The hon. Member had made a most interesting and useful speech, and he would say no more than that he could assure him the Government would do all which lay in their power to give effect to his views.

SIR HENRY STRACEY said, that representing as he did a constituency all more or less concerned in the shipping interest, he felt called on to make a few remarks on the question now before the House. The distress of the shipping interest was acknowledged when the hon. Member for Sunderland moved for a Committee of Inquiry. At that time he did not think that the sympathies of the right hon. Gentleman the President of the Board of Trade were greatly in favour of that interest, but he was delighted to hear the right hon. Gentleman express himself to-night much more warmly, and to receive an assurance that the noble Lord at the head of the Government intended to exert himself to carry out as much as he could the views of the hon. Member for Sunderland. With regard to the fact stated the other day that freights from the Mauritius were unremunerative to British while they were lucrative to French shipowners, a witness before the Committee on Merchant Shipping attributed it to the excess of British tonnage. Great competition might partially be the cause, but he believed that the command of a more extended sale for their produce made it worth while for merchants at the Mauritius to pay double and treble freights and to put their merchandise on board French ships rather than English ships, which in comparison had so limited a field for sale. It was a most extraordinary injustice that English shipping should be exposed to the operation of differential duties in French ports which operated against it in the proportion of five to three, and also involved, in some cases, the forfeiture of both the ship and her cargo. He had read not long since a pamphlet written, he believed, by the hon. Member for Southampton (Mr. Digby Seymour), in which that hon. Gentleman mentioned that the increase of the French over the English shipping since the repeal of the navigation laws was in the proportion of nine to one; and in his opinion that statement was perfectly accurate. Statistics proved that the export and import trade of Yarmouth had very much decreased. In 1857, Yarmouth exported in British ships 77,413 quarters of wheat; in 1858 only 33,462 quarters of wheat. In 1857, the export of barley from the same place was 81,792 quarters, and in 1858 only 77,249 quarters. In 1857 no maize whatever was imported into Yarmouth in British ships, but in foreign ships 3,492 quarters. In 1858, 200 quarters were imported in British, and 7,990 quarters in foreign ships. In 1858, 410 quarters of wheat were imported in British ships, and 9,723 quarters in foreign ships. In 1857 no barley was imported in British, but 36,950 quarters were imported in foreign ships. In 1858, 4,999 quarters of barley were imported in British and 22,695 quarters in foreign ships. There were many other statistics, proving the decline of the trade of Yarmouth, with which he would not trouble the House. He would merely say that within the last few months 100 foreign ships had delivered their cargoes in that port. Yarmouth, which he had the honour to represent, was particularly interested in the trade of salted herrings, and his constituents expressed great anxiety at the extraordinary quantity of salted herrings which had arrived lately from Norway and other places. A few days since one ship brought no less than 1,100 barrels. They believed that a great trade might be opened with France if the Government would kindly give their attention to the subject, and endeavour to get the duty lowered on them, if not abolished. At present the duty charged by France on the barrel of 100 kilogrammes—equal to 2 cwt. — was 30 francs, and when he told the House that the same quantity could be bought for much less, retail in Yarmouth, it must be obvious that the duty was perfectly prohibitory. He had reason to know that there was a disposition on the part of the French Government to afford facilities to the English merchant for carrying on this particular trade. The demand from the interior of France for them was great and increasing, but the duty of 30 francs a barrel was regarded in the light of a prohibition, and notwithstanding every encouragement was given to the French fisherman, he could not, under any circumstances, meet the demand made from the interior of his own country. If the Government at this favourable time would interest themselves in coming to an arrangement with that of France on this subject, the result would be to open up an important trade between France and the towns on the eastern coast of this country, and it would be relieved from the reproach that they had more especially consulted the coal and cotton interests, and had neglected the shipping interests of this country.

MR. FENWICK said, that he wished to call attention to a branch of this question which had been overlooked. The question of a treaty of navigation with France was not a new question, for a treaty was entered into in 1826, having reference to the direct trade. That treaty had not been in operation more than a few months when grave complaints were made by the Government of France against the manner in which that treaty was carried out by this country. France charged the English Government that although they might carry out the treaty in the letter, yet in the spirit of that treaty they had not faithfully carried it out. The ground of complaint made by the French was, that in a vast number of our ports there existed exemptions or exceptions in respect to the payment of duty, which operated differentially against the ships of a French port. Matters continued in this state up to the year 1849, when a new state of circumstances occurred. It would be in the recollection of the House that, in that year, the Navigation Laws were repealed, and it was then proposed by the English Government, as a sort of corollary to our repealing the Navigation Laws, to enter into a negotiation with France; but the same objections with regard to local exemptions were then urged as were urged in 1826. Mr. Edgar Bowring, of the Board of Trade, was employed to investigate the grounds of complaint, and the result of his inquiry, as stated in evidence before a Select Committee, was that in no less than eighty-one ports and creeks of this country local exemptions from the payment of duty continued to exist, and to operate differentially against French ships trading to this country. In 1850 another attempt was again made to enter into a treaty with France, when the question of local exemption was again urged by the French Government. As he understood that fresh negotiations were about to be commenced on this subject, he should like to have some assurance from her Majesty's Government that they would endeavour to get rid of those causes which, from 1826 down to 1850, formed a barrier to the carrying out of any treaty with France. Unless the Government did that, he was afraid that no negotiations on this subject could have a successful result. He quite agreed with his hon. Colleague that the system of the Navigation Laws as it existed in France was, although injurious to English commerce, still more injurious to French commerce and the French people; but he had no great faith in the Government being able to convince the French people of that fact at present. He trusted that before the debate was concluded, the House would have some assurance from the Government that an attempt would be made as early as possible to get rid of the causes which had so long operated to prevent this treaty of navigation between this country and France being carried into effect.

Mr. LIDDELL said, he regretted that the hon. Member who had last spoken should have introduced a new element of dissension into the debate. Attempts had been made both by the Government and the House to deal with the local exemptions alluded to, but without success. The reference to them on the part of France was obviously only a shallow pretext to avoid a navigation treaty with this country. He rose, however, mainly for the purpose of expressing his gratification at the assurance that Her Majesty's Government were prepared to enter into communication with the French Government with a view of obtaining, at any rate, some relaxation of the French Navigation Laws. He thought that as we were now supposed to be on terms of commercial alliance with France we were entitled to ask, as a matter of justice, from those with whom we had recently concluded the treaty, that they should meet us in a fair spirit. It had been left free to French ships to trade from all parts of the world to this country as suited them best, and it was extremely galling to an English shipowner that in consequence of discriminating or differential duties being levied in French ports on English vessels, he was often unable to compete in our own Colonies with French vessels in obtaining a cargo, or getting as high a freight. He trusted the French Government, if they were sincere in their desire to carry out the design of giving to the French consumer the full benefit of the Commercial Treaty recently concluded, would see the necessity of removing these very offensive duties. He asked of the Government that they would supply the omission in the late Commercial Treaty, an omission which had been much complained of, but never satisfactorily explained. He trusted the proposed negotiations might prove successful; but he wished he could be more sure that they would be successful, for he felt that if the negotiations had been entered into at an earlier date, their chance of success would have been much greater than it now was.

Lord CLAUD HAMILTON said, he also wished to express his gratification at the fact that the Government had acceded to the Motion of the hon. Member for Sunderland, and his conviction that the Government had exercised a sound discretion in taking that course, still he thought it behoved the House to ask why it was necessary that so soon after the Treaty with France another negotiation should be commenced? How came it that they had so soon to set to work to patch up the comprehensive Treaty recently concluded? He believed that the Treaty had originated in party and not Commercial objects, that it was more a political than a Commercial Treaty. It had, therefore, been hurried through in a hasty, crude, and, he might say, slovenly manner, so that it might be ready for announcement at the opening of Parliament, as a proof of activity during the autumnal recess. This seemed to have been considered requisite as a stimulant after the long period of autumnal inactivity. No doubt it had obtained for the Government some cheers, but they would be only of a temporary character. The Government had given up everything to France, and now they would have to recommence negotiations with the Government of that country when they had no inducement to offer. He rose to remind the House, and to press upon the Government, that they should in future employ those skilled and experienced diplomatists who were always at the service of the country in these important matters. It was no disparagement to the ability of the hon. Member for Rochdale (Mr. Cobden), for whom he had the highest respect, that, however eminent he might be in private life, however superior to all competitors in his own line of trade, he was not so well qualified to deal with astute and wily negotiators, as one who had had the benefit of diplomatic training and experience. If a proper negotiator had been selected, then this country would not have been called upon to make such extensive concessions without obtaining equivalents. He would shortly call the attention of the House and the noble Lord at the head of the Government to a speech of the noble Lord's, made seventeen years ago, on the occasion of Lord Ashburton being sent to the Court of Washington to negotiate a treaty. The noble Lord laid it down as a rule, and he was a great authority, that when the country had to enter into Commercial Treaties, they ought to leave the matter to diplomatic agents, and the noble Lord used these remarkable words :

> "I know that some persons imagine that in negotiation a plain, simple, straightforward man will do just as well as the most experienced and skilful diplomatist ; but the House may depend upon it that the same rule holds good in negotiation, as in any other employment of the intellec-

tual faculties, and that a man who has some acquaintance with the practice will, *cœteris paribus*, have an advantage over a man who has none. Now, was the Government driven by any necessity to appoint an inexperienced negotiator, and had they no other choice?"

Those words were spoken seventeen years ago, and yet the noble Lord, in forgetfulness of them, had appointed an hon. Gentleman who had had no experience in these matters. He entertained no political bias against the hon. Member for Rochdale; but he believed it would be seen that the more his crude and ill-digested Treaty became known throughout the country, the more it would be disliked and opposed. As an instance, he might refer to the Chamber of Commerce of Leeds. A petition had been presented from that body, which showed that the 30 per cent duty on goods imported into France, would in almost every instance prove a strictly prohibitive duty. The people of Leeds were engaged in nearly all the great manufactures to which the provisions of the Treaty related, and so dissatisfied were the leading and influential merchants of that great centre of commerce and manufactures, that the Chamber of Commerce prayed that a supplemental treaty might be made. Now, if the work had been properly done in the first instance, there would not be this universal cry for a supplemental treaty. He believed the right hon. Gentleman, the President of the Board of Trade, had not been consulted on all these matters, or a different result might have been obtained. It might be said, on the part of the Government of France, whenever an attempt was made to open negotiations, that the Parliament of England had sanctioned the principle of differential duties, by agreeing to the late Treaty, and that would be one of the great difficulties in the way of removing them. In the case of the linen trade, the right hon. Gentleman, (Mr. M. Gibson), had held out hopes of an amelioration of the regulations in future negotiations; but what hope could there be of successful negotiations when the original proposition of the French Government was a maximun *ad valorem* duty from 10 to 15 per cent, which was raised by our negotiation to 30 per cent. He (Lord C. Hamilton) could only hope that those future negotiations would be entrusted to an experienced diplomatist, and that the noble Viscount at the head of the Government would act upon the advice he had tendered to another Government in making the selection.

MR. DIGBY SEYMOUR said, he thought the observations of the noble Lord uncalled for, and that the attack made by him upon the conduct of the hon. Member for Rochdale in his absence was undeserved. That hon. Member would no doubt receive the thanks of his countrymen for his recent labours in the cause of freedom of trade; and he believed the noble Lord could not name any diplomatist who would have been better qualified to carry on the late negotiations with the French Emperor and his Government. The Treaty was from first to last a Treaty of Commerce, and not of navigation, and the noble Lord could not point to any Article in it which altered the character of the Treaty. Any man who looked at the matter fairly would see that in asking the French Government to enter upon negotiations for another treaty, the Government would be met by the answer that one of the first things to do would be the removal of those various charges on French vessels which had been referred to by the hon. Gentleman near him (Mr. Fenwick). The object of the Motion before the House was to show the general feeling of the maritime body and of the Government, that France, having regard to the concessions made by us, as well as with regard to her own interests, should meet us in the spirit in which we met her. For the last ten years England had allowed French ships to enter her ports freely, and the moral was that free trade could not be both a blessing and a curse, or, in other words, while free trade was life to us, it could not be death to the French people. But though England had thrown open her ports to France, English vessels, although permitted to carry goods to France from this country, were at a relative disadvantage with the French, because they were excluded from the French coasting trade. The latest advices from the Mauritius stated that while French ships were getting from £3 to £3 10*s.* for freight, British ships could not command more than £1 for freight to French ports. But at Port Louis, French and English ships for English ports were obtaining the same freights. The differential and tonnage duties against British ships were equal to £4 19*s.* 4*d.* per ton on all importations of guano into France. These facts were enough to show that the statesmen of both countries ought at once to negotiate the basis of a supplemental treaty of navigation; and to those who remembered the advances which France made in a free-trade policy in 1854, by repealing a portion of her navigation laws, this would not appear altogether hopeless. He had recently received a copy of the *Journal du Havre,* which contained a report made by the French Ministers, MM. Baroche and Rouher, in which they commented on the Treaty recently concluded between the two countries, from which he (Mr. Digby Seymour) was led to hope that, while due regard was paid to the French marine as one of the great national interests, a sounder commercial policy than the old Protective system had now among its champions the Emperor of the French and the Ministers who had assisted him in the recent progress of free-trade doctrines in France. This country had cast away the worn-out cloak of Protection which the French had picked up; but he hoped the sun of free trade would induce them, too, to drop it from their shoulders, and that they would come to see that it was for their own advantage to make those arrangements in favour of the shipping interest which the voice of justice demanded. He trusted the example of France in 1854, when certain alterations were made, would be followed, and that better results would be obtained. The hon. and learned Gentleman then referred to comments of MM. Baroche and Rouher in the *Journal du Havre,* in favour of the late Treaty, and said he hoped a better light was dawning upon the Government and people of France in reference to freedom of commerce, and if that were so, it would lead to the further adoption of the principle of the Treaty of 1826 between this country and France.

Mr. CAVE rose to express his surprise that any hon. Gentleman should place the differential duties, or rather the exemptions which existed in certain English ports, as really a bar to the negotiations of a treaty with France. Those were not really dues that were charged on the shipping with France, they were simply exemptions that were made in favour of certain classes of persons in England, and pressed upon portions of our own countrymen quite as much as they did on the subjects of France. He quite concurred in the conclusion of the hon. Member for Sunderland, and he was assured that the shipping interest would read the hon. Member's speech with great satisfaction, for they would remember that not very long ago the hon. Gentleman did not attach so much value as he now appeared to do to the system of reciprocity. They would be glad to find that since the hon. Gentleman had applied his vigorous mind to the subject he had come to the conclusion that, without reciprocity, the prosperity of the British shipping interest would not long continue. He did not mean, however, to detain the House with any remarks on the general question, which he thought was exhausted by the speeches in the present debate, and by one on a former occasion. But he must say that it was not complimentary to the shipping interest that it should be necessary to bring forward this Motion. When a treaty of commerce was under discussion it was due to the shipping interest that hopes should have been held out to them that their interests would not be neglected. But those hopes had not been held out, and it was only after a great deal of agitation, both in and out of this House, that hopes were at last held out that some attempts would be made to redress their grievances. For his own part, he was disposed to trust very little to the generosity of nations; for each Government would naturally get the best advantage for their own subjects that they could; and he felt certain that if in a negotiation they were to begin by giving to France all they had to give, and then asked France to make some sacrifice to them in return, they would find themselves quite disappointed. He thought the attitude of Prussia, in Mr. Huskisson's time, which had been alluded to by the hon. Member for Sunderland and the hon. Member for Southampton (Mr. Digby Seymour), and by himself on a former occasion, was the attitude which should have been maintained by Her Majesty's Government. His opinion was that the whole question of the navigation laws with France required revision. Circumstances were entirely changed from what they were when the existing treaties were formed; and following the example of the hon. Baronet behind him (Sir H. Stracey), he would take the liberty of reminding the Government that in any revision of our relations with France there was a portion of his own constituents whose claims he wished to recommend to the notice of the Government. The hon. Baronet advocated the interests of the herring fishers; he wished to advocate the claims of the oyster fishers. It was known to everybody that there was on the south coast of England a race of hardy fishermen who were engaged in the oyster fisheries. Since the convention with regard to these fisheries, which was concluded with France in 1839, deep-sea beds of oysters had been discovered in the middle of the Channel, the existence of which was at that time altogether unknown. These beds could only be fished at a certain time, and in rough weather the boats could not go out to them at all, and as the close time intervened great hardship was often inflicted on these fishermen, who in some seasons lost their fishing altogether. Now, there was no reason why the terms of the fence months should not be, in regard to the deep-sea fishings, extended for two months longer, but the difficulty was to persuade the French Government to consent. The French fishermen cared nothing about these deep-sea fishings; they only wanted to protect their own shallow water fisheries, and with that view they demanded that our fishermen should be prevented from going into deep-sea fishings. This prohibition, however, was of no advantage to either party, for as the beds lay in the middle of the Channel and were not under the jurisdiction of any Government, the Dutch fishermen, as he had lately learned, came to the beds and dredged them in the fence months to the disadvantage of both countries. He hoped Her Majesty's Government would take this question into their favourable consideration, as our fishermen naturally felt aggrieved at these injurious regulations which pressed upon them alone. I think the Motion, though it only regards actually the reciprocity duties of France and England, should include these minor matters in any revision which may be deemed advisable. Her Majesty's Government had shown themselves anxious to maintain a good understanding with France. Every man on both sides of the House, who had any regard for the interests of his country, would be anxious to maintain it. But Her Majesty's Government need not to be told by him, that nothing would be so fatal to such a good understanding as any uneasy feeling among particular classes in the country that it had been purchased at the cost of impediments to their trade, and a sacrifice of their interests.

MR. BENTINCK said, he could not allow this discussion, so important in every respect to one of the most vital elements of British prosperity, to close without saying that it was without exception the most unsatisfactory debate—and he had heard a good many unsatisfactory debates —to which he had ever listened. What was the result? His hon. Friend the Member for Sunderland, than whom no man was better qualified for the task, had brought forward a Motion in which he had shown there was a strong case for interfering in favour of the present depressed condition of the British mercantile marine; and the only result of that Motion was, that the right hon. Gentleman the President of the Board of Trade was good enough to get up and say that at some future fitting time Her Majesty's Government would condescend to look into the matter and see if they could do something for the shipping interest. This was the sum and substance of all that was gained in consequence of his hon. Friend's Motion. He must say, therefore, that involving as this Motion did the welfare not only of that important branch of British industry, the shipping trade, but involving what was far more important, the supply of the seamen to the British navy, it was impossible that a more meagre, unsatisfactory, and unfortunate answer could have been given than the answer which Her Majesty's Government had given to this Motion. The thing spoke for itself. The condemnation of Her Majesty's Government lay in the fact that his hon. Friend felt called on to make such a Motion. What was the state of the case? This Treaty had just been concluded, and they were told it was a Treaty of Commerce, not a Treaty of Navigation. But if so, why was the third Article introduced into the Treaty? The question he put was this—he wished it had been put by his hon. Friend who was so much better qualified to deal with the subject—why were the interests of the British mercantile marine so totally lost sight of and neglected by Her Majesty's Government when they were negotiating the terms of this Treaty, under the able and distinguished diplomacy of the hon. Member for Rochdale? Why were those interests neglected? Was the thing of so little importance that they did not think it necessary to ask whether those interests would be injured or not? Before this Treaty was concluded with a great neighbouring nation, was it not their duty to inquire whether there was anything in the position or the relations of that interest that required revision before the Treaty was signed? But that was not the whole of the case. Long before they entered upon the consideration of that miserable Treaty the deeply-depressed condition of the shipping interest had been pressed upon them in every possible way, and every possible means had been taken to call the attention of the Government to the subject, yet the whole question was ignored by them when they came to carry out the details of this Treaty, and all his hon. Friend could obtain by his Motion for this great national interest was an assurance from Her Majesty's Government that at some fitting opportunity they would endeavour to rectify some portions of the gross neglect of which they had been guilty. He wished this debate could have been postponed for a few days, because then he should have been at liberty to quote to the House the opinions of a great authority in these matters, for the fact, which indeed there was hardly a man connected with the shipping interest who would not corroborate, that if the reciprocity clauses in our Navigation Act were once put in operation, there was not a country in the world which would not agree to reciprocity with us, rather than submit to be shut out, by the operation of those clauses, from our trade. That was stated by a high authority in evidence, to which he would not further allude, except to say that it would soon be laid on the table of the House. But this was only another proof of the inconceivable blindness of Her Majesty's Government to the existence of this great and important interest. If his hon. Friend was content with the assurances he had received from Her Majesty's Government, of course he could not object—all he had to tell him was, that all the assurances he had yet received were not worth a £5 note. But this was only part and parcel of the proceedings of Her Majesty's Government, by which every interest in the country was sacrificed with one exception. The Government and their agents had been utterly mystified by abler men than themselves in the concoction of this Treaty; and unless something more than this was done, the hon. Member for Sunderland would find that this great national interest would be sacrificed in the same coldblooded manner in which every other interest, except one, had been sacrificed in this country.

Mr. DARBY GRIFFITH said, he rose to express the surprise with which he had learned that exceptional dues existed in some of those very ports that were now claiming reciprocity. As one entirely independent and impartial in the matter, it appeared to him that we could not ask France to remove her restrictions unless we removed ours. [*Cries of* "Agree."] He was glad to find that the House should agree, and he hoped they would insist on these restrictions being removed.

Mr. LINDSAY said, he rose to reply. He was quite willing to admit that the Treaty, which had been recently ratified by both sides of the House, bore on the face of it that it was strictly for commercial purposes, and that it left the question of navigation exactly where it found it. It was not fair, therefore, to charge the Government, as they had been charged, with neglecting the interests of the British shipowners. They had not, in fact, done so. It ought to be remembered that the present navigation laws between the two countries imposed differential duties upon foreign ships that were employed in the trade between England and France. The third clause in the Treaty, to which so much reference had been made, proposed to continue those duties, and if that clause had not been inserted foreign vessels might have come here and been loaded with English manufactures, and conveyed them to the ports of France. The insertion of this article, therefore, was a protection of both English and French ships against foreigners, and against that small amount of competition the Government had not neglected to protect the British shipping. But he must say, as this Motion was to be adopted unanimously by the House, he did not think it would be sufficient for his right hon. Friend the President of the Board of Trade to say that he would take some fitting opportunity, at any period, however distant, to take this solemn and unanimous Resolution of the House into his consideration. He felt such treatment of this Resolution would be a mere mockery—a waste of the time of the House. The Government ought not merely to act upon it when it suited their convenience, bnt they should be prepared, he hoped before Easter, to state distinctly what means they proposed to adopt in order to carry if possible the Resolution into effect with the Government of France.

Motion *agreed to.*

Resolved,—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to enter into Negotiations with the Emperor of the French, with the view of making a Treaty for the reciprocal abrogation of all discriminating Duties levied upon the Vessels and their Cargoes, of either of the two Nations in the Ports of the other; and for procuring such alterations in the Navigation Laws of France as may tend to facilitate the commercial intercourse, and strengthen the friendly relations between England and France."

TENURE AND IMPROVEMENT OF LAND (IRELAND) BILL.

LEAVE. FIRST READING.

MR. CARDWELL: Sir, I rise to make one more attempt to settle the question on which the care of every Government has been bestowed and the time of every Parliament for a longer period than I have had the honour of sitting in this House—a question of great difficulty, and to Ireland of great importance. I believe that from the conclusion of peace with France in 1815 down to the present time many branches of this subject have continually engaged the attention of Committees of this House and of Commissioners appointed by the Crown. But the period which may, perhaps, be regarded as the principal era in the history of this question was the appointment of the Commission under the late Lord Devon, which took a large and interesting mass of evidence, and presented as the result of its inquiry its opinions to this House. Since that time there has been, I think, no Minister who has not endeavoured to settle this question. Scarcely has there been a year when there has not been before the House some proposal in regard to it. In the year 1845 the Earl of Derby, then Secretary for the Colonies in the Government of Sir Robert Peel, made a proposal on this subject in the House of Lords. In the following year it was renewed in this House by the present Duke of Newcastle, then Secretary for Ireland. Next, my right hon. Friend the Member for Canterbury (Sir W. Somerville), under the succeeding Ministry, made a like attempt in 1848, and again in 1850. In 1852 the Government of the Earl of Derby made a great effort to settle the question; and under the Government of the Earl of Aberdeen that effort was repeated, but not successfully. Afterwards Mr. Serjeant Shee, with great ability and great labour, brought forward similar measures. Those measures were to a certain extent taken up by the Government of that day, but again they failed to receive the sanction of Parliament. Then an independent Member of this House, Mr. Moore, took up the subject in two successive years, 1856 and 1857; and the hon. Member for Dungarvan (Mr. Maguire), in 1858, was the last Member who submitted a measure dealing with it. The late Government, I believe, had undertaken and intended to grapple with it. Now, it is manifest that a question of which this is the history must be one not only of great importance, but also of great difficulty. And if we presume to entertain a hope of being able to settle it, it is because we think that the condition of Ireland is far more favourable for its settlement than in the times of some of our predecessors; because we believe that their experience may have done much to facilitate the progress of the measure; because we believe that the decisions of this House have shown what are the measures which it is impossible to carry, and will have prepared the way for the attainment of such as are practical and possible; and because I believe I may confidently appeal to this assembly to listen to proposals made with an earnest desire to obtain for them, as far as may be, legislative sanction and practical effect. The first question that anybody will naturally ask is, "Why is it necessary to deal with the land of Ireland in a manner different from that of England or Scotland?" That question has been repeatedly answered in this House in language of the highest authority. Those who are familiar with the works of Arthur Young, of Mr. Burke, or of Mr. Mill, know that in their successive generations those practical and philosophic writers have drawn a broad distinction between the state of land in Ireland on the one side and its state in England and Scotland on the other. A distinction so recognized by the highest authorities may fairly commend itself to the calm consideration of this House. But every Minister and every Member of Parliament who has handled this subject, from the Earl of Derby in 1845, down to the hon. Member who last brought it under our notice, has expressed in the most emphatic terms the necessity of dealing with it, for Ireland, in a manner specially adapted to the circumstances of that country. I am not about to trouble the House with unnecessary references to papers; but I think I ought to ask you to hear the statement on this part of the case which rests on the authority of the Devon Commission, in order that you may have before you the ground of the legislation on which you are invited to enter. These are the words:—

"It is well known that in England and Scotland, before a landlord offers a farm for letting, he finds it necessary to provide a suitable farmhouse, with necessary farm buildings, for the proper management of the farm. He puts the gates and fences into good order, and he also takes upon himself a great part of the burden of keeping the buildings in repair during the term; and the rent is fixed with reference to this state of things. Such, at least, is generally the case, although special contracts may occasionally be made, varying the arrangements between landlord and tenant. In Ireland the case is wholly different. The smallness of the farms as they are usually let, together with other circumstances to which it is not necessary to advert, render the introduction of the English system extremely difficult, and in many cases impracticable. It is admitted on all hands, that according to the general practice in Ireland, the landlord builds neither dwelling-house, nor farm offices, nor puts fences, gates, &c., into good order, before he lets his land to a tenant. The cases in which a landlord does any of those things are the exceptions. The system, however, of giving aid in these matters is becoming more prevalent. In most cases, whatever is done in the way of building or fencing is done by the tenant; and in the ordinary language of the country, dwelling-houses, farm buildings, and even the making of fences, are described by the general word 'improvements,' which is thus employed to denote the necessary adjuncts to a farm, without which in England or Scotland no tenant would be found to rent it."

This, Sir, is the foundation of all legislation on this subject—that the law and practice, as they exist in England and Scotland, have differed from the law and practice as they have existed in Ireland, and that special legislation is requisite to meet the circumstances of a totally different case. Now, I am happy to say that since the Devon Commission presented their Report no more marked improvement has probably taken place in any country in the world than has been witnessed in Ireland, and that amelioration has resulted in changes which, if on the one hand they diminish the necessity for legislation of this kind, operate on the other as the greatest encouragement to all just and needful measures whereby the law may second the efforts of an improving people, may expand their industry and enterprise, expand and thereby accelerate the progress of a beneficent movement. Since the year 1845, by public works, by loans, and grants, by money expended on drainage, and last, not least, by the multiplication of railways and other internal communication, the greatest advancement has been exhibited by Ireland. If it is not unduly trespassing on the time of the House I will state one or two striking instances of this improvement. We all know that live stock is a much more remarkable and critical test of prosperity in Ireland than in this part of the kingdom. The earliest record we have of the value of live stock in that country is now about 20 years old. It was then supposed to be worth £21,000,000 sterling. By the last return, if calculated at the same price, it would be now worth nearly £36,000,000 sterling. But that would be a most feeble and imperfect index of the true merits of the case, because the quantity itself has not more perceptibly increased than the quality has improved and the price risen. At a moderate estimate, the value is double what it was. If we take the holdings, the proportion to large and small ones is entirely changed; whereas at the time the Report of the Devon Commission was made the number of holdings under five acres was six times that of holdings above thirty acres. Now, however, the former are much less numerous than the latter. You have sold in the Landed Estates Court 2,000,000 acres of land for £23,000,000—most of it, I am happy to say, Irish money, not money imported from this kingdom—to more than 8,500 owners, who, having purchased it for purposes of improvements, must be taken to have expended a considerable capital on their property. I have no accurate information as to what the wages of agricultural labour were in Ireland in 1841, but if I put them at 6*d*. a-day I think I shall not be far wrong. At present the general average throughout the four provinces is 1*s*. 3*d*. per day. Ten years ago the number of persons evicted in the year was 72,000; last year it was 2,308. Looking at crime of an agricultural character, I find that ten years ago there were 15 agrarian homicides; last year only four. Ten years ago there were 20 cases of firing at the person, attributed to agricultural causes; last year one. Ten years ago there were 87 serious assaults of the same character; last year there were 19; making in the whole 122 agricultural crimes committed ten years ago, against 24 in the year just expired. If we turn to pecuniary results, we find that ten years ago the number of paupers relieved amounted to 2,142,000; last year it was 161,000. Ten years ago the expenditure amounted to 2,199,000; last year to £414,000. It is only right that I should state these facts to the House, because it would be uncandid to claim as the basis of a measure on this subject the statements made by the Devon Commission without also referring to the progress which has since been made. The existence of that progress makes this appear to me a favourable time for legislating upon this important subject. We have greater prosperity among the landlords, the tenants, and the working people of the country, we have a better feeling diffused throughout the country, and we have arrived at a time when it may be hoped that just and equitable measures will meet with acceptance by this House. It is also a time when every report that is made to me shows that you cannot hope to pass this subject by without dealing with it; that coupled with that better feeling there is a sincere and earnest desire to have the law which has been so long in suspense, and to the alteration of which nearly every eminent man in the country has been pledged, settled once for all, so that we may have a definite state of the law under which, by the expenditure of the landlord's capital and the tenant's capital and the workman's labour, the growing prosperity of the country may be further developed. I am sure that every hon. Gentleman from Ireland will bear me witness when I say that, as a rule, the landlord holds under a settlement and the tenant holds without a lease. That is the statement upon which the Devon Commissioners proceeded, and it is to a great extent true at the present time. If that be the case, how can you expect the land to be improved? Whose interest is sufficiently strong to induce him to expend his capital upon its improvement? The owner who holds under a settlement, even if a person of considerable property, has to consider the claims of his younger children, who are not interested in the inheritance, and for whom he desires to secure a provision by means of his savings. The tenant having no lease has no sufficient protection to induce him to expend his capital or his labour. There are, then, three conditions under which you must endeavour to deal with the land if you wish to see it improved. Who is interested in its improvement? Not merely the present owner; indeed, it is almost true to say that he is the person who is least interested in it. Of all persons the reversioner is the most interested, because if he inherits land which bad laws have prevented his predecessors from improving he comes into a poor and impoverished inheritance, instead of a rich and prosperous one. In framing the Bill which we shall submit to the House we have endeavoured to deal with the land of Ireland in three categories; first, land in the hands of the limited owner; secondly, land in the hands of a tenant protected by a lease; and thirdly, land in the hands of a tenant who has no lease. With the permission of the House I will endeavour to explain shortly the provisions by which we propose to attain the object which we have in view. In the same year in which the Devon Commission reported, an important measure was passed having for its object the improvement of land. That Act was applicable to Ireland, and it enabled the limited owner to burden his land by mortgage for the purpose of draining, and to saddle the mortgage upon the estate in certain specified proportions. The machinery by which the Act was to be carried into effect was the Court of Chancery, and I am sorry to say that in Ireland not a single application has been made for the exercise of the powers given by the measure. We have the precedent of that Act, of the Montgomery Act, which has for seventy years been applied to Scotland with the most beneficial results, of the Scotch Settled Estates Act, and of other similar Acts, and we think that the principle of that precedent may properly be applied to limited owners under settlements in Ireland, and may be extended to purposes other than those of drainage. We think that for the purposes of this measure the word "improvements" may fairly include the thorough drainage of the land; the reclaiming and protection of land from tidal and other waters; the reclaiming of bog land; the reclaiming and enclosing waste land; clearing the land of stones; making roads or fences; the erection of farm buildings, houses for stewards, labourers, or other persons employed in superintending the cultivation of, or in cultivating, the land, and other buildings for farm purposes; the renewal and reconstruction of such works, so far as they are not required for maintenance, but for the increase of the permanent value. The mode in which we propose that this shall be accomplished is this. I have stated that the application to the Court of Chancery under the Act of 1845 was found so costly, that not a single petition was filed in that court. We, therefore, think that besides extending the scope of that Act, it is absolutely necessary to find a cheaper and better mode of carrying it into effect. What shall that machinery be? In the first place, I think you will agree with me that it would not be justifiable to create a new machinery, involving new expense, if there be already in existence one sufficient for the purpose. It has in former years been proposed to entrust the administration of this law to the Commissioner of Valuation, so that the valuators, who are spread through the land, might be his agents for carrying it into effect. Constitutional objections were always taken to that course, and I am bound to confess that I think that the officer by whose decision land is to be burdened ought to be a judicial and not an executive officer. It will be necessary, of course, to have the advice of executive officers; but the power of employing experts at present possessed by the Court of Chancery could easily be given to the Court exercising jurisdiction in these matters. We propose that, in the first instance, at least, the chairman of every county should exercise that jurisdiction, and that he should have power to employ experts to enable him to arrive at a sound decision. We think that probably the valuator employed for the public valuation would in most cases be the expert referred to, but we intend to leave the decision with the judicial and not with the executive officer. What we propose, therefore, is that when a limited owner seeks to improve his estate, he shall, through a cheap and simple agency, which is provided by the Bill, give notice to his successor. The Bill provides further that he shall at the expiration of three months from the period of notice being served appear before the chairman of the county and present an estimate of the cost of certain improvements and their nature; that the chairman shall hear the objections of any person who may be interested in the matter and think proper to appear, and, having satisfied himself on the subject by having recourse to the advice of a valuator or expert, give a provisional certificate for the execution of the improvements. We, moreover, propose that the successor and other persons interested in the property shall, during the progress of the works, have the power of ascertaining the *bonâ fide* character of the improvements and of the expenditure, and that when completed, the sum thus laid out shall be charged by the chairman under what may be called a charging order as an annuity on the property. This annuity we propose should be the same as that which is given by the Settled Estates (Scotland) Act, £7 2*s.* for each £100 of the improved value of the property, to last for a period of twenty-five years; but that it shall not exceed one-fifth of the unimproved value of the property. It is, however, obvious that these are questions of detail on which other opportunities will present themselves of entering more minutely into their consideration. The position of the limited owner will be this—so long as he remains in possession, he will, of course, himself enjoy the value of his improvements. After the termination of his estate, it is provided that the annuity, if he has made the advance, shall go to his executors for so long a period of the twenty-five years as has not expired. I do not, I may add, think that it will be necessary to encumber this arrangement with an appeal, and I therefore have inserted no provision in the Bill with that object; but if the House should be of opinion that the safeguards which I have introduced are not sufficient, they will have an opportunity of discussing the point in Committee. For my own part, I must say that, after the experience of the past, I have not deemed it expedient to encumber the Bill with provisions of that nature which would be likely to prove completely inoperative. When the annuity has been charged, it will be in the power of the limited owner to register it in the Public Registry in Dublin, and it will be a charge on the land bearing priority from its date. The limited owner will, then, under this Bill have much the same power in respect of improvements on his estate as that at present possessed by the owner in fee. The next case to which I would call the attention of the House is that of the tenant who improves under lease, and to this part of the case I think hon. Gentlemen from Ireland will agree with me in attaching the greatest importance. A few years ago the Settled Estates Act gave large powers for amending imperfect settlements by extending to them the usual powers of leasing. .But, again, the machinery of that Act was limited to the Court of Chancery, and the applications which were made under it in Ireland were very few. We propose to extend its operation in three ways. In the first place, we propose to create a power o giving special improvement leases for a longer period than ordinary agricultura leases. We propose to include under this provision not only the limited owner i the ordinary sense, but also corporations lay and ecclesiastical, and the owners o foundation schools, making the law in tha respect of general application. However, the improvements which ought to be executed by a tenant are less extensive than those which ought to be executed by a landlord, because they extend only to his particular holding, and not to the whole estate. Therefore, when dealing with the improvements of tenants, we propose to leave out one or two of the heads which are included under that term in that part of the Bill which applies to limited owners. We propose that the tenant under lease should be able to execute such improvements as the draining of the land, the reclaiming of bog, the making of roads and fences on his own farm, the erection of farm-houses and other suitable buildings, &c. That which we propose to do with regard to the lease itself is this—at present every limited owner can give an agricultural lease for twenty-one years without the intervention of any court, and we propose to allow corporations to do the same. With respect to improvement leases we propose that they may be granted, with the sanction of the chairman of the county, for a period of forty years. We propose that building leases, which in fact amount to an alienation, may be granted, as they are granted under the Settled Estates (Scotland) Act, and as they are granted under many special Acts referring to Ireland, that they may be granted with the leave of the Landed Estates Court, if they relate to a larger quantity of land than three acres, or to a larger value than £100 a year, and if less, then with the sanction of the chairman of the county. We propose that all these leases shall be subject to three conditions, that they shall give immediate possession, that they shall be granted without fine, and that they shall be subject to certain covenants. There still remains another, and that by no means the least complicated part of the subject. To this part of it my attention was directed in the course of the last Session by the hon. Member for Tipperary (The O'Donoghue), who expressed a hope that it would be satisfactorily dealt with in any measure on the subject which the Government might introduce. The case which the hon. Gentleman mentioned on the occasion to which I allude was, that in which the owner of property, believing he had a leasing power, gave to his tenant a lease for his life, under which he agreed to improve the estate which he held. The tenant accordingly began to improve the property, and expended with that view a small sum of money. The landlord died, and the tenant went on spending a larger sum on improvements. A dispute, however, soon after arose between himself and the new proprietor of the land. Legal proceedings were taken, and the case was heard before the Master of the Rolls in Ireland, a most distinguished Judge, who, in pronouncing his decision, said that he was compelled to give judgment against the tenant, but that nothing could be more repugnant to the principles of natural justice than that the landlord should look on at a great expenditure year after year without warning the tenant of his intention to turn him out of possession of his farm. He added that he had no jurisdiction to administer equity in its natural sense, or he should have no difficulty as to the judgment which he should pronounce. The case subsequently came before the Lords Justices of Appeal—Mr. Blackburn and Mr. Napier—and they did not express their dissent from the language which the Master of the Rolls had employed. Such was the instance which the hon. Member for Tipperary brought under the notice of the Government, and I trust the provisions of the Bill which I have already sketched out have shown the hon. Gentleman that the landlord will have the power of giving a lease, although his own settlement contains no such power, and, therefore, by an arrangement with his original landlord, the tenant will have the benefit of the protection afforded by the Act. To whatever extent the House may think it right that this Bill ought to provide such protection, to that extent, under the leasing powers of the Bill, the tenant will have protection. There yet remain other provisions, however, which the hon. Gentleman may deem more adequate to effect that object, and in approaching this part of the subject, I desire to state in the first place what it is in connection with it which we cannot accomplish. In the first place, I shall fairly avow that we intend to make no attempt to give what is called retrospective compensation. Our legislation is intended to be entirely prospective. I appeal to those who think that we ought to give retrospective compensation to remember the history of retrospective legislation when other measures have been brought before the House; and last, not least, I ask them to remember what occurred last year, when a deputation of those gentlemen who had taken most interest in this subject waited upon the right hon. Gentleman the Member for Bucks, who was then the leader of this House, requested him to exercise the power of the Government to bring this question to a settlement, and stated to him their views upon the subject of retrospective compensation. They stated in the most distinct and emphatic manner that they did not expect retrospective compensation, and that they desired a sound and reasonable Bill which would give prospective compensation for prospective improvements. When a discussion arose in this House the year before last the hon. Member for Dungarvan (Mr. Maguire), the last Member not in office who had the conduct of a Bill of this kind, which measure failed to obtain the sanction of the House, in stating the reasons which caused his failure, used the expressions to which I shall now appeal as a sufficient explanation why those who, like himself, have exerted themselves to the utmost of their power to obtain what they believed to be right and just for the tenants of Ireland should not refuse to accept that which is practicable because they cannot obtain that which experience has shown the two Houses of Parliament will not grant. "The Bill," said the hon. Gentleman, "which I brought in was rejected by an overwhelming majority—a majority of something like three to one. Why did I fail? Because my measure contained what is known as the retrospective principle with regard to compensation for improvements." Then, he asked, were he and his friends to continue to press on a measure which they knew must result in failure and disappointment? and he said, most justly and emphatically, "If we had done so, we should have deserved the scorn of this House and the contempt of our countrymen. Instead of doing this, instead of demanding something which we knew we could not get, my friends and myself have resolved to do something practical." I entirely appreciate the wisdom of those observations. The object which I have in view is to bring in a Bill which, if it does not obtain popularity and satisfy all expectations, may at any rate do some practical good and pass into law, and therefore I frankly state at once that I have no intention of dealing with the question of retrospective compensation. Are we, then, to sanction prospective improvements without permitting the landlord to have any voice or any opinion as to the effect of those improvements upon his land? I shall not debate now the justice or injustice of the question, but I think it is absolutely necessary for the success of any measure that we should not interfere with the power of the landlord in that matter, and that we should reserve to him the right of objecting to improvements if he does not think they will benefit his estate. If, then, we cannot violate the law of property—if we cannot give what is called fixity of tenure, by which I understand the transferring the property from the landlord to the tenant—is there nothing we can do? I think we have it in our power to accomplish a great and most important practical result. I think we have it in our power to give to an improving tenant that which is of value to him—the certainty of compensation. I think we can put him beyond the risk and hazard of being left in the position of the plaintiff in the case that came before the Master of the Rolls. I think we can insure to him a cheap, simple, and certain mechanism by which, if he chooses to execute improvements, he will be quite certain that the result of those improvements will return into his own bosom. That is the object I have in view, that is the object which I trust we shall be able to attain. Can we give compensation in the shape of a capital payment? I think it is impossible to give it by a capital payment. I have told you that the general rule in Ireland is that a landlord holds under a settlement. If a landlord holds under a settlement, and if the period of his settlement may shortly expire, how can you enable the tenant to improve, and then saddle the whole cost of the improvements upon the landlord who has only a limited interest in the land? I think it is impossible you can do that, but you can give an improving tenant the certainty of compensation, and you can give it him in that same form of an annuity by which you have already provided it for an improving landlord. In order to carry this plan into execution, we propose that when a tenant seeks to improve he shall serve upon his landlord a notice of his intention. I ought, perhaps, to say, with regard to this notice, that we intend to have forms of notice printed and sold at a small price, so that an improving tenant shall not be subject to any legal expense that might be otherwise incurred. We propose, then, that he shall serve a notice upon his landlord or upon the agent who receives the rent of the land. If the landlord disapprove the improvement, he will have the power to terminate the tenancy. We believe that this will practically lead, not to a termination of the tenancy, which would be a great mischief, but to a written agreement between the parties as to the terms on which the holding shall be continued. I believe hon. Gentlemen connected with Ireland will agree with me when I say that one of the most desirable results which could arise in that country would be obtained by the introduction of business-like written engagements between landlord and tenant with respect to the occupancy and improvement of land. I believe that the effect of this provision will be whenever the landlord disapproves, not that he will evict the tenant, but that he will enter into a written agreement with him for the improvement of the land; but supposing the landlord to take no step, then he will be held to have acquiesced, and the tenant will execute the improvements contained in his notice. He will then go before the chairman of the county to prove the value and extent of the improvements, whereupon he will obtain a provisional certificate, which certificate will give him an annuity calculated at 5 per cent upon every £100 expended in the improvements, or £7 2*s.* for 25 years. If he be evicted by his landlord, he will go before the chairman and obtain a charging order, accounting for his arrears of rent, and that charging order, transferable and saleable, will be duly confirmed and registered, and will be binding on all to whom the land may come. It is obvious that the hardship denounced in such strong and forcible language by the Master of the Rolls cannot arise if this arrangement be carried into effect. As I said before, it will not satisfy the expectations of those who want retrospective compensation, of those who think that the landlord should have no voice in the improvement of his property, of those who desire to have fixity of tenure. I frankly acknowledge that I cannot hope to satisfy those expectations, but I can appeal to the gentlemen who entertain them whether, after the evidence they have had of the certain failure of every measure which contained such provisions, they would consider it an honest act on the part of the Government to propose another Bill of the same kind, or whether they would care to commit themselves to an obstinate adherence to an impracticable and unattainable measure. I ask them not to reject measures which will set free the land of Ireland for extensive, but, at the same time, just, equitable and beneficial improvements, because they cannot obtain that to which they attach importance, but which they know well the two Houses of Parliament will never grant. I can make a further appeal to them. If they think that I have been too timid in not venturing to adopt plans which I believe would not receive the sanction of Parliament, they will have an opportunity when we go into Committee of taking the sense of the House upon those plans, and of regulating their conduct according to the event. The measure which I have explained to the House, whatever may be its shortcomings, will set free the land in the hands of limited owners, and will enable those owners, whether they be sole owners, or corporations, trustees of schools, or clergymen, to give improvement leases; and I say that whoever succeeds in carrying a measure which shall settle the law upon this subject will confer a great benefit upon Ireland. If the measure is not of an aspiring character, I hope on that account it will commend itself to the candid consideration of the House. Surely there have been difficulties enough during the twenty-five years we have been dealing with the subject, and it is time we obtained for the people of Ireland some degree of improvement. The Encumbered Estates Act has conferred a signal benefit on Ireland in regard to land which has passed into the hands of new proprietors; let us by mutual co-operation try to arrive at some measure that will benefit that larger portion of the soil of Ireland, which, I trust, will descend to remote generations in the hands of its present possessors.

Motion made, and Question proposed,—

"That leave be given to bring in a Bill to amend the Law relating to the Tenure and Improvement of Land in Ireland."

LORD FERMOY said, he could not concur in thinking that Ireland was so extremely prosperous as had been represented. The statistics of the two periods could not fairly be compared. Ten years ago Ireland was only coming out of an appalling famine, from which even now she was only recovering. Neither was he so sanguine as the right hon. Gentleman seemed to be as to the good results of the measure. In the first place, a large portion of the Bill was only an enabling Bill to put landlords in a position to raise money at $7\frac{1}{2}$ per cent upon an annuity which was to last for twenty-five years, and which was calculated at $7\frac{1}{2}$ per cent. [Mr. Cardwell: I believe it is calculated at an annuity of 5 per cent.] But the right hon. Gentleman had forgotten to tell who was to lend the money; and that brought him to the most important part of the question, namely, who in Ireland possessed capital to lay out in improvements on the land? He believed that the farmers were the only class that possessed capital to lay out on such improvements; and, if so, any measure to be effective must be such as to induce those who had capital to lay it out in that way. But that could not be done without giving them some security for its investment. Now laws of this kind were not made between the good landlord and his tenant, but between the bad landlord and his tenant; and how did the right hon. Gentleman purpose to deal with the two? In ordinary circumstances it would be bad enough for a man who would not allow his tenant to improve, to eject him; but instead of that, down came Cardwell's Act to do it for him. The law would be known in Ireland as Cardwell's Act. He could not see how it could have anything but the worst effect—it was giving the sanction of an Act of Parliament to the ejectment of an improving tenant. It would be better to allow the present state f things to exist than to attempt to intere by such legislative quackery. The fright hon. Gentleman was afraid to deal boldly with the question, and he attempted to deal with it in this insufficient manner. The Bill would do no good, but might, he feared, do much harm.

The O'DONOGHUE said, as one of the deputation which had been alluded to, he did not abandon or repudiate the principle of retrospective compensation; but merely stated that he would not obstruct a measure which had other good points, because it did not contain that one. He did not quite understand that part of the measure by which it appeared that if the landlord and tenant did not agree as to the improvements the tenancy was to cease. The right hon. Gentleman had alluded to the prosperity of Ireland; he did not think that prosperity rested on a very sound basis; it was caused by the diminution of the population. The extension of farms was brought about by a process of wholesale eviction, which in Ireland was not considered a great sign of prosperity. The first part of the Bill he could not understand; the second part referred to occupiers who had no leases, and it could not be said that the measure was likely to better their condition. The Government was dealing with Ireland like a doctor with a hypochrondriac patient; feeling that it must do something, it prescribed bread pills.

Mr. LONGFIELD said, he was disposed to take a more favourable view of the Bill than the noble Lord or the hon. Member who had just spoken. It embodied three main principles; two of them could easily be carried out; with the third there might be some difficulty. The principle of enabling a person having a limited ownership of land to improve it, and charge a portion of the expense on his successor, who would reap the benefit of the improvement, was a sound principle. It was adopted nearly eighty years ago in Scotland under the Montgomery Act, which enabled the owners of entailed estates to improve the land and charge a limited portion of the outlay on the successor; but the charge was made in a gross sum—not as an annuity, and the amount was regulated by the annual rental of the estate. He thought that principle wise and beneficial. Then there was another principle, recognized from the earliest period as one of the justest and most humane, embodied in the Bill; he alluded to the proposal of allowing limited owners to give secure tenures to the tenants. There were at least fifty Acts providing leasing powers in Ireland, and five of them had been passed within the last three years. They were all, however, insufficient, but the right hon. Gentleman had got through the difficulty by proposing a uniform leasing power, which all might take advantage of. With regard to the third portion of the Bill, providing machinery by which tenants from year to year might be permitted to expend their capital for the improvement of the estate, he could not go along with the right hon. Gentleman. He listened to the explanation of that part of the measure with attention, for he knew there lay the difficulty, and he did not think that the right hon. Gentleman had provided much, or, indeed, any remedy. Any provision for the purpose was liable to the objection of converting a temporary tenure, such as that of tenant from year to year, into a settlement, and that was an infringement of the law of property. The difficulty of legislating on this point was great, and he did not think the right hon. Gentleman had mastered it; and, therefore, from this portion of the Bill he must withhold all praise. The right hon. Gentleman might have introduced a useful provision, for which there were precedents in Ireland, conferring on tenants who hold by leases power to improve their lands.

MR. MAGUIRE said, he could assure the House that no one had listened with greater anxiety and deeper attention to the statement of the right hon. Gentleman than he had done. He had listened to the right hon. Gentleman in no cynical or captious spirit, and with no desire that the statement he made should be unsatisfactory to the country which he officially represented. On the contrary, he was anxious that the question should be finally and satisfactorily settled, that all legislation on the subject should end with the end of the present Session, and that, if possible, the name of tenant-right should never again be heard in that House. But, however much he admired two portions of the Bill, there was one part which might be considered its weak point, and on which his noble Friend (Lord Fermoy) only gave expression to the feeling of disappointment and pain which every Irish Member felt. He agreed with his noble Friend, that if the right hon. Gentleman did not amend and greatly alter that portion of the Bill, and the most vicious machinery which had been sketched out, his name would be associated in Ireland with evictions in every part of the country. That was surely not an object which the right hon. Gentleman, who was benevolently inclined, and was anxious to associate his name with the prosperity of Ireland, could have had in view. Irish Members were struck with astonishment when they heard that if a tenant from year to year wished to improve his land, and his landlord did not think the improvement would be beneficial, or objected to it from any motive—of folly, or viciousness, or a grudging disposition—the unfortunate man, whose spirit of industry and enterprise had induced him to make the offer, was to be victimized in consequence of his having possessed the very virtues which the right hon. Gentleman was anxious to instil into his mind. With every feeling of respect and friendliness towards the right hon. Gentleman, he could not help saying that a more vicious suggestion for the landlord, or a more fatal result for the tenant, could not by any possibility be imagined. The right hon. Gentleman admitted the fact that most of the land in Ireland was held from year to year. That was a fact quite notorious to every one; indeed, he might challenge any Irish Gentleman to say, whether five-sixths of the land occupied by tenants was not held from year to year. Although the landlord might not disturb the tenant, and although in the instances of honourable, and fair, and kind landlords, the tenancy might be as good as a lease, still the fact remained, that the vast majority of tenants held only from year to year. Who then were to improve the condition of Ireland? In whose hands was the soil—on whose energy and industry must the country depend? Just those very tenants from year to year. If they had not energy and industry, all legislation would be abortive, and the most benevolently inclined Minister and the most anxious Parliament could do nothing in the matter. How then could such men ever be induced to exert the qualities upon which so much depended, if a poor, struggling, industrious man, the moment he asked permission to improve his land, might be turned upon the roadside by some churlish, ill-conditioned, or vicious landlord? It might be said that such landlords would not be often met with; but had the House contemplated how one single act of such cruelty and folly might extinguish for a generation every impulse to improvement in the district where it was committed? If the right hon. Gentleman wanted a precedent for a practical and judicious measure, he might have found it in a Bill prepared by a former distinguished Member of that House—a late Lord Chancellor of Ireland. By that measure a tenant might improve even in spite of his landlord, and might claim compensation—not indeed for useless or extravagant outlay—not for the building of a pagoda or a piece of Gothic ornamental structure—but for improvements which were proved to be suitable, practicably valuable, and for the benefit of the land. He was most anxious, as he was sure his hon. Friends were, to give the Government every assistance in carrying through the Bill; but he believed in his heart and soul they would be deserting their country, and sowing the seeds of future evil, if they sanctioned at least that portion of its provisions. He, therefore, earnestly appealed to the right hon. Gentleman to withdraw that clause of the Bill, which was not only vicious but absurd; and which, while effecting no single object the right hon. Gentleman desired to effect, would inevitably operate as an encouragement and source of evictions in Ireland.

MR. MONSELL said, there was one portion of the speech of his right hon. Friend (Mr. Cardwell) that was extremely important as regarded hon. Gentlemen not connected with Ireland. He laid down in the clearest manner why it was rendered necessary to have a different system of legislation between landlord and tenant from that which obtained in England and Scotland. The right hon. Gentleman showed that in Ireland those improvements which were considered to be landlords' improvements in England were made either not at all or were made by the tenant. The one test they had to apply to the Bill of his right hon. Friend was, whether the Bill met that difficulty or not. He (Mr. Monsell) agreed with the hon. and learned Gentleman, the Member for Mallow (Mr. Longfield), that the two first features of the Bill were founded upon sound principles; but he could not agree that they were likely to produce very important results, and he would tell the House his reason. There existed at the present moment, or within the last year, a system in Ireland, by which landlords, whether with entailed estates or not, might proceed to the Board of works and borrow money upon much more advantageous terms, namely, at 3½ per cent, the repayment of the whole money to be at 6½ per cent for twenty-two years, by which drainage and also farm buildings were enabled to be executed. Though he agreed with the principle, he was afraid that part of the measure was not likely to produce very important results. The real question of importance in the Bill was the way in which it affected that great mass of people who in Ireland were tenants-at-will. Unless they exerted themselves to induce that class to spend the capital they had been accumulating for the last three or four years upon their land, that land would not be improved. He asked any Gentleman who had listened to the statement made by the right hon. Gentleman, whether this measure was likely to produce the desired result, of encouraging those tenants to spend their money upon the improvement of the land. Let them consider what the process was to be. The tenant was to serve a notice upon the landlord that he wished to make such and such improvements, and if the landlord refused to give his assent to those improvements, a compulsory eviction might take place. Under such circumstances, was it possible to imagine that a tenant would go to his landlord and say to him he wished to make such and such improvements, when he knew that if the landlord refused to allow him to make those improvements, he might be immediately turned out of the farm? He really hoped that he did not understand the measure as it had been explained, but, if he did understand it, it seemed to him calculated to make things infinitely worse than they were at present. He did not think this measure would give satisfaction to the people of Ireland.

MR. WHITESIDE said, it was impossible to discuss a measure of this kind without seeing the Bill, because a great deal of its value would depend upon the machinery by which it was to be worked. There was a great deal of this measure that he for one could not assent to. He was not content that the chairman of the county, without appeal, should have the large powers given to him as proposed by the right hon. Gentleman. As to the power of granting leases, that had been proposed over and over again; but now they had chiefly to deal with the tenants from year to year. There was much difficulty in dealing with that question, no doubt. In the province of Ulster the great bulk of the population were tenants from year to year; and he had no hesitation in saying that if the clause of the Bill, as he understood it, referring to tenants at will should be made applicable to that province a flame of discontent would rise from one end of the country to the other. He was anxious to protect the rights of property; but he, for one, could never give his consent to that clause. A landlord, no doubt, ought to have the opportunity of exercising his judgment, but in this Bill it was proposed, as he collected, to enforce by the landlord eviction against a tenant civilly asking permission to make improvements. [*Cries of* "No!"] He had certainly so understood, and if he had misunderstood the right hon. Gentleman's intention it was not his fault. Was the landlord to have the power of saying to his tenant, "For your audacity, Sir, in making this application to me, go about your business?" The fact was that the necessity for legislation on this subject every day diminished. Tenants were far more prosperous now than they were some years ago, and it was well that this was the case. He would not say in what part of Ireland he was a short time ago when he had a conversation with a banker, and asked him what was the state of the farmers in his neighbourhood? The reply was, "I cash bills now for £100 for men for whom seven years ago I would not have cashed a bill for £10." The true interest of the landlord was to encourage the tenant, and not to try to squeeze the last farthing out of him. By the custom of the country tenancies in the North of Ireland were mostly from year to year; but it was a mistake to suppose that the landlords generally got high rents. The rents were moderate, but the landlords always got them. That was, nearly always. He recollected an extensive landowner in Ulster telling him, that during the famine year he got all his rent, minus £100. Believing the worst legislation to be that which was calculated to produce quarrels between landlords and tenants, he could not give his assent to this part of the Bill; but he would willingly lend assistance towards improving its machinery, so far as it related to leasing powers. The worst legislation they could have was that which would tend to produce quarrels between landlords and tenants; but if the Government proposed to enlarge leasing powers such enactments should have his best support.

MR. DEASY said, he rose to remove a misapprehension which appeared to have arisen in the minds of the noble Lord below the gangway (Lord Fermoy) and other hon. Gentlemen as to the intentions of the Government. It was assumed that the Bill gave increased facilities for eviction. Nothing was more contrary to the real provisions of the Bill or the spirit of its framers. All that was intended was that the landlord should have a veto on the improvements, that he should be enabled to exercise his judgment whether they were calculated to improve the land, before he was bound to pay compensation for them. If he did not think they ought to be carried out the tenant was warned, and must proceed with them at his own risk. The result, they hoped, would be some written arrangement between them, by which both parties would understand their relative position, and the tenant would be enabled to take advantage of the beneficial provisions of the Bill to acquire a term from which neither the remainderman nor the encumbrancer could disturb him. The class of tenancies to which the operation of the Bill was confined was that of tenants from year to year, for considerable difficulty would be experienced in dealing with those in which the leases constituted regular contracts between the landlord and tenant. The Bill proposed by the late Lord Chancellor of Ireland had never, he might remark, obtained the assent of Parliament, but the hon. and learned Gentleman had felt bound to withdraw from the responsibility of having originated it. In 1855, when a Bill was proposed under the auspices of his noble Friend at the head of the Government, containing provisions with regard to improvements executed by tenants holding under lease, they had been strongly opposed by the hon. and learned Member for Wexford (Mr. George), and it was only by the utmost exertions of the Government, and by a very narrow majority, that the clause had been retained in the Bill.

MR. BOWYER said, he would not enter into a discussion of the measure, but simply say that he entirely concurred in all the objections which had been taken to the Bill, which did not remedy any of the grievances complained of by the people of Ireland. He advised the Government to withdraw it with a good grace, and to bring forward some measure more adapted to the requirements of that country.

MR. BLAKE said, he wished to express a hope that the right hon. Gentleman the Chief Secretary for Ireland, who had shown an anxious desire to render his term of office beneficial to the people of Ireland, would cause such modifications to be introduced into the Bill as would fulfil their reasonable expectations. He was not as much in love with the landlords of Ulster as the right hon. Gentleman (Mr. Whiteside), for the records of the House would show that of the atrocities perpetrated by the landlords of Ireland—which was saying a good deal—the most striking were performed by that very class.

MR. GEORGE said, that without entering into the details of the Bill he wished to state that he believed it to be free from several of the prominent objections which had been urged with regard to former measures on the same subject, and there were no indications whatever of a desire to give to the measure a retrospective tendency, which he should have felt it his duty most strongly to oppose. He did not agree with some hon. Gentlemen in thinking that an additional power of eviction would be given; the privilege of the landlord was neither accelerated by the circumstance of the veto, nor, on the other hand, was the power of evicting tenants at will, after the ordinary six months' notice, interfered with.

Mr. HENNESSY remarked that he cordially agreed in all that every Irish Member had urged in condemnation of the measure, and would recommend the right hon. Gentleman to withdraw it.

Mr. MALINS said, he spoke with reluctance in reference to an Irish measure, but the Bill involved principles which were not applicable peculiarly to Ireland. The time was rapidly approaching when the condition of Ireland would be equal, if not superior, to that of England; and he saw no reason, therefore, why any distinction should exist between the legislation in the two countries on these subjects. Consequently, if the measure were proposed to be extended to England he should not entertain those objections to it which had been expressed by Irish Members. There could be no more reasonable principle than that the landlord, with the concurrence of the tenant, should be enabled to improve the land, and charge the cost of the improvement on the land so as to bind his successor. In England a somewhat similar principle existed in reference to parsonage houses, the rate of interest being so arranged that it did not press with any severity on the person by whom the money was borrowed, but left him with an improved estate, and a gradually diminishing scale of payments. That seemed to him to be a sound principle. He did not think, however, that it would have much operation in Ireland, as landlords already had power to borrow money for improving their estates. By the Settled Estates Act, it was provided, that with the consent of the Court of Chancery, certain provisions might be inserted in settlements which had been omitted by their settlors. This was a matter of the greatest importance, and one hon. Member had asked where was the money to come from? Well, there were many persons who might be willing to lend the money. The landlord, himself, might not desire to put his own money into an estate which might go after him to his own child or to some other person. [*Laughter.*] He repeated the landlord might not like to lend the money unless he saw that his return was secure. Taking that view of the question and noticing the great assimilation which was growing up between England and Ireland he would suggest to the right hon. Gentleman whether he should not cease to treat this measure as an Irish Bill, but extend its provisions to England, so as to make it an Imperial question. He was glad to learn, however, that the impression which he had certainly gathered from the right hon. Gentleman's statement was incorrect—namely, that if a tenant from year to year served notice upon his landlord of a desire to make improvements, and the landlord did not accede, that was to be equivalent to a notice to quit.

Mr. CARDWELL said, that he was afraid that he had been the cause of some misunderstanding from a desire of being perfectly candid with those hon. Gentlemen who were advocates of tenant right. He wished distinctly to express that the veto with regard to the expense of repairs was to be left with the landlord. It gave no encouragement to evictions, but in the belief of the Government would lead to a more general system of written agreements between landlord and tenant. They wished to avoid the possibility of the landlord lying by appearing to acquiesce in the tenant's improvements, and then turning round and evicting the tenant, and taking advantage of his labour and capital. With regard to the other points of the Bill, the right hon. Member for Limerick (Mr. Monsell) was quite mistaken in supposing that the powers intended to be conferred by the Bill already existed in Ireland. All that existed was a loan, which was nearly all exhausted. With regard to another point, it was the fact that leasing powers did not exist in Ireland. He begged further to say that it was open to any hon. Gentleman to bring forward any plan which he might deem feasible, and see whether it would be favourably accepted by the House or not.

Leave *given.*

Bill *ordered* to be brought in by Mr. Cardwell and Mr. Attorney General for Ireland.

Bill *presented* and read 1°.

LANDLORD AND TENANT (IRELAND).

LEAVE. FIRST READING.

Mr. DEASY said, he rose to move for leave to bring in a Bill to consolidate and amend the law of landlord and tenant in Ireland, and to express a hope that he might be allowed to defer any exposition of the measure until a future stage.

COLONEL DUNNE inquired what was the consolidation intended by the Bill.

MR. DEASY said, that he could not state the objects of the Bill without entering into minute explanations of a legal character which the House, he believed, would not at that hour be disposed to hear, and he might add that the hon. and gallant Member would not be the wiser if he (the Attorney General for Ireland) were to make such a statement.

MR. WHITESIDE said, he thought that was not a fitting answer for the hon. and learned Gentlemen to give to the question which had been put to him. No doubt an explanation would take some time, but a law that touched every acre of land in Ireland, and affected all the relations of landlord and tenant, required a short exposition, and if the right hon. Gentleman asked the indulgence of the House to defer that exposition he ought to have refrained from the use of any language which could be considered of a personally offensive character.

MR. DEASY disclaimed the slightest intention of giving any offence to his hon. and gallant Friend. He had merely meant to say that he could not explain the provisions of the Bill without entering into details of a legal character, which he feared that he could not at that moment make intelligible to a gentleman who was not himself a lawyer.

COLONEL DUNNE said, he really had not heard what was the answer the right hon. and learned Gentleman had given to his question. If the Bill had reference to the relations of landlord and tenant in Ireland he believed he understood the subject better than the right hon. and learned Gentleman himself.

Leave given.

"Bill to consolidate and amend the Law of Landlord and Tenant in Ireland, ordered to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Mr. CARDWELL."

Bill *presented* and read 1°.

LANDLORD AND TENANT (IRELAND). LEAVE.

MR. POLLARD-URQUHART said, he also wished to move for leave to introduce another Bill upon the same subject, and to follow the example of the Attorney General for Ireland, and abstain from entering upon any explanation at present.

Motion made, and Question proposed,—"That leave be given to bring in a Bill to amend the Law of Landlord and Tenant in Ireland."

Put and *negatived.*

PAWNBROKERS ACT AMENDMENT BILL.—SECOND READING.

Order for Second Reading read.

MR. HORSFALL moved the second reading of this Bill, the object of which he explained to be to enable pawnbrokers to charge the sum of one halfpenny for every duplicate issued on a pledge under the sum of 5*s*.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. EDWIN JAMES said, he should move that the Bill be read that day six months. The effect of the measure was to charge the poor for a duplicate, which pawnbrokers were precluded from doing by the statute. The Act of Geo. II. was the first Act which regulated the rate of interest and issuing pledge-tickets. That Act was amended by an Act of Geo. III., by which no duplicate tickets were chargeable for pledges under 5*s*. The Bill emanated entirely from Manchester and Liverpool, and was not desired at all by the respectable portion of the trade in London. The argument put forward in support of the Bill was that it would put a stop to the unlicensed pawnshops to which the poor people resorted, where they were not treated with the same liberality as at the licensed pawnshops. If there were such shops as these, carrying on a trade and extorting money from the poor, it was the duty of the Government to put them down in a regular manner. The pledges under 5*s*. in the pawnshops of London alone amounted to 31,650 in one month, many of them being for 3*d*. 4*d*. and 6*d*., and it would be monstrous to take the halfpenny from the poor and add it to the enormous interest—frequently more than 100 per cent of the pawnbroker. It was purely a Manchester scheme, and he was persuaded the House would never give its sanction to a Bill so palpably favouring extortion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. MELLOR said, it was of little consequence whether the Bill emanated from

Manchester or elsewhere. The question was whether it was just. The country pawnbrokers were universally in favour of the Bill. It was found that to take pledges under 5*s.*, issue a ticket gratis, and meet the expense of warehousing the articles was not a remunerative business. The consequence was that the pledges were refused, and the poor were driven to unlicensed shops, where they were charged, not 200, but 800 per cent. The unlicensed trade flourished, and the poor were infinitely more oppressed than if they were charged ½*d.*, as provided by the Bill.

Mr. HUMBERSTON contended that the Bill was, in fact, a protection of the poor. The licensed pawnbrokers were not compelled to accept pledges under 5*s.*, and unless they did the poor were necessarily driven to those who were unlicensed. The charge of ½*d.* upon the duplicate was therefore reasonable.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 178; Noes 32: Majority 146.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Tuesday*, 24th April.

PAPER DUTY REPEAL BILL.

COMMITTEE.

Order for Committee read.

The CHANCELLOR of the EXCHEQUER said, he wished to postpone the Committee till Monday.

Sir STAFFORD NORTHCOTE said, an impression prevailed in the House that this Bill would not be proceeded with until after Easter. He hoped the doubt would be cleared up by the right hon Gentleman.

The CHANCELLOR of the EXHCEQUER said, if the hon. Baronet said there was a doubt, no doubt there was a doubt; but he had no idea that there was a doubt, at any rate there was no doubt upon his mind.

Committee *deferred* till *Monday* next.

INCOME TAX BILL.

CONSIDERED AS AMENDED.

Order for Consideration, as amended, read; Motion made, and Question proposed, "That the Bill, as amended in the Committee, be now taken into consideration."

Colonel DUNNE said, it was hardly fair at that hour (ten minutes to 1 o'clock) to ask him to proceed with his Amendment. The statement which he had to make might lead to a discussion. This was an important measure, and it had not been sufficiently debated in that House, for it was brought in without much discussion, and it had been so hurried through the House that only one Irish Member had had an opportunity of speaking upon it. He thought the right hon. Gentleman ought not to force the Bill on at that hour. He should move the adjournment of the House.

The CHANCELLOR of the EXCHEQUER said, he was sorry to put the gallant Gentleman to any inconvenience, but he thought he had done everything in his power to afford facilities for a discussion of the Bill. With that view he had proposed a morning sitting, and in the early part of the evening he had vainly sought permission to bring the measure under consideration. A great part of the evening had been spent in discussing unopposed Motions, and much time also in discussing Motions in which the hon. and gallant Gentleman, as an Irish Member, must feel an interest. It was quite a mistake to suppose that money bills of that kind were usually required to be brought on at 5 o'clock; on the contrary, it was extremely unusual to raise so many discussions upon them in their later stages. But this was not the last stage of the Bill; it would be read a third time next day (Friday) as the first order of the day, and perhaps the hon. and gallant Gentleman would make his statement on that occasion.

Colonel DUNNE: On the third reading I could propose no Amendment.

The CHANCELLOR of the EXCHEQUER: The hon. and gallant Gentleman will be perfectly free to move the re-committal of the Bill when I propose the third reading.

Mr. AYRTON said, he thought the time had come when there should be some definite understanding as to what the House had to do before it separated, for they were getting into great embarrassment. He felt the difficulties in which the Chancellor of the Exchequer was placed. In the Budget most important changes in every department of finance were propounded, and the subsequent discussions had not been commensurate with the principles at stake. While recognizing the duty of the House to give the Chancellor of the Exchequer every assistance for a full discussion of his measures, in order, if approved, that they might be passed at the earliest possible period, he could not help observing that the right hon. Gentleman's course of proceeding had been embarrassed by the kindly competition for public approbation which was being waged by him and the noble Lord the Secretary of State for Foreign Affairs, the one pressing forward measures relating to the finances of the country; the other, a Bill for a reform of its constitution. It was impossible the House could go on discussing those questions and others in the way they were now doing, passing in one day from serious drama to light farce and back again. It was desirable that the House should resume the discussion of what some called the unimportant question of the Reform Bill. He did not think it was unimportant, though the more it was discussed the less it seemed to be liked. But the noble Lord was not more fortunate than the late Government in that respect. He had produced a Bill which seemed rather to excite ridicule than serious discussion. Shortly after the India Bill of the late Government was brought forward the noble Lord suggested that, instead of continuing a useless discussion of a measure which gave satisfaction to no one, the Government should withdraw it, and that the House should then proceed to deal with the subject by way of Resolution. If that was thought to be an excellent mode of framing a constitution for India, the House might proceed in the same way in framing one for England. He hoped hon. Gentlemen opposite would allow the Chancellor of the Exchequer to advance his Bill a stage *pro formâ*, on the condition that a day should be set apart for the discussion of the whole question.

Sir JOHN PAKINGTON said, he hoped to hear from the Government a distinct statement as to what was to be done that day (Friday). The right hon. the Chancellor of the Exchequer had just told them that the first business would be the income tax, and the noble Lord the Secretary for Foreign Affairs had previously stated that the first business would be the Reform Bill. It was desirable that they should know which version was correct.

Mr. H. B. SHERIDAN said, he wished to know whether, on the third reading of the Bill, they would be permitted to move Amendments? ["No, no!"] Then he begged to move the adjournment of the debate.

Lord JOHN MANNERS said, he did not see what the Chancellor of the Exchequer would gain by pressing on his Bill at that hour, if it was to be recommitted in the evening.

The CHANCELLOR of the EXCHEQUER said, he would not agree to the recommittal.

Lord JOHN MANNERS said, the House now knew the nature of the proposal made to them. He thought, on the whole, it would be best to take a division at once on the Amendment of his hon. and gallant Friend (Colonel Dunne).

Viscount PALMERSTON remarked that the Chancellor of the Exchequer said the hon. and gallant Gentleman might move the recommittal of the Bill; but he never said he would agree to it. The hon. and gallant Gentleman would have an equally good opportunity of taking the sense of the House on his Amendment that evening at 5 o'clock, if he consented to the proposal of his right hon. Friend, as he would have if he brought it on at that moment. Of course they were quite ready to take up the Amendment of the hon. and gallant Member at once, if he desired it.

Lord CLAUD HAMILTON said, he thought that, considering the concessions the House had already made in regard to this Bill, and also the growing feeling in the country that the possible decision on the Paper duty, and the alterations in the Army Estimates, might affect the question of the income tax, it was not right to press the Bill upon them then. He hoped that if Government did not give way, the House would divide on the Motion for adjournment.

The CHANCELLOR of the EXCHEQUER said, his noble Friend (Lord John Manners) appeared to think he was so entirely blind to the duties of his office, that, after making a step forward that morning, he would be quite willing to take a step backward in the evening. All he said was, that the hon. and gallant Gentleman might test the feeling of the House as well on the Motion for recommital as at that moment.

Mr. BENTINCK said, so much confusion had crept into the conduct of business in the House, that he hoped the Motion for Adjournment would be adhered to.

Mr. EDWIN JAMES observed, he was surprised the noble Viscount at the head of the Government had sat down without answering the question addressed to him, whether they were that evening to go on first with the Income tax or the Reform Bill.

SIR GEORGE GREY said, the Chancellor of the Exchequer had stated clearly that the income tax would be taken as the first Order of the Day that evening.

MR. WHITESIDE asked whether, after the Income tax was disposed of, they were to go on with the Reform Bill?

MR. MALINS urged the noble Lord to postpone the Reform Bill.

VISCOUNT PALMERSTON said, unquestionably it was the intention of the Government to go on with the Reform Bill that night, if the other business should be disposed of in proper time to allow it.

MR. MALINS said, he wished to know what the noble Viscount meant by proper time?

THE CHANCELLOR OF THE EXCHEQUER said, he wished to state that he only pressed this Bill as a matter of public convenience—

LORD JOHN MANNERS said, he rose to order. The right hon. Gentleman had already spoken on the question before the House.

MR. SPEAKER said, it was not unusual to allow a Minister to explain under similar circumstances.

Debate *adjourned* till *To-morrow.*

STAMP DUTIES BILL.

COMMITTEE.

Order for Committee Read.

House in Committee.

Clause 1.

MR. BENTINCK said, that unless the Chancellor of the Exchequer consented to stop at Clause 16, so as to allow him the opportunity of moving, on another occasion, the omission of Clause 17, he should move that the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER said, that unless the Bill passed through Committee to-night it could not go through the other House before the recess, and the public in that case would lose £1,000 a day by the postponement.

MR. BENTINCK asked whether the right hon. Gentleman would make the next stage of the Bill the second Order of the Day to-morrow, so as to give him an opportunity of making his Motion.

THE CHANCELLOR OF THE EXCHEQUER assented to this arrangement.

Clause *agreed to.* Clauses 2 to 8 *agreed to.*

Mr. Edwin James

Clause 9.

MR. EDWIN JAMES said, he wished to direct attention to a point which he declared to be practically inconvenient and even absurd. To enact that a broker was not to recover his brokerage unless the delivery order was stamped, he maintained to be a most extraordinary proposition. If he understood the clause, which was very enigmatically drawn, that was its meaning.

MR. CRAWFORD said, the only operation of the clause would be in the case of contract notes of brokers on the Stock Exchange.

THE CHANCELLOR OF THE EXCHEQUER defended the clause, and urged that its meaning could not bear two interpretations. That which the hon. Member for London had mentioned was the correct interpretation.

MR. AYRTON said, he did not think the clause could possibly bear that meaning.

Clause *agreed to.* Clause 10 *agreed to.*

Clause 11 (Documents not to be valid unless stamped at the time of execution.)

MR. EDWIN JAMES objected to that provision.

THE CHANCELLOR OF THE EXCHEQUER said, he would consider the matter, and state his decision on bringing up the Report.

Remaining clauses *agreed to.*

House resumed.

Bill *reported;* as amended, to be considered *To-morrow.*

House adjourned at half-after
Two o'clock.

HOUSE OF LORDS,

Friday, March 30, 1860.

MINUTES.] PUBLIC BILLS.—3ª Consolidated Fund (£850,000).

INDIA—THE PROPOSED LICENSING SYSTEM—PETITION.

LORD OVERSTONE presented a Petition from Merchants and other Inhabitants of Bombay, unconnected with the Government service, against the proposed Measure of Taxation. The petition had been adopted at a public meeting convened by the sheriff, and attended by almost all the influential inhabitants, merchants, lawyers, and commercial men of Bombay. The petitioners, after a full discussion, condemned the proposed Government measure as unjust and unequal, and prayed that the House of Lords would prevent its becoming law. He could not pretend to be possessed of so much local information or to have studied the question so deeply as to be able to give any opinion of his own on the subject; but he had no hesitation in calling their Lordships' attention to the matter, both on account of the importance of the subject and on account of the large number of influential signatures appended to it. On these grounds he was confident the petition would receive from their Lordships that respectful consideration to which it was so justly entitled. He thought it right to call to their Lordships' notice that in the course of the discussion which took place at the meeting, it was stated that a former petition which had been sent from Bombay had, on its presentation in this country, been received with silent contempt. Now, he felt certain that nothing of the kind could have occurred in their Lordships' House, and that this feeling must have arisen from some misapprehension; but he alluded to this matter now because he felt certain that this petition would receive from their Lordships' hands all attention, and that their Lordships would not proceed to discuss the question without giving to the statements contained in this petition all the consideration which they so well deserved.

The Duke of ARGYLL said, he could not recollect that any petition representing the opinions of any portion of the inhabitants of India had been received either by the Government or by their Lordships with silent contempt. He recollected that in the course of last Session and during the former Administration of Lord Palmerston, several petitions were presented from various parts of India by noble Friends near him; but they were uniformly introduced by the noble Lords who presented them with observations stating the purport of the petitions, and calling the attention of the House to the importance of their representations; and these remarks had always been met by such respectful observations from the Government or other noble Lords as the subject required. As regarded the petition which his noble Friend presented, it was too late, in the best sense of the word; for it referred to the licensing system, which Mr. Wilson distinctly stated in his address had been abandoned by the Government because it was based on unequal and unsound principles.

The Marquess of CLANRICARDE stated, that a petition which had been sent to him from India for presentation had remained in his hands, because, with the changes impending, he really did not know how it applied to the existing state of things in India.

Petition to lie on the table.

CHINA EXPEDITION.

MOTION FOR ESTIMATE OF EXPENSES.

Earl GREY moved for an

> "Estimate, as nearly as the same can be made out, of the probable Cost of the Expedition to China up to the Close of the Financial Year 1860–1; the said Estimate to include the Pay and Supplies for Her Majesty's Naval and Land Forces (whether of the Regular or Indian Army) if they should continue in China to the above Date, together with all Charges for Transport, Freight, Military Stores, and Coals."

The noble Earl said the information which their Lordships at present possessed upon this subject was very scanty and imperfect. All they knew was, that the Chancellor of the Exchequer, in introducing his Budget, was reported to have said that during the present financial year, ending to-morrow, nearly £1,000,000 would be required for this purpose. That, he begged to state to their Lordships, was for the liquidation of expenses, the result of measures taken by the Government during the three or four months before Parliament assembled, and without the slightest authority from Parliament, which had had no opportunity of expressing its opinion of the purposes for which it had been incurred. Their Lordships had not taken notice of that irregularity, nor had any notice of it been taken in the other House of Parliament — the House which had charge of the public purse; but he (Earl Grey) was old-fashioned enough to believe that these expenses ought not to have been incurred by the sole authority of the Government, and without previous application being made to Parliament, or without Parliament having had an opportunity of expressing an opinion upon the circumstances. It was true they had heard from the Secretary of State for War that Her Majesty's Government had, in the Estimates laid before Parliament, made a further provision to the extent of two millions and a half for the costs of the expedition in 1860–1; but that right hon. Gentleman, at the same time, said he would not speculate upon what might be the cost of those operations; and he (Earl

Grey) thought the right hon. Gentleman was highly prudent in declining to state that that Estimate would be the ultimate cost of the operations to be carried on. He would, indeed, be a bold man who would venture to predict what the cost would be, when he considered the enormous expense of conducting military operations at so great a distance from their resources, and the uncertainty when war had once begun of what might be its limit, or when it might be brought to a close. When all those things were considered, they must feel that it was only too probable that the cost of this expedition would swell to the most formidable dimensions, and have to be reckoned by millions. Even if these operations should be brought to as early and successful a close as it would be possible to hope for, still in that case he believed there would have been a very considerable expense incurred; and of all those expenses he thought their Lordships ought to have a proximate Estimate. No doubt it was impossible that anything like an accurate Estimate could be prepared, nor was it necessary that such an Estimate should be presented; but it ought to be practicable to make out, for their Lordships' information, an account which would show the probable cost of the measures which had been already taken and ordered by the Government, on the supposition that no unforeseen contingency would arise. The Government ought to make out the cost of sending to China, and maintaining there, until the close of the ensuing financial year, the large naval and land forces which had been already ordered. That was the Estimate which he (Earl Grey) proposed their Lordships should call for. It was proposed to take the expenses up to the end of the ensuing financial year—and he indeed must be a sanguine person who expected the return of the expedition at an earlier period; and even if it should happily return before that time, the cost of the return voyage would absorb the funds provided, and there would be no immediate reduction in the expenses of the ensuing year. It was necessary that their Lordships should have this Estimate before them, in order that their Lordships and the country might have an opportunity of knowing what might be the cost which, in the most favourable event, would be thrown upon the country by the measures which had been taken by Her Majesty's Government. Their Lordships could not clearly understand what the Government proposed to do without this Estimate; and it was the more necessary that they should have it before them, because, contrary to what used to be the practice of Parliament, Her Majesty's Government had adopted their measures, had undertaken this great expedition to a distant country, and had, in all probability, commenced a long and costly war without having first invited Parliament to express an opinion upon it. The ancient practice of Parliament was, that when war, involving probably a large expenditure, was imminent, it was felt to be the duty of Ministers, at the earliest period in their power, to call upon Parliament to advise the Crown, and to share the responsibility of Ministers. That was a good and a wholesome rule, and he regretted that it had been departed from in the present instance. It was true that the other House of Parliament had been asked for a Vote of £850,000 for the expenses which had been already incurred: but no formal judgment of Parliament had been asked upon the subject, and their Lordships had had no opportunity of expressing any opinion. That might be a convenient course for a Government to follow, but he did not believe it was consistent with the spirit of the constitution, nor did he think it was just to the Members of either House of Parliament, or to the nation at large. It might be a convenient course for a Government to throw the papers upon the table, as thereby a vote of censure could not be obtained without difficulty—for it was much more easy to avoid a vote of censure than to obtain a vote of approval. It was a difficult, an invidious thing for a Member of either House of Parliament to propose a vote of censure; but this he would say, it was by no means just to throw upon Parliament the responsibility of a silent acquiescence, although the measures which Government had taken might, in the opinion of Parliament, be erroneous; still less was it fair to expect that private Members would come forward in the character of accusers. It was not just that the nation should have to bear the cost and burden of, it might be, an expensive and protracted war, and the expenses of military and naval preparation, without the question being in the first instance submitted to the deliberative judgment of Parliament. Although the course pursued by the Government was one of which he did not approve, he owned he did not wonder that they had followed it. It showed impliedly that they had but little confidence in the strength of the case which they would have to submit to Parliament, had they come forward to ask for its support. Had the Government done so, they would have been called upon to prove that the quarrel with China was a just one —to show that the Chinese were not entitled by the law of nations to resist by force the breaking down of the barriers erected for the protection of that river which gave access to their capital—how it was that the precedents which had been followed in the wars with other nations, and especially in the last war with Russia, had been neglected in this instance—how it was, in short, that a convention had not been signed with France clearly defining the objects of the war. In undertaking combined operations with an allied and independent power there were always difficulties to be overcome in order to maintain cordiality and to prevent jealousies and animosities from arising. In order to guard against those dangers it had been customary at the very earliest possible period, and before anything was done, that the terms should be clearly defined and agreed upon, so that there should be no room for doubt or dispute as to the real objects in view, and what one allied Power had a right to expect from the other. Nothing should be left to vague understanding —nothing to conversations of which there might be an imperfect and jarring recollection. Whatever passed in conversation ought to be recorded in due diplomatic form. The precedent of the Russian war showed that those precautions had not been needlessly observed; and still more recent events showed that one at least of the stipulations in the Russian war convention would not have been useless—that neither of the contracting parties should seek for itself any territorial accession in consequence of the war. Would such a precaution be needless now after what they had seen within the last month? Had the question been submitted to Parliament, Ministers would have been asked what advantages were to be derived from the war —what was the promised end of all this costly preparation—were the cost and risk commensurate with the advantages to be gained? Of the advantages which would be gained and the effect which these would exercise on the national safety and honour the House had yet received but the most imperfect and vague explanations. They had been told that a great expedition was sent out to enforce the performance of the Treaty of Tien-tsin and to obtain an apology from the Emperor of China for the occurrences which had taken place at the mouth of the Peiho River. There was not a particle of evidence to show that without any expedition at all there would be any obstacle to the execution of the treaty in question; and he must add that, if an apology was all that was wanted, they would have to pay very dearly for it—for an apology from a semi-babarous sovereign they would have to pay five or six millions of money. The more he considered the subject, the less he was able to perceive what end could be gained at all commensurate with the hazards which must be incurred. If it were proposed to obtain from the Chinese by force concessions which they would not yield except to force, then it appeared to him that those concessions would be of very little value; for what guarantee had they that as soon as the force should be withdrawn the concessions would not also vanish? And if on the other hand the Chinese Government did not yield without necessitating the employment of the force sent out, he wished to know how its operations were to be directed, and with what likelihood of success. It should not be forgotten that with a large land force, such as they proposed to send, the difficulties of transport were very great; then there were the dangers of climate, the difficulty of procuring supplies, and the uncertainty which must exist as to what measures it would be proper to adopt; in short, it appeared to him to be an act of great rashness to send under such circumstances so large a land force to China. Well, but let them suppose these operations were as successful as they could desire, what would be the result? What interest had we in China beyond the extension of our trade? Were they to burn the Chinese towns, to slaughter the people, to devastate the country, and bring upon it all the inevitable calamities of war? Every blow we struck at China more or less recoiled upon ourselves; and supposing that our triumph extended even to the overthrow of the existing Government, why then we should be in a worse position than ever. The results would be to China most disastrous, to ourselves anything but beneficial. He assured their Lordships that from the best information he could gather, such a shock as it was proposed to give to the Chinese Government was not at all unlikely to over-turn it; and what it might be very easy to overthrow it might be very difficult to provide a substitute for. How were peace and order to be preserved in that immense empire if the machinery by which it had hitherto been regulated were broken up? We had had some experience of former doings at Canton, where our proceedings had brought upon that portion of the Chinese empire a state of anarchy. Hitherto our trade with China had been most flourishing and prosperous, and one of the main causes of that was that the Chinese Government had maintained order and security, so that the people were able to carry on the operations of agriculture and to produce their tea and sugar and those other articles which formed her staples of commerce. But should there ensue a state of anarchy, not only would the best trade between China and England be hazarded, but also that very important trade between China and India. He believed that in such an event not less than between £7,000,000 and £8,000,000 of revenue would be sacrificed. He feared there was too much reason for believing that that the rebellion in the Chinese Empire was the consequence of our war with China in 1840. When in office he had had an interesting conversation with Dr. Gutzlaff, who told him that it was to the war, and especially to the effect of the large pecuniary indemnity which England enforced, that the rebellion was owing—that by it her finances and her Government were crippled and paralysed, her great officers were left unpaid, and in every instance there was greater suffering than there had ever been before; that by the war the maintenance of order and security was destroyed; and Dr. Gutzlaff described in most moving terms the ruin and misery which arose from that insecurity and from the disorganization of the Government. The finances of the empire were crippled—the officers of the Government were left unpaid, and to obtain a subsistence were driven to a greater degree of corruption than they had previously practised, the administration of justice was neglected, and so much misery and distress was caused that the people broke out into rebellion. From the papers already on the table of the House it would be seen that the rebellion had caused a falling off in production, and with that our trade must also suffer. He was not now asking their Lordships to pass judgment on the policy of the war. In order to discuss that important question it would be necessary to go into the whole of our relations with China since 1840, and a mere Motion for a return was not a fitting occasion for such a discussion. In his positition, too, unconnected with any party, and having no right to look for support from any part of the House, he was not the proper person to call for such a judgment. He had therefore merely touched on the surface of the qustion in order to show that it ought to be discussed, and that it was one on which the Government ought to have invited the judgment of Parliament. All he desired was to show how wrong it was that the question should not have been submitted to Parliament and a decision taken upon it in the ordinary constitutional manner; but in pointing that out, however strong might be the opinion which he personally entertained, he should not attempt to bring forward those arguments which he thought might fairly be used to prove that there was no justification for the war. With these observations he would conclude by moving for the Estimate of which he had given notice.

THE DUKE OF SOMERSET said, that the noble Earl himself, while moving for an Estimate of the cost of the Chinese expedition, said that he would be an extraordinarily clever man who could venture to predict the cost of a Chinese war. According to his own showing, therefore, he was now asking for a Return which he believed the Government could not furnish with any accuracy. He wished to call their Lordships' attention to the position in which they stood. As regarded the action which took place at the mouth of the Peiho river last year, those occurrences had taken place before he came into office, and therefore he (the Duke of Somerset) considered himself no more responsible for them than the noble Lord was. To pretend to throw upon the present Government any responsibility for such transactions would be going quite beyond all Parliamentary precedent. But it ought not to be forgotten that when the news of those occurrences reached England the public mind was thrown into a state of very great alarm, for it was feared from the Report that neither British life nor property was safe at Amoy, or Shanghae, or Canton. Under such circumstances, he asked, was it not the duty of the Admiralty to take immediate steps for the sending out of a force sufficient to protect the lives and properties of British subjects? The course that the Government had adopted in reference to these transactions had been fully approved by public opinion. The noble Earl, indeed, said that Parliament ought to have been summoned. But that was not the opinion of the Earl of Derby; and it was plain that no advantage would result from the summoning of Parliament, but that, on the contrary, it would greatly have increased the excitement which already prevailed. What the people of England required was, that immediate steps should be taken to redress the wrong, and to demand an apology for the outrages which the Chinese had committed. Parliament was perfectly aware of the course which the Government had taken; the papers and instructions to Mr. Bruce had been laid upon the table, and they showed sufficiently the mild and moderate course which had been adopted by the Government in demanding from the Chinese Government reparation for the wrong they had committed. He could not understand what course the noble Earl would have desired. He could see no more prudent course open to the Government to pursue than the one they had adopted in this case. He did not agree in opinion with the noble Earl that no outrages had been committed by the Chinese. He thought, on the contrary, there had been throughout duplicity and deception on their part, and no one could read the papers which had been laid on the table without seeing that the Chinese had tried to evade the reception of the Ambassador. The instructions to Mr. Bruce were, that they would try evasion, and that he must insist on the Treaty. The Chinese did not clearly and boldly say, "By the Peiho you cannot come." On the contrary, they led Mr. Bruce to believe that he could come that way. They did not say, "We have put up barricades, and will not allow you to pass;" but they said, "We will remove the barricades, which have not been put up against you, but against rebels." If that was not duplicity and evasion, he did not know what was. But the noble Earl went back and told them that this Chinese expedition was to be the commencement of a new policy. Surely he must remember that it was not a twelvemonth ago that a treaty had been entered into by his noble Friend (the Earl of Elgin), and that that treaty was to have been ratified at Pekin; but if the Chinese thought fit not to fulfil their promise, but to enter into an open war with the English forces, surely that was not a new policy, but returning to a state of things which existed before the treaty was agreed to. The noble Earl said these wars caused a very great increase in the Estimates, and that this course of policy ought to be checked; but if he looked back he would find that ever since 1840, or even earlier, our relations with China had been very unsatisfactory. Every two or three years during the last twenty years there had been some outbreak, some outrage, some complaint, and, if not war, a state of things very nearly approaching war. In 1843, he believed, we had more men in China than we had now, and we had been constantly paying largely, because the unsatisfactory state of our relations with China compelled us to keep a large force there. This state of affairs was attributable to our never being able to communicate directly with the Chinese Government. We communicated with Viceroys at the ports, who sometimes took one view and sometimes another. Sometimes a Viceroy, to gain popularity, would put a humiliation on the barbarians, as they were pleased to call us. If we were in force and matters looked serious, the Viceroy was recalled, and they took off his head, or obliged him to commit suicide, which was a way they had of getting rid of an obnoxious Minister in that country. If, on the contrary, the Viceroy behaved in a friendly manner to foreigners, he was very likely to bring on himself the odium of the Chinese. Our object by this expedition was to put our relations on a more satisfactory footing, and, if that were accomplished, no matter what it cost, he should deem this the most economical expedition which had ever been sent to China, and he should not estimate its cost without reference to its results. He really could not see what milder course the Government could have pursued. In his position at the Admiralty he certainly could not censure Admiral Hope, who had shown so much courage and gallantry at the head of the expedition. Errors of judgment there might have been; but he was not speaking of professional tactics, and he was not criticizing the operations, but he was speaking of the gallantry and courage of the British seamen and their officers, which had not been surpassed by any expedition ever sent from this country. And in what position should we have been in if we had not sent out an expedition to demand redress for the outrage that had been offered? Did the noble Earl think that under those circumstances commerce would have gone on, or that the English at Shanghai and Hong Kong would have been safe? The noble Earl said that trade would be destroyed by this war. If the result should be injurious to trade it would be unfortunate; but fortunately the Chinese did not manage their affairs as they were told in this country they ought to manage them. He had heard debates upon China, and he had heard, year after year, that our policy was most destructive to trade. But trade had gone on increasing more and more. The Chinese were a peculiar people. They would fight with us in one part of the country and trade with us in the other. The annual average value of British produce exported to China was, in the eight years from 1834 to 1842, £926,000; from 1843 to 1850, £1,700,000; and from 1851 to 1859, £2,299,000. During the whole of this time there had been frequent disputes and wars with China; but trade was developed and increased more and more rapidly. Now as to the noble Earl's Motion, it was clearly impossible to give the cost of the expedition to China in detail, because it must depend on occurrences which might take place from month to month, and almost from day to day. If the Chinese Government agreed to the Treaty and the demands which the Government made, which were very moderate, namely, that they should have such relations with the Court of China as would prevent those complications which were constantly taking place, then he did not think the cost would exceed the estimate. He found that there was a greater force in China in the beginning of 1858 than at the present time. There had been a considerable force there for the last fifteen or twenty years, and he put down the additional force consequent upon the present state of affairs at about 5,000 men. The cost of transport and of stores would be large—he feared as much as £200,000—but he hoped that the Estimate taken this year would be sufficient to carry on the operations and bring back the force, if, as he hoped, the matter ended peacefully. The supply of coals and of naval stores at Hong Kong would also entail large expense—it would be one of the heaviest items, and he set it down at £150,000. These were the chief items; but he considered that the whole Navy Estimates next year chargeable to China would be about £680,000. He would not pledge himself to that amount, and he should be sorry to lay an Estimate of that kind on the table, because he thought Estimates ought to be made with more precision and official responsibility than he could undertake in reference to this subject. The whole expense must depend on the news which arrived from month to month. There might be reasons for sending out more vessels, or for bringing home some already sent out, and with Hong Kong at such a distance it was impossible at present to lay estimates on the table. The noble Earl had referred to the former war at Canton. Upon that question the Government went to the country, and the country decided in favour of the Government. The course of the Government then was different from the course which was taken now, because under the peculiar circumstances of the Treaty with China, the course now taken was marked by the utmost possible consideration. He could not conceive any course more moderate and forbearing, unless they had apologized to the Chinese for having sent any Ambassador, and for the affair at the Peiho. It had been said that it would be impossible to trade at Canton if we went to war with China; but he had been informed by persons who had been out there that the people of Canton showed no dissatisfaction with our occupation, and that English officers could purchase any articles in the shops, and order them to be sent home to them, just the same as in Regent Street. At the same time, he thought it desirable that our troops should as soon as possible be withdrawn, as the occupation was, of course, attended with considerable expense. It was alleged to be very inconvenient to undertake the expedition jointly with France; but it was only natural and proper that, the injury having been inflicted on the two countries on the same occasion, the demand for reparation should be made by them in unison. When the small gun-boats went up to the mouth of the Peiho, the French force was represented alongside of the English, and a French and English officer appeared side by side in front of the forts of Taku, when a handful of Europeans kept their ground before 20,000 of the enemy, and refused to retreat until they were recalled by order of their commanding officer. France and England were together when the outrage was committed, and should, therefore, be together in demanding redress. He trusted the noble Earl would not insist upon the production of Estimates which must necessarily be of a very conjectural character, and which, in the case of the army, were rendered very complicated by the circumstance that many of the troops would be removed from India instead of going out direct from this country.

The Earl of MALMESBURY:—My Lords, it is not my intention to trespass on your Lordships' time at any length. I think the noble Earl who brought this subject under your Lordships' notice was quite right when he deprecated any debate on what may be called the China question; but my noble Friend, the noble Duke opposite, has entered largely on that question; and I think I should hardly be doing justice to the Government of which I had the honour to be a member, if I did not make some observations on what has been stated by the noble Duke. I have been particularly anxious not to make any comments on what passed in the Peiho, lest I might be thought to be in some degree criticising the actions and the conduct of Mr. Bruce, who was placed, most undoubtedly, in one of the most difficult situations ever occupied by any public servant. But I cannot submit to have it supposed—much as I appreciate Mr. Bruce's ability, and sensible though I am of the difficulty of his position—that I give that entire approbation to his proceedings on that occasion which my silence might be taken to imply, and therefore, after what my noble Friend (the Duke of Somerset) has stated, I felt obliged to state my opinions with respect to what passed. Undoubtedly, Mr. Bruce followed his instructions most faithfully in many respects; but those instructions did not foresee the events which subsequently took place. I confess I had foreseen that all that *finesse* which had been said to characterize their former proceedings would be again had recourse to by these barbarians, but I did not expect that hostilities or the application of force would result from what was proposed to be done. Those instructions to Mr. Bruce were therefore forwarded on the supposition that matters would be carried out without any fighting on any side. The spirit of those instructions—which I am sorry I have not before me, because it is difficult to recollect phrases—was, that Mr. Bruce should insist that the treaty should be ratified. Many of the noble Lords present are very conversant with the terms of diplomatic correspondence, and they will hardly say that the word "insist" in such correspondence bears any other meaning than that there should, in case of necessity, be a pressure of argument and a positive determination verbally expressed that such and such an event should take place. Certainly the word "insist" would not imply that any further steps were considered necessary. I do not blame Mr. Bruce for what took place beyond this—that having a very wide latitude for action, I think he exhibited too much precipitancy. That is the only fault I find with him; and in saying that I think I ought to explain myself. It appears from the papers furnished to Parliament that the original commissioners who had negotiated the treaty entered into a correspondence with Mr. Bruce. He insisted on the treaty being carried out. They said they must communicate with the Court of Pekin on the matter, and on the 12th June, I think it was, they informed Mr. Bruce that they had sent a courier to Pekin who must take 11 or 12 days to reach that city, though he rode at the rate of 200 miles a day. This courier carried to Pekin the proposals and the determination of Mr. Bruce, and was to bring back the reply of the Imperial Court to those propositions. He could not have reached the Imperial city before the 22nd or 23rd June, and then three or four days ought reasonably have been allowed the Government to consider the proposals and what answer it should return to them. But, my Lords, if I understand those papers accurately, it was on the 20th of the same month Mr. Bruce and the English and French admirals determined to attack the mouth of the Peiho. I believe it was on the 24th, or within a day or two of that date, the battle was fought. It appears to me, therefore, that it was physically impossible for the reply to Mr. Bruce's *ultimatum*, sent by the original commissioners to Pekin, to have come from that city to the mouth of the Peiho. In my opinion, then, Mr. Bruce's fault, and his only one, was his not waiting for the arrival of the reply to the despatch of the commissioners who had forwarded his *ultimatum* to Pekin. It may have been purely an error in the Chinese commissioner, who offered him another way up, which, perhaps, he was quite right in refusing to accept; but that official had no connection with the correspondence which was at that time going on with the capital. I can only judge from what I see in the papers, for though Mr. Bruce's despatch is directed to me, and was sent over to me, I received no private letter from him, or anything that would elucidate his reasons for acting as he did further than his statements in the public despatch. He may have had other reasons than those therein stated, and I should like to know how that is; but, judging from what I have before me, I think his fault was precipitation in hurrying forward before he could reasonably have had an answer from the Chinese Government. The noble Duke says that we should not be afraid of our trade with China suffering from those transactions, because that trade has continued to go on though we have had from time to time, during a period of many years, several wars with the Chinese. Now, I think this is a *post hoc propter hoc* argument of my noble Friend, and that it is not logical. The fact of our trade with the Chinese surviving our previous hostilities with them does not prove that if those hostilities had not taken place that trade would not have been much better. I am not one who would consent to see the honour of this country not maintained. It is necessary to have the treaty ratified, and, therefore, I cannot find fault with the Government for this expedition; but I must express my opinion on a point which I consider to be very important. We are apt to talk of this Chinese nation as a barbarian nation, and of its Government as a barbarian Government. We may call them so, if we please; but the Chinese Government is anything but a barbarian Government. They are a very clever people and a very well educated people, and I believe they have very nearly as much knowledge of what is going on as we have ourselves. But supposing this so-called barbarian Government to be really barbarous, I do not think the way to civilize them is by treating them as barbarians. At one moment we treat the Chinese as a barbarous, and at another as a civilized people. When the Government send out an Ambassador to China they usually send out a gentleman connected with one of the first families in this country, appointed and gazetted with all the regular forms of diplomatic appointment, such as those by which Lord Cowley or any other Ambassador is appointed; he is presented by the Foreign Secretary to kiss the Queen's hand; all the titles and powers of an Ambassador are conferred upon him; he goes out with the usual retinue and staff, and more than that, on the occasion of sending an Ambassador to China, he went out with letters from the Sovereign. Then, the question arises, why was not international law observed and a declaration of war made? The noble Duke the Secretary for the Colonies, when speaking on this question the other night, said that we had always been in a state of war, and that we were in a state of war although the treaty was made and ratified; but I will remind the House that that was not the original state of things. The original state was a state of peace, because war had not been declared at all. If the Chinese are to be treated as any other European State or Sovereign by sending out an Ambassador, the same forms and ceremonies ought to be observed with respect to peace and declarations of war. The noble Duke has said that no other course can be followed. I think this course might have been followed. I think that Mr. Bruce might have taken upon himself the responsibility of negotiating the matter with the Chinese Government, and have said that if the demands of our Government were not acceded to war would be declared by England against China; and I do not think that the Chinese are so thoroughly benighted and stupid as not to understand the menaces of war. Even now I say that, having treated the Emperor of China as other Sovereigns, and placed him on the same footing as you do our Queen, you ought not to carry this war out without a legitimate declaration of war. I know that objections may be raised against it, and that objections may be raised as regards our trade and commerce; but that is no reason why you should keep up the anomaly that exists, that the usual course of action on such occasions should be violated, and that, although the Chinese have been designated a barbarous people, that is no reason why they should not adopt the system of international law. By not doing so you will expose yourselves to the cruel chance of having your prisoners ill-treated, because there was no declaration of war. Another difficulty would arise in connection with blockades. The last time that hostilities took place in China it was the greatest good fortune that there were none but British ships engaged, because there was no doubt that if our ships had stopped the vessels of other countries without having declared blockade they would have violated or evaded the law of nations. I cannot help thinking that even for our own credit, and allied as we are with such a great empire as France, our operations will be made legal by a declaration of war. I agree with the noble Duke that we cannot be expected to make anything like a near estimate of the expenses incurred, and that it would be deceiving the House and the country to attempt to do so, and I think all that we can do is to ask for money on account.

THE EARL OF ELGIN: My Lords, in the position in which I stand, and with the prospect before me of being required to proceed from this country to China, in the hope of interposing to put a speedy close to the unfortunate hostilities that have broken out, I cannot but feel that I should not be taking a course conducive to the public interests if by any premature expression of opinion in this House I were to fetter the discretion which it is absolutely necessary that I should possess, if I may hope to achieve any beneficial result by my mission. At the same time, connected as I have recently been with our diplomatic proceedings in China, and deeply interested as I must be, because of my relationship to the individual who represents Her Majesty's Government in China, I might, perhaps, be chargeable with want of respect to your Lordships if I were altogether to maintain silence on this occasion; and if I were to allow the observations of the noble Earl who has just spoken to pass without remark. The noble Earl has confined his reproof and reflection on Mr. Bruce to one particular—that he had shown precipitancy in not giving sufficient time for the transmission of the communication he had made to the Imperial Commissioners at Shanghae, and the return of that communication at the mouth of the Peiho. Now, I would remind the noble Earl, that if Mr. Bruce had extended the period for the return of that communication to the Peiho, and had remained there without proceeding up the river, the time specified in the treaty for the exchange of the ratifications would have expired. If, indeed, the Chinese had been obviously acting in good faith, and if this delay had indicated no intention to take advantage of the expiry of the time for ratifying the treaty, I should be ready to admit that Mr. Bruce might have run this risk, and that out of consideration for the Chinese Government he might have allowed the period fixed for the ratification of the treaty to have passed over. But I will remind the noble Earl that that is not exactly the state of the case; because, in the month of March, acting under the instructions of the noble Earl himself, I communicated to the Chinese Commissioners that Mr. Bruce was on his way for the purpose of proceeding to Pekin, there to exchange ratifications of the treaty. Moreover, in order to conciliate the Chinese authorities to the utmost extent, I made a concession, for which, when things looked brighter and more hopeful than now, I have been reproached by some. Finding how unwilling the Chinese were to tolerate a permanent English Minister at Pekin, and although I still believe and hold most firmly to the opinion, that unless, in some shape or in some form or other, we have direct relations with the Court of Pekin, we never shall have permanent peace with that country—notwithstanding that feeling, and in order to meet the objections of the Chinese Commissioners, I stated—and in doing so I believe I obtained the full approval of the noble Earl—to the Commissioners that if they received with all due honour Her Majesty's representative when he came out to exchange ratifications of the treaty, and if they carried out in perfect fidelity every other clause of it, I would submit to Her Majesty's Government my opinion that it would be desirable that Her Majesty should exercise the option she possessed under the Treaty of Tien-tsin not to establish a Minister permanently at the capital, but to send him from time to time to the capital, as circumstances might arise and render it desirable. Consequently, the Chinese Commissioners not only knew that Mr. Bruce was coming up in order to exchange the ratifications of the Treaty, but I had, as I thought, laid before them the strongest possible inducements I could devise to induce them to receive him properly and at the proper time; and if, with such indications of bad faith, Mr. Bruce had allowed the period for the exchange of ratifications to pass, and if in consequence of that circumstance difficulties had been raised to the ratification of the treaty—and if it had further been known that the naval authorities had informed him some days before that there was no difficulty in removing the obstructions in the river—I feel confident that a very heavy responsibility would have rested on him, and the non-ratification of the treaty and all the consequent evils that might have followed would have to be thrown upon him. The noble Duke has explained the difficulty that there is in meeting the specific Motion made by the noble Earl; I will only say, therefore, that I sincerely hope—nay more, entertain the most confident expectation—that the result will prove that my noble Friend has taken a very exaggerated view of the liabilities which these unfortunate affairs in China will entail on this country. The question which my noble Friend has raised, to a certain extent is a speculative question; but there is behind it a practical question of the most serious character — what are the measures, by the adoption of which we may best hope to bring this unfortunate state of affairs to a close, and establish peace with China, upon a footing that will relieve us for the future of the heavy expenses we annually incur for the protection of our trade? That is a practical question which has necessarily occupied the attention of practical men interested in China, whether as merchants, philanthropists, or statesmen. It has occurred to some of them—and the opinion is shared by Her Majesty's Government—that as I negotiated the Treaty of Tientsin—acting in concert with my distinguished and able colleague, Baron Gros, the representative of the French Emperor, and whose honour and loyalty I cannot speak of too strongly, or in terms too warm—it is possible that our return to the field of action at the present time might give the Chinese Emperor an opportunity of proposing terms of accommodation, and of intimating that it really is his intention to carry out faithfully and honourably the stipulations of the treaty into which he had entered. When it was proposed to me that I should proceed on this mission I gave the only answer which I think a public servant could give to such a proposal. I am by no means insensible of the honour of a seat in Her Majesty's Council, or indifferent to other advantages I forego by proceeding on this mission; but I felt that no considerations of this description should militate against my doing what public duty required. There was only one difficulty; and although it is of a personal character I venture to appeal to the sympathies of your Lordships in referring to it. I could not have undertaken this mission, if I felt that its proposal implied on the part of Her Majesty's Government any slight or reflection on my relative, who represents our Sovereign in that part of the world. I have been assured by the Government that that is not the case, and that there is no want of confidence in my relative; but that the reason of its being supposed that I might have some advantages in dealing with this question arises, in the first place, from the circumstances to which I have alluded; and, in the second place, from the fact that I have naturally, proceeding from this country, greater means than he can possibly have, of knowing what are the sentiments of Her Majesty's Government; and I think I may add that, in consequence of what took place during the recent visit I paid to the French capital—of knowing, also, what are the sentiments of the French Government on the subject. I can only say that my object in proceeding to China is to defeat, by all the means I can, the calculations made by the noble Earl behind me as to the cost and evils that will attend this war. I concur in what has been said by the noble Duke, that it is necessary, in the interest of our commerce with China, that we should, in some way or other, carry on our communication direct with the Imperial Government. It might be very well, if we could go back to the state of things that existed during the time of the Indian monopoly, when the trade between this country and China was conducted at one port, and by a privileged body of merchants. That was a condition of things not very favourable to the extension of commercial intercourse; but although it had certain advantages, it is impossible for us to revert to such a state of things. Even if we were willing to return, still it would be impossible to induce other nations to do so, who have also obtained treaties with the Chinese. Therefore, what we have to do is to put our commercial and other relations on the best and safest footing. The Emperor of China has entered into treaty obligations with this country; but owing to the arrangements under which our diplomatic intercourse has been conducted since the Treaty of Nankin, it has been utterly impossible ever to solve any difficulty that has occurred between the countries, except either by war, or by acts of war; and I am prepared to show, if we were to go into that question, that not one single year has passed since the ratification of the Treaty of Nankin, during which individual consuls at different ports have not taken on themselves to commit acts of war. It is true that they have not always led to actual war, because the Chinese have been afraid to resent these acts; but if they had done so, we should have been obliged either to support our consuls believing them to be in the wrong, or to abandon them at the risk of leading the Chinese to misapprehend our motives in so doing. These acts of war have been committed by Consuls having the highest reputation for consideration and kindness towards the Chinese. A very excellent gentleman, who is now in Japan, and who in one of the "blue-books" has written a paper indicating a warm and kindly feeling towards the Chinese—Mr. Alcock—a few years ago found it necessary to stop the whole junk trade proceeding to Pekin, and to threaten the capital with starvation. His justification for the proceedings he adopted was, that if he had referred the case to Her Majesty's Representative at Hong Kong and made the outrages which led to his acts the subject of diplomatic correspondence, it would have been bandied about from " one official to another in distant parts of the Empire, three months would have elapsed before his communication reached the capital, and a still longer period before it could have been put in a course of settlement. In consequence, however, of the summary but, in point of international law, unjustifiable course taken by Mr. Alcock, the matter was settled in the course of a week. I maintain, therefore, that it is desirable to put an end to that state of things, and although there is a certain amount of reluctance on the part of the Chinese Government, I am confident it is the greatest kindness that you can possibly confer upon the Chinese Emperor ; because most of the difficulties into which the Chinese get arise from their entire ignorance of foreigners, of their power, and of the principles by which they are guided; and no doubt if we had a Resident in that country and an establishment where they had communications with the capital—if we had intelligent Ministers representing this and other countries, no doubt they would be able to advise the Chinese Government, and keep them out of the many scrapes and difficulties into which they fall. Some persons say, why should we go to Pekin? We have no interest in China but that of our trade. I entirely concur in the opinion that our only interest in China is that of our trade. But trade cannot prosper unless there be security for the persons and property of our merchants, and that the present system fails to give. In proceeding to that country my object will be to carry out my instructions, and bring to a close the hostilities which have lately broken out between the countries. The noble Earl may, perhaps, not have considered all the consequences that would follow if we resorted to a declaration of war against China. It would compromise to a very large amount the revenues both of India and England. A declaration of war would carry destruction and devastation among the people of China, and would also entail ruin and distress on large bodies of British and other merchants in the China trade, besides inflicting a most unnecessary and enormous amount of misery on a portion of the population of China with whom we never had a quarrel, and who were always desirous of maintaining the best of terms and the most amicable relations with us. If affairs in the north of China are conducted as I hope they will be—and I have perfect confidence in the gallantry and prudence of both the military and naval authorities out there—and if they have the issue I confidently believe they will have, any acts of war which are committed there will take place chiefly between our troops and the troops of the Emperor of China. I do not undervalue the loss of human life even under these circumstances, but that is, comparatively speaking, a lesser evil than the consequences that we should entail on the great population of the rest of China if we resorted to a general war. It has been laid down as a doctrine that pressure on individuals never brought a war to a close. I do not know how far that doctrine may be true; but I believe that, as regards China, the great mass of the population have no connection whatever with the causes of complaint that have arisen, and that the only way to put an end to these complaints is to deal directly in all our negotiations with the Government of the country.

The Earl of MALMESBURY said, he wished to explain that he did not mean to express a desire that any further pressure should be placed upon the population of China ; but if we were going to undertake a war which would employ 20,000 men, he thought that such a war should be preceded by a declaration of war against the Emperor of China. He would remind the noble Earl that the arguments which, on this subject, he had applied to China, would equally apply to any other nation.

The Earl of ELLENBOROUGH: My Lords, I cannot refrain from taking the present opportunity of stating in this House that, in my opinion, no public man has ever been called upon to make a greater sacrifice than that which the noble Earl opposite (the Earl of Elgin) is asked to make, when he is requested to return to the scene of his former labours in China. In doing so I, of course, think he only discharges a public duty; but at the same time I cannot help feeling that he is not the less entitled to the gratitude of his country. It would be impossible, I have no doubt, to find anywhere a person to whom the conduct of our negotiations with the Chinese Government could, with so much hope of a peaceful solution, be intrusted. He has already conducted, so far as I can understand, all the negotiations in which he has taken part in that country with, I may perhaps say, fortunate audacity, but certainly with a degree of ability of which the exercise is but rarely witnessed in the performance of great public functions. It is, in my opinion, also matter for congratulation that he is likely, on his return to China, to be associated with the same representative of France between whom and himself such friendly relations on the former occasion existed. Under all these circumstances, I more confidently entertain than I should otherwise do the hope of a pacific result being attained by means of the commission with which the noble Earl has just been intrusted. I at the same time feel that we have in dealing with this question great difficulties to encounter, notwithstanding the circumstance that we may expect to have the same cordial co-operation with the French Ambassador as before. One of the most serious of those difficulties is that, in conducting hostilities with a desire to secure peace, we shall be compelled to act in conjunction with a Power whose interests are not ours, and which is not animated by our views. We seek for nothing but peace with honour. France, I fear, desires honour without peace. We desire to shake hands with the Chinese Government, and to be on good terms with the Chinese people. The French have declared it to be their wish to chastise them. Now that word "chastise" is not one, my Lords, which ought to find a place, under such circumstances, in the language of a civilized State; and I earnestly trust—indeed, I feel confident—no feeling such as that which it indicates will animate the noble Earl opposite in prosecuting the mission which he is about to undertake. It is sad to be obliged to enter into a war in which success or failure will be almost equally a subject of regret. The latter will cause us not only great material loss, but also bring with it disgrace. If, on the other hand, success is to be achieved by directing military operations against Pekin, it can only be obtained by producing one of the greatest—one of the most extensive —one of the most appalling calamities with which any portion of the human race can be afflicted. Of this there can be no doubt. The example of the dreadful war of 1842 justifies the opinion on the subject which I entertain. The advance of a hostile army on Pekin, with the prospect of its being captured, would be sufficient to cause every woman and every child within its walls to be sacrificed by their relatives. Such, my Lords, would be the dreadful effect attendant on our success; nor can it be denied that the occupation, even for a short period, of the Chinese capital by our troops would operate to destroy altogether the authority of the Chinese Government from one end of the Empire to the other, and give general triumph and victory to that horrible collection of men, hardly qualified to be classed among human beings, who have for so many years desolated that country. The noble Earl has seen with his own eyes the effect of some of the struggles which have taken place in that quarter of the world, and I feel assured he will be induced by every sentiment of humanity to do all that lies in his power to uphold the authority of that Government which, maintained in authority, may be able again to establish the prosperity of the Chinese Empire. I entertain the highest respect for the opinions of the noble Earl on this subject. No man's opinions with respect to it are entitled to be held in greater estimation. I am, however, at the same time obliged to confess that I have never been able to comprehend why so much importance has by some persons been always attached to the presence of a British Minister at Pekin. If, indeed, a representative of this country were admitted willingly into Pekin, with an express desire on the part of the Chinese Government to have him there for the purpose of mutual communication and advice, and with a view of preventing those calamities which war has occasioned in different portions of the empire, in that case, no doubt, great advantage to China and to ourselves would be the result. But if it be a question of forcing a British Minister into Pekin, there to take up his residence—a constant menace and humiliation to the Chinese Government—I cannot, I confess, understand how his presence will be productive of that benefit which has been expected. The noble Earl in the course of his speech referred to a most valuable and interesting paper written by Mr. Alcock, which appears in the blue-book, and the statements contained in which I do entreat the Government as well as the noble Earl to weigh well before he sets out on his present mission. From it he will learn that unless some control is placed upon our own merchants and people in China no hope of permanent peace with that country can reasonably be cherished. To their conduct I feel confident it is due more than to any other cause that we have been forced into those hostilities, the occurrence of which from time to time we have had to deplore. During that period when our merchants trading with China were under the strict control of the East India Company no wars with China took place. A single ship occasionally visiting Canton was found sufficient to preserve unimpaired our interests in that quarter. Since that time, however, there has been a continued succession of wars with China, and I know not one of them to which the misconduct of our own people and their disgraceful avarice has not materially, either directly or indirectly, contributed. So far as the present war is concerned, I can only say I regard it, as I have done from the commencement, with utter horror. It is an unjust war. It was so from the beginning. It is not, my Lords, lawful to make war for the purpose of making money. To do so is to commit a crime. We have already received one great rebuke during the progress of our operations in prosecuting the hostilities with the Chinese people in which we are engaged. I hope we may not receive one still more severe. We are now in a position in which it is, perhaps, impossible for us to arrest our course. It is a position, however, which we have brought upon ourselves. It is based upon wrong, and wrong will not continually be protected by Providence. I will not, upon the present occasion, say more on this distressing subject. I say distressing, because I am acquainted, perhaps, better than most of your Lordships, with the real character which a war with China presents—for when I was in India I had a considerable share in the direction of operations against that country. I then received a despatch which contained a statement giving an account of the suffering of the Chinese people, in consequence of the prosecution of hostilities, which I durst not publish. I have never generally made known the details of the horrors which thus came under my notice. I fear we are about to witness others of a similar character, for it is difficult for us so to conduct the war as to avoid their repetition. I, nevertheless, trust that the noble Earl opposite, fully alive, as I am sure he is, to the importance of the mission which has been committed to his hands, and seeing how deeply it bears upon the honour and interests of this country, as well as upon the much higher object of humanity itself, will endeavour, to the utmost of his power, to bring this sad contest to a pacific termination.

Earl GREY, in reply, said he was persuaded that if there was a wish on the part of the Government to give the information he asked for, there would not be the slightest difficulty in so doing, for, all he wanted was an approximate calculation. But if the Government told him that they would not, or could not, give the information, it was not for him to press the matter further—he would only say that the refusal of the information was a symptom that the case was much as he had described it. He quite agreed with the noble Duke that it was most proper to send reinforcements to protect the lives and properties of Englishmen, but he wanted to know whether 18,000 or 20,000 men were to be sent out in the approaching summer for the protection simply of our interests? He complained that we were making preparations for an offensive war. He thought that their Lordships ought to have been invited to express their opinion when the whole question could have been carefully considered. He still hoped that though late this question would be brought before them; for if it were, he was persuaded that those communications to which the noble Earl who last spoke had referred would be required by the House. It was impossible to read the memorandum of Mr. Alcock without blushing for the conduct of Englishmen in Japan, or without feeling how deep was the responsibility the Government was incurring by its proceedings in that part of the world. Under all the circumstances, sending out the noble Earl (Earl Elgin) was, perhaps, the best course that could be adopted; but he regretted it had not been taken at an earlier period. The Government had declined to give the information his Motion asked for, and he should not press it to a division.

The Earl of ELLENBOROUGH said, he had once been compelled to make an estimate for a Chinese war, and he could state it was quite possible; it was done quickly and proved correct.

Motion, by leave of the House *withdrawn.*

BUSINESS OF THE HOUSE.

PRIVATE BILLS.

On the Motion of Lord Redesdale it was Resolved—

> "That no Private Bill brought from the House of Commons shall be read a Second Time after Tuesday, the 3rd day of July next:
>
> That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after Tuesday, the 3rd Day of July next:
>
> That when a Bill shall have passed this House with Amendments, these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended."

THE WHITWORTH ARMS.

QUESTION.

The Earl of CAMPERDOWN asked, What steps Her Majesty's Government have taken in order to secure for this Country the Benefit of Mr. Whitworth's Inventions in rifled Fire Arms and Projectiles? The noble Earl said that in putting his Question he should ask the indulgence which was usually extended to a new Member of their Lordships' House, whilst he endeavoured to state the reasons which had induced him to bring forward this matter. He had sat for many years in the other House of Parliament, and during that time his practice had been never to bring forward any private grievance; and he might mention that he had placed this notice upon the paper without any communication whatever with Mr. Whitworth. He brought the matter forward as a question of national importance. He was not one of those who were at all alarmed at any number of his countrymen meeting an equal number of any other nation in arms; but he thought it was the duty of the Government to take the very earliest opportunity of securing for the country every new invention in fire arms and projectiles. The Secretary for War had asked for £15,000,000 for the Army Estimates, and had said that the increase was partly to be accounted for by the providing of new arms and projectiles which had been recently introduced, and which a number of foreign countries were rapidly adopting. He would not wish to say one word in disparagement of the weapon of Sir William Armstrong, for he believed his guns were very superior to any guns which had been before invented, and he believed that Sir William deserved well of his country. There was, however, one point which required explanation; for it appeared to him that Sir W. Armstrong occupied an anomalous position. Sir William Armstrong, he believed, had been appointed Superintendent of the Royal Gun Factory; and he believed that he was also a contractor under Government. He had no doubt that this fact was susceptible of explanation; but at first sight it would appear to be somewhat anomalous that the same person should be a contractor and also Superintendent at the Royal Gun Factory. He should wish to have this explained; and to hear that in appointing Sir William Superintendent of the Gun Factory, the Government had no intention of placing in the hands of his firm a monopoly in supplying artillery. He believed that recently a very greatly improved gun had been invented by Mr. Whitworth; and every person who knew Mr. Whitworth knew that he was one of those individuals who were fortunately not rare in this country: Mr. Whitworth commenced business as a working man in the employ of Messrs. Maudslay and Co., and had worked himself up from the position of a mechanic to the highest pitch of professional reputation. He was looked up to by scientific men not only in this country but in every quarter of the world. When a new invention was required, Mr. Whitworth was almost universally consulted. When the great scientific question as to the correction of the standard measure of this country was brought forward, Mr. Whitworth was consulted; and when a new machine was wanted to turn out some of the work which he saw around him in that chamber, the architect of the Houses of Parliament applied to Mr. Whitworth. Mr. Whitworth had not only invented a gun, but he had submitted it to experiments which had shown it to be most successful. Everybody said that it was the best gun which they had ever seen. Now, what was it that induced Mr. Whitworth to turn his attention to projectiles? It was this, that in 1854, during the Crimean war, the Government applied to him and requested him to devote his great talents to improving our weapons. In 1854 he turned his attention to the manufacture of a rifle, in which he proved so successful that he produced a weapon surpassing any of which we had any former experience.

Two Committees had been appointed by the War Office to investigate the merits of the rifle; but, though it was proved to be superior to all others, it was not adopted into the service. He hoped he should not be told that financial considerations were against its adoption, for he thought no Government should allow financial considerations to stand in the way when the efficient equipment of our soldiers was in question. But Mr. Whitworth had declared that the price at which his rifle was furnished afforded no criterion of what the cost would be in a completely organized establishment; and he had offered, if the Government would allow him, to improve the machinery at the Enfield factory. Since then Mr. Whitworth had turned his attention to the manufacture of rifled cannon, by which a ball was to be carried to the distance of five-and-a-half miles. He heard from a gentleman who had fired it, and who had never fired a gun in his life before, that with two shots he hit a mark, which was six feet high and one-and-a-half foot broad, at the distance of two-and-a-half miles. He had the authority of Sir John Burgoyne for stating that he had never in all his life seen such an admirable weapon. Mr. Fairbairn, the eminent mechanist, of Manchester, declared himself unable to refrain from writing a letter to *The Times* congratulating Mr. Whitworth and the country on the great success that had attended his gun. The whole mechanical population of Lancashire witnessed its success at Southport, and there were not Englishmen only then present, but parties representing the French, the Russian, and almost every other European Government. In self-defence Mr. Whitworth had been compelled to erect a manufactory at Manchester; and as his experiments were carried on without aid from the Government he had opened a shop for the supply of his weapons to all who chose to ask for them. Under these circumstances he felt bound to ask Her Majesty's Government what steps they had taken to secure to this country the benefit of Mr. Whitworth's inventions in rifled arms and projectiles?

EARL DE GREY AND RIPON said, it would scarcely be necessary to tell the noble Earl or to assure their Lordships that the great results of the trial of the gun which had been invented by Mr. Whitworth, as exhibited by the experiments at Southport, had engaged the attention of his right hon. Friend the Secretary at War and of Her Majesty's Government:—for those experiments had attracted attention in every part of the country, and the Report of their results had received the best consideration at the hands of the Ministry. He begged further to state that the object of the Government in regard to this matter being simply to obtain for the country the weapon which was most efficient for warfare, his right hon. Friend the Secretary of State for War had determined that a formal trial of this gun should take place, under the supervision of the officers of the Government appointed to superintend experiments of this nature, and who were wholly unconnected with any particular manufacturer or inventor — namely, the members of the Ordnance Select Committee, presided over by an officer of great experience, Colonel St. George, who himself was present at Southport at the first display of the rifled cannon invented and recently exhibited by Mr. Whitworth. Nothing could be more important than that this country, distinguished as it was for its triumphs of mechanical genius, should be provided with the best weapon of defence that could be invented; and he (Earl de Grey) could assure the noble Earl that no adherence to preconceived opinion would deter Her Majesty's Government from selecting that weapon which, after investigation, should turn out to be the best. He was sure, however, that the House would not desire Her Majesty's Government to decide without a full and careful examination. They were anxious, therefore, to propose this trial; Mr. Whitworth had declared himself ready to submit his gun to the examination, and was anxious for an opportunity of again displaying the merits of his inventions. There could be no question, as the results at Southport showed, that the gun would prove itself a most valuable engine of warfare under any circumstances under which it might be tried. There was one point, however, in his noble Friend's speech which he (Earl de Grey) had heard with less pleasure than the rest. His noble Friend appeared to draw an unnecessary comparison between Mr. Whitworth's invention and that of Sir William Armstrong. Both the inventors were men of great ability and of remarkable energy —and whilst he quite agreed in the eulogy which had been passed upon Mr. Whitworth, he must take exception to that part of his noble Friend's speech which seemed to convey something of a reflection upon Sir William Armstrong's present position. There was no intention on the part of Her

Majesty's Government to give to Sir William Armstrong, the company which he represented, or to any other person, a monopoly of Government manufacture. In stating that Sir William Armstrong was a contractor with the Government, the case was not put quite fairly. The noble Earl must remember that the late Government entered into certain arrangements with Sir William Armstrong relative to the works at Elswick, which were of a very peculiar character. Sir William Armstrong gave up to the Government his invention and all the improvements which he had subsequently made in it. In return he was appointed to the office of Engineer of Rifled Ordnance, with a salary of £2,000 a year. That was the position of affairs on the accession to office of Mr. Sidney Herbert; and as rifled cannon were those most wanted, of the pattern which had been patented by Sir William Armstrong, he put an end to the manufacture of smooth-bore guns, and established Sir William Armstrong—who, under the arrangement made by General Peel, was at the time an officer of the Government—as Superintendent of the gun factories. But in taking this step the Government had no intention of creating a monopoly, and if Mr. Whitworth or any other person could prove that another description of weapon was better adapted to the general purposes of the service it would, of course, be the duty of the Government to adopt it. With reference to the Whitworth rifle, it must be remembered that at the time the comparison was instituted it was by much the more costly weapon. Cost, was of course, an element of considerable importance in reference to rifles, which were to be furnished to all British troops. No doubt, Mr. Whitworth was now able to produce a much cheaper arm; but at the time the experiments were made his rifle was much more expensive than the Enfield. A Committee had been appointed, which would commence its sittings almost immediately, to inquire into and report upon the best form of rifle, and the Government had every disposition to examine into the matter in the fullest and fairest spirit. He felt confident Mr. Whitworth would never be afraid of a fair trial, and that he would show every disposition to meet the views of the Government.

THE EARL OF CAMPERDOWN expressed himself satisfied with the explanation of the noble Earl. He disclaimed all intention of making insinuations against Sir William Armstrong, though it must be admitted that the position of that gentleman was anomalous.

House adjourned at a quarter before Eight o'clock, till To-morrow, a quarter before Twelve o'clock.

HOUSE OF COMMONS,

Friday, March 30, 1860.

MINUTES] PUBLIC BILLS.—1° Valuation of Lands (Scotland) Act Amendment.

COMMERCIAL ARRANGEMENTS WITH FRANCE.—QUESTION.

MR. E. C. EGERTON said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether any Supplemental Treaty has been arranged between this Country and France on the subject of the Duties on goods admitted from this Country into France; and if so, whether he has any objection to lay it upon the Table of the House?

LORD JOHN RUSSELL said, there was no such Supplemental Treaty.

MR. E. C. EGERTON said, he would beg to ask whether such Treaty was in contemplation?

LORD JOHN RUSSELL said, the Government had no intention at present of entering into any such Treaty.

THE SAN JUAN QUESTION.—QUESTION.

MR. LONGFIELD said, he wished to ask the Secretary of State for Foreign Affairs what progress has been made towards a settlement of the San Juan question, and to produce (if there should be no objection on public grounds) any correspondence which may have recently taken place between the British and American Governments on the subject?

LORD JOHN RUSSELL: Sir, the only progress which has been made towards the permanent settlement of the San Juan question is that an arrangement has been proposed on each side, but it has not yet been concluded. The last Despatch on the subject went from this country, and I expect that an answer will be made to it on the part of the Government of the United States. I must say that the conduct of General Scott, on the part of the United States, has been most conciliatory. About 800 American troops and a battery of guns had been placed on the island;

but the number of men has since been reduced to 100, and the battery of guns has been entirely removed. It is also understood that 100 marines are to be stationed there on the part of the British Government, in order that there may be a joint occupation until the question is finally settled.

CENTRAL ITALIAN STATES.—IRISH BUSINESS.—OBSERVATIONS.

MR. HENNESSY said, that to put himself in order he should move that the House at its rising do adjourn to Monday next. He did so because he wished to make a statement to the House as well as to ask a question. The question related to the annexation of the States of Central Italy to Sardinia; and he begged to call the attention of the noble Lord the Secretary for Foreign Affairs to a despatch which appeared amongst the official correspondence on Italian Affairs, and which he had received from Earl Cowley, dated the 5th of February. In that despatch Lord Cowley gave an account of a conversation which he had had with M. Thouvenel, the Foreign Minister of France, in which the latter stated that, "if Her Majesty's Government were ready to admit that the annexation of the Central States of Italy to Sardinia should depend on the consent of the Great Powers, the Emperor would subscribe to the same rule as regards Savoy and refrain from annexing that country, unless he had obtained the consent of the Great Powers. The principle in fact was the same in both cases." To this Lord Cowley replied, with the sanction and approval of Her Majesty's Government, that there was a distinction between the two cases, and that the British Government could not agree to the proposed Congress. It will thus be seen that M. Thouvenel threw upon the noble Lord the Secretary for Foreign Affairs the onus of the annexation of Savoy and Nice to France. With that brief explanation he wished to ask the Secretary of State for Foreign Affairs whether the Government had advised Her Majesty to recognize the annexation of Bologna, Tuscany, Modena, and Parma, to the kingdom of Sardinia; and if so, whether he was prepared to state the reasons which had induced the Government to tender such advice to Her Majesty? He should now pass to another subject. Those who were familiar with the records of the House must know that at the close of each Session their proceedings became embarrassed and complicated, chiefly by the accumulation of Irish business. The late Government had adopted the prudent course of taking a large quantity of the Irish business early in the Session, and the Irish Members very naturally expected that the Chief Secretary for Ireland would follow that example; but so far from doing so, the right hon. Gentleman opposite might be said to have treated the Irish business with unexampled contempt. Until half-past twelve of the previous night, the Chief Secretary for Ireland had laid before the House only one Bill of any importance relative to Ireland, and that (the Reform Bill) was a purely political measure. There were various social matters in which the people of Ireland took an interest, such as the Poor Laws, Medical Charities, Reformatory Schools, Agricultural Improvements, and sanitary arrangements; but the right hon. Gentleman had entirely neglected the social wants of the country. As a set-off for neglecting the social interests of the people the Chief Secretary brought in a Reform Bill. It might be interesting to the House to know, that only four petitions were presented in favour of the Irish Reform Bill. The first was presented by the right hon. Gentleman himself, and was signed by one person only. The second, also presented by the right hon. Gentleman, was likewise signed by one person only and that one person an Irish Peer. [*Cries of* "Name, name."] The name of the solitary petitioner was Lord Monck. The third petition was from the students of the Queen's University, signed by 185 of those gentlemen, praying for the representation of that institution in Parliament; and the fourth petition—the strangest fact of all—was the first petition presented over again, no doubt through mistake, by the hon. Member for Kildare. Great agitation prevailed in Ireland on the subject of education, the poor laws, and other non-political matters, but no attempt to legislate was made. Indeed, the subject of education had been very much complicated by the conduct of the Attorney General for Ireland. It was hardly twelve months since that right hon. Gentleman appeared before the altar of a Catholic chapel in Cork, and in the presence of four bishops in their robes, solemnly denounced the system of mixed education. The Government, on the other hand, were pledged to the principle of mixed education, and the people of Ireland did not know what to think, seeing the discrepancy between the sentiments of the Government and of their Attorney General. But there was no excuse whatever for the neglect of the poor-law question. The present Poor Law system was destroying the people of Ireland. He (Mr. Hennessy) would urgently urge the Government not to continue the powers of the Commission, but to establish in Ireland the English system of extensive out-door relief. It was not long since the extraordinary scandal was exhibited of the Irish Poor Law Board being brought into the Court of Queen's Bench and prosecuted by a Catholic chaplain, when the Judges of that court decided in favour of the plaintiff, and against the Government. In spite of that decision the Government had taken no steps to remedy the evil complained of by the chaplain. They were all familiar with the distressing and disgraceful stories about the removal of Irish poor from England. A debate took place on that subject a few nights ago, in which the Attorney General took no part; nor when he (Mr. Hennessy) made a Motion on the subject of the Bailey borough Union was either the Attorney General or the Chief Secretary for Ireland present. A very wholesome lesson had been read to the Government last night on the subject of Irish tenant right. The Chief Secretary's measure was condemned on all hands. If the right hon. Gentleman had looked at what had been done by his predecessors in 1852, he might have produced a much more satisfactory Bill. There were other matters which the Chief Secretary for Ireland had neglected, and he (Mr. Hennessy) wished to give him a fair opportunity of informing the House what steps he intended to take. The English Registrar General complained for instance that the vital statistics of the British islands were in a worse position than those of any other country, simply because of the neglect of the statistics of diseases and mortality in Ireland. In conclusion he was bound to bear testimony to the courtesy and attention of the right hon. Gentleman; but he was also compelled to add that those qualities could not make amends for his inevitable ignorance of Ireland and the Irish people. The right hon. Gentleman was a distinguished Member of that House; but when he went to Dublin he was surrounded by a clique of place-hunters who shut him out from the Irish people, and effectually prevented him from learning anything of their real habits, temperament, or wants. The right hon. Gentleman was as little able to cope with the diplomacy of that clique as the noble Lord the Foreign Secretary was to encounter the diplomacy of Vienna or of Paris. He begged to move that the House at its rising do adjourn to Monday next.

Motion made, and Question proposed—"That the House at its rising do adjourn to Monday next."

Sir GEORGE LEWIS said, he did not rise to debate with the hon. Gentleman either the question of Savoy, or that of the Irish business and its position at this moment. Those who remembered how large a portion of the Session was occupied a few years ago by Irish business, to the exclusion of both English and Scotch affairs, would perhaps be inclined to agree with him in thinking that the altered state of things afforded no bad augury of improvement in the internal state of Ireland. His object in rising was simply to object to the Motion with which the hon. Gentleman had concluded his speech, because it was necessary that the House should sit on the next day in order to receive a commission. He might at the same time inform the House that it was not the intention of his noble Friend the Secretary for Foreign Affairs to propose the resumption of the adjourned debate upon the Bill for Amending the Representation of the People that evening, because there was no probability that if renewed it would be continued. His noble Friend would state on Monday to what day after Easter he would propose that the debate should be resumed.

THE LORD-LIEUTENANCY OF THE COUNTY OF LONDONDERRY.

OBSERVATIONS.

Mr. WHITESIDE said, he rose to draw the attention of the House to the recent appointment of Mr. Lyle, at present Receiver-Master of the Court of Chancery in Ireland, to the dignity of Lord Lieutenant of the county of Londonderry, and to the circumstances under which such appointment was made. He believed that it would be admitted by the right hon. Gentleman the Chief Secretary that no gentleman had held that office so long as he had done with less opposition from the body of Irish representatives. Having been in office himself, and having suffered from an unscrupulous opposition, he should be very unwilling to make an unfair attack upon any one so courteous as the right hon. Gentleman had always shown himself to be; but the matter to which he was about to call attention was one which he thought the House would be of opinion ought to receive a satisfactory explanation. Within the last fortnight the death of a very old and respected Member of that House, Sir R. Ferguson, had created a vacancy in the representation of the city of Londonderry and in the Lieutenancy of that city and county. The Lieutenant of an Irish county—which office was created in the early part of the Reign of William the Fourth by Earl Grey and Lord Melbourne, with the assent of the Duke of Wellington—commanded the Militia, appointed its colonels and other officers, was the *custos rotulorum* of the county, nominated the clerk of the peace, and, being supposed to be the man of most eminent station in the county, he recommended to the Lord Chancellor such of the gentry as he thought ought to be made magistrates. The Chancellor was not disposed to act without his recommendation, and therefore he acted as a check upon that high officer to prevent his appointing unfit persons. In fact, he was the first man in the county. Shortly after the office was created, a Member of that House complained of the appointment of Lord Duncannon to be Lord Lieutenant of his county, on the ground that he held an inconsistent office, he being at the time First Commissioner of Works. In the debate upon the subject Mr. Stanley, defending the Ministry, said:—

> "The rule laid down for the selection of Lords-lieutenant was to appoint the most respectable persons, whether noblemen or gentlemen, connected with the county by fortune and respectability. The object of the Government in bringing in the Bill had been to appoint persons residing in or contiguous to the counties, who, by their influence with the particular district, and by their residence, would be better able to attend to the interest of Ireland. It was certainly said that the preference should be given to peers, because they wished to select persons of the highest rank, that there might be an avoidance of jealousies, which would have been created if commoners were appointed when there were so many in one county of equal rank."

The contest for Londonderry city was proceeding that day. He did not blame the Government for wishing to preserve the seat for the maiden and unconquered city; nor did he indulge in the political prudery of supposing that they would not exercise any legitimate influence they possessed in support of their Friend. The other night the noble Lord the Secretary of State for Foreign Affairs warned them not to place implicit reliance upon telegrams, and when he received by that means an announcement that a gentleman whom he left at his desk in an office of the Court of Chancery in Dublin, busy settling the accounts of the receivers, looking after defaulting tenants, and seeing that balances were lodged in court, had been pitchforked into the Lord Lieutenantcy of the county of Londonderry, he said to himself that he would not believe it, and would put no question upon the subject until he was better informed. On the following day, however, he looked into a Dublin newspaper, and there he saw a paragraph stating that "the newly appointed Lord Lieutenant of Londonderry, Mr. Lyle, his son and son-in-law, had left town *en route* for Derry, where it was said the new Lieutenant would use all his influence in support of Mr. Greer, the tenant-right candidate, in the contest then going on." This made him think the matter more probable, and soon afterwards he received a letter, from a gentleman in Londonderry, stating that Mr. Lyle had walked into the grand jury room and announced to the gentlemen present that he was the Lord Lieutenant of the county, an announcement which, as his letter stated, "they received in solemn silence." Now, the Receiver-Master was bound by law to be in his office so many hours every day, though, no doubt, in an Easter vacation he might be at liberty to assist at an election; but surely, if objection could be taken to the appointment of Lord Duncannon, it must apply still more forcibly to that of an official of the Court of Chancery who was withdrawn from his duties to be manufactured into a Lieutenant of a county. He objected to it especially if it were done at the present moment in order that the influence of the Lieutenant of a county and city should be thrown into the scale in support of a candidate at a closely contested election, whom the Government were disposed to favour. One of the duties of the Lieutenant of a county was to recommend magistrates to the Lord Chancellor and to act as a check upon his appointment of them. How could such functions be exercised by a person whose very office it was to execute the orders of the Lord Chancellor? This question he put to himself, and having no one to reply to it he answered it himself—"He is going to retire."

If there was an election to be carried, the Government, despite the defaulting Exchequer, would not stick at trifles, and he therefore ventured to think that Mr. Lyle would get his retiring pension of £2,500, the amount of his salary. He had no doubt that Mr. Lyle was entitled to his full pension, as when he ceased to be Remembrancer and was transferred to the Court of Chancery, it was fairly arranged that his time as Remembrancer should be reckoned in his services in the Court of Chancery. He would not grudge him his pension, nor any mark of personal respect that could be paid to a useful, diligent and punctual servant of the Crown. But what was to become of his office in the Court of Chancery? That was a very nice point. The House ought to be informed that whenever a Gentleman contested a county or a city in Ireland, and was defeated, it was necessary to soothe his wounded feelings with a lucrative place. The Earl of Carlisle had been more patriotic and benevolent in that respect than most of his predecessors. The Gentleman who contested the county of Dublin in the Whig interest at the last election was now a Commissioner of something or other, it was immaterial what,—gaols or lunatics, it was all the same. The son of the Lord Chancellor contested the city of Dublin and was defeated; by a like equity he must be provided for. However, there was some difficulty as to whether the Chancellor could make his son Receiver-Master in his own court, but parental feelings were universally respected and the rumour was that an excellent Gentleman, and a friend of Lord Carlisle, the Commissioner of the Bankruptcy Court, was to be transferred to the office of Receiver-Master in the Court of Chancery, and the Chancellor's son was to be appointed to the vacant Commissionership. Then they had—what? A Lord Lieutenant, who was Receiver-Master of the Court of Chancery, or if not, who was the pensioner of the Crown, the Crown paying the salary of that Gentleman, and that also of the hon. and learned Gentleman to be appointed. Who was that Gentleman? He was informed it would not be the son of the Chancellor, but Mr. Berwick, who was to be transferred to that office from the Bankrupt Court, so that the Gentleman who had contested the city of Dublin might be suitably provided with a place. Did the Chief Secretary expect to govern Ireland upon such principles? When the office of Lieutenant was created in Ireland, it was objected to on the ground that the Lord Lieutenant of a county might interfere in elections. The answer was, that peers would generally be appointed, and that, as it was a breach of privilege for peers to interfere in elections, the apprehended danger would not arise. What had taken place in the present case? It was stated that no sooner had Mr. Lyle received his appointment than he proceeded straight to Londonderry, where a hot contest was raging, and gave his support to Mr. Greer, a gentleman who advocated those tenant-right views which had met with no sympathy in the House of Commons, but whose vote might always be depended upon by Ministers. Hitherto none but noblemen and gentlemen of influence in their respective counties had been appointed to the office of Lord Lieutenant. Was the Chief Secretary authorized to state that, unless Mr Lyle had been Receiver-Master, and had held opinions similar to those of the Earl of Carlisle, he would ever have been made Lieutenant of Londonderry? The appointment was one of which the Chief Secretary might not have heard, yet he was responsible for it. The law officers of the Crown were not consulted upon such occasions. Why had the Earl of Carlisle passed over the Marquess of Waterford, Lord Garvagh, Sir Harvey Bruce, Mr. M'Causland, and many other gentlemen owning large estates in the county of Londonderry? Mr. Lyle was a younger son of a respectable family in Londonderry, a member of the bar, and a gentlemen who had long discharged the duties of a public office in an exemplary manner; but the gentry of Ireland had to ask themselves whether the place of Lord Lieutenant of a county was properly filled at the moment of a contested election either by an actual Receiver-Master in the Court of Chancery, or by a pensioned officer of the Crown. Such an appointment was utterly unjustifiable; it was unprecedented, and it was contrary to all principle. Mr. Lyle had a model farm in Londonderry, the best cultivated in the county, on which, in his leisure moments, he had certainly spent some time and money; but he did not possess a considerable estate in the county, such as would justify his appointment to an office of so much importance. Why had he been made Lord Lieutenant, in the middle of a contested election, by a clique in

Dublin, headed by the Earl of Carlisle, in preference, not only to the noblemen and gentlemen whose names he had already mentioned to the House, but to the two Members for the county, one a relative of a distinguished statesman, and the other the descendant of a chief magistrate of the metropolis? The right hon. Gentleman the Chancellor of the Exchequer had told them that they ought to apply rules framed on the highest standard of morality to elections. How could he reconcile his principle with the practice of the Government, who had made an appointment such as never was made before, and which he was quite certain, if that House did its duty, would never be made again.

Mr. CARDWELL said, he desired, in the first place, to return his acknowledgments for that part of the right hon. and learned Gentleman's speech in which he claimed for himself, and those who acted with him, the credit of having shown towards himself (Mr. Cardwell), since he had the honour of filling his present office, every possible courtesy and consideration. He acknowledged that fact thankfully; and he also acknowledged that the right hon. and learned Gentleman had the most perfect right to hold him responsible for every act of the Irish Government. Having made those acknowledgments, he would proceed to state what he understood to be the charge brought against him. As he understood the charge, it was that of having sought to put into the Lord-lieutenancy of a county a political partisan at the moment when a contested election was going on, and of contriving, at the same time, to provide for a relation of the Lord Chancellor. He would answer the two charges clearly, simply, and categorically; but before doing so, he would beg to state precisely what had been the case with regard to the vacant Lord-lieutenancy of the county of Londonderry. The first he had heard of it was an expression from his noble friend, the Lord Lieutenant of Ireland, of the extreme pain and regret with which he received the announcement of the vacancy created by the lamented death of Sir Robert Ferguson. He could assure the House that his noble Friend exercised the utmost care in the selection of a successor to the office left vacant by the death of that gentleman. The property of the county of Londonderry was largely held by great Companies in London. Upon the list of the deputy-lieutenants of the county there were the names of only two peers, one who had property in the county, but did not reside there; and the other, who did reside there, but upon property the succession to which had not yet fallen in, and which was not yet his own. There were no other names of Peers on the list. Among the commoners of the county his noble Friend, therefore, had proceeded to make the selection which the law vested in him, and for the exercise of which he was responsible. He selected a gentleman who he (Mr. Cardwell) believed would be acknowledged by every one who knew him to be a man of the most unblemished character. His (Mr. Cardwell's) understanding with regard to Mr. Lyle's property did not conform with that of the right hon. and learned Gentleman. He believed that he was a gentleman of considerable landed property, highly respected in the county of Londonderry, residing in the county, and taking a great interest in its affairs. With regard to the statement that this was done from a wish to create a vacancy, his noble Friend (the Earl of Carlisle) was in communication with Mr. Lyle some months before, that gentleman being then extremely desirous to resign his office, with the intention of going to reside in the county of Londonderry. He was persuaded to retain his office for a short period. This occurred some time before the death of Sir Robert Ferguson. Mr. Lyle, as he before said, consented to remain; stating, however, at the same time, the period for which he would continue in office. At the termination of a few months it was fixed that he should retire, and it was, therefore, as a gentleman, who had previously avowed his determination to reside upon his estate in Londonderry, that his noble Friends elected him to fill the position of Lord Lieutenant for the county. With regard to Mr. Lyle's interference in the election, the right hon. Gentleman (Mr. Whiteside) himself referred to the well-known fact that many distinguished Members of that House had themselves filled the high office of Lord Lieutenant; and he (Mr. Cardwell) was not aware that it was any reflection upon the Lord Lieutenant of the county, if he should exercise in the ordinary manner, and without any circumstances which could be alleged against him as a charge, the ordinary political functions of a voter in the county. The House might imagine, from what had been said, that a keenly-contested election was going on between a warm supporter and a strenuous opponent of the Government. Now, if he were correctly informed, Mr. M'Cormick's opinions would not be found to correspond with those of the hon. Gentlemen opposite. He had not had an opportunity of referring to Ireland, but he believed that Mr. M'Cormick and Mr Greer had expressed the same political opinions. It therefore appeared that, so far from there being a desire to create a vacancy, there had been a desire to prevent a vacancy. With regard to the way in which that vacancy had been filled, the right hon. and learned Gentleman (Mr. Whiteside) seemed to have had much freer access to the intended appointments of his noble Friend, for which he (Mr. Cardwell) was also responsible, than he could pretend to have, if he (Mr. Whiteside) could vouch for the statements which he had given to the House. All he (Mr. Cardwell) could say was, that no intimation had reached him, either from his noble Friend or from the Lord Chancellor, that there was the slightest wish of any advance of either of the two gentlemen to whom the right hon. and learned Gentleman had referred. He (Mr. Cardwell) could only conceive, therefore, that the right hon. and learned Gentleman had been indebted to mere rumours, which the imagination of some persons, not acquainted with the subject, had occasioned. The right hon. and learned Gentleman said he rose to put to him a direct question—which was, would Mr. Lyle have been appointed to this office if he had not been Receiver General in the Court of Chancery? He (Mr. Cardwell) could answer that question most completely. Mr. Lyle was the choice of his noble Friend, on the grounds to which he had referred, and the only difficulty which occurred to his noble Friend was, whether the continuance of his holding that office for the short period to which he had referred was or was not a difficulty which ought to have prevented that appointment. Considering, however, that the period was both brief and fixed, his noble Friend regarded it as not a sufficient objection, and made the appointment. Now that he had answered the question put to him by the right hon. and learned Gentleman, he would make a short reply to the statement so courteously introduced by the hon. Gentleman opposite (Mr. Hennessy). The hon. Gentleman was not quite so well informed on the state of the subject as he supposed himself. With regard to Irish business, experience showed that at the end of a Session they were very much encumbered with Irish business, and Bills frequently brought in were dropped at the close of the Session. He (Mr. Cardwell) regretted that such should be the case, but the hon. Gentleman should remember, that when he referred to former Sessions he could not say that those who, at the present moment, were responsible for the conduct of Irish affairs, were responsible for anything which occurred in former Sessions. If it had been possible to have introduced Irish business early in the present Session, it would have been of the greatest satisfaction to him but he was sure the judgment of the House would be, that it would have been highly inconvenient and impossible to introduce measures about which there was any contest, until the more pressing public business of the country had been disposed of. When the hon. Gentleman said that he (Mr. Cardwell) had not brought in any Bill on the subject of education in Ireland, and put a question as to whether he intended to bring in a Bill upon the subject, he answered him that no Bill was required to carry out any change. It was only within a week that he received the rejoinder of the Roman Catholic Archbishops and Bishops of Ireland to the communication addressed by the Government, and it was quite obvious, as he had stated before, that when he introduced the Estimates was the proper time to make a statement upon the subject. With regard to the poor law in Ireland, the Poor-law Amendment Bill was introduced last night, and would be shortly in the hands of hon. Members. As to the question of poor-law removal, his right hon. Friend the President of the Poor-law Board, on a former occasion, had fully laid before the House the state of that question. With regard to the registration of births, marriages, and deaths, he (Mr. Cardwell) had, very early in the Session, announced his intention of bringing in a Bill on that subject, and he was only prevented from introducing that measure for the want of an opportunity. All he could say was, that as soon as it was the pleasure of the House to proceed with the Irish business, it would be of the greatest possible convenience and satisfaction to himself.

SIR FREDERICK HEYGATE said, I should not have addressed the House on the present occasion had I not been personally alluded to in the course of the debate, and was it not for the fact that, amongst the reasons assigned by the Press to the public for the appointment of the new Lord Lieutenant of the county of Londonderry is the following, namely,—

> "That there is not one nobleman or gentleman of sufficient position and character in that county to qualify him to fill the high and responsible office of Lord Lieutenant."

I do not mean to state, Sir, that this was the motive that actuated the Government, but I must say that the appointment of a gentleman, however respectable, holding a high legal situation in the Irish Court of Chancery, and therefore almost constantly resident in Dublin, would naturally lead to the supposition that there was no one else in the county qualified for the post. This is an imputation, Sir, that on behalf of those noblemen and gentlemen, I indignantly repudiate. It is true, as has been stated by the right hon. Gentleman the Secretary for Ireland, that a large part of the county I have the honour to represent is the property of the London Companies, who from their constitution, although in general represented by excellent agents, are, and must be, in the position of absentee landlords, and unable to fill any public situation. Still, Sir, all who are acquainted with the County Derry know perfectly well that there are many most respectable noblemen and gentlemen of large property in the county—many of them constantly resident—who are of the class, both by position and character, usually selected for offices of the nature in question. I do not make these remarks, Sir, with the least intention of saying one word against Mr. Acheson Lyle. On the contrary, from what I have the pleasure of knowing of that gentleman, I believe him to be both a highly honourable man and one who, by his good sense and business habits, is well fitted to transact the business of any situation in which he may be placed. But, Sir, I am afraid that the real reason of the appointment is not avowed by the Government, and that political considerations are the chief things considered. In this view, Sir, the nobility and gentry of the county, with hardly an exception, undoubtedly do possess the disqualification which it is impossible they can surmount—it is, Sir, that they have not the happiness in general, to take that sanguine and complacent view of the merits of the present Government that, I suppose, they ought to do. I should have thought, Sir, that if it was desirable that magistrates should be appointed, irrespective of political considerations, it was equally important that he who has the nomination of those magistrates should also be selected without regard to party, or to the political opinions he may happen to hold. Before sitting down, I must correct the statement of the Secretary for Ireland, that the three candidates for the representation of the City of Derry hold the same political sentiments. I believe it will be found that Mr. M'Cormick, if elected, will undoubtedly take his seat on the Opposition benches. I should not have said a word on this subject had I not felt that the gentry of the County Derry had been unjustly attacked; and I will close my observations by adding my humble tribute of respect and regret for the loss of the late Sir Robert Ferguson, so highly esteemed as a Member of this House, and who discharged the duties of Lieutenant of the County Derry for so many years, by universal consent, with impartiality and justice.

LORD FERMOY said, the House was indebted to the right hon. and learned Gentleman (Mr. Whiteside), for having called their attention to the subject of the appointment of a Lord Lieutenant for the county of Londonderry, because he (Lord Fermoy) thought they ought to settle the question upon what principle were appointments to be made in future to those high offices. He meant to say nothing against Mr. Lyle, for he knew nothing about him, but he was willing to believe that he was a most excellent officer in the Court of Chancery, and had served his country usefully. That might be a reason for allowing him to retire upon full pay, if he chose, but it was no reason for appointing him to an office in a county, the due fulfilment of which required two things—namely, the respect of all parties in the county, and a thorough local knowledge of that county. If Mr. Lyle, however, had honestly and carefully discharged his duties in the Court of Chancery in Dublin, it was perfectly impossible he could have acquired a thorough knowledge of a distant county. Even if that Gentleman did now possess a large property in the county, he had been absent from it for the greater portion of his life, and therefore could not possess the local knowledge to fit him for the office of Lord Lieutenant. He was prepared to go the length of saying that where two men highly qualified by rank and a knowledge of the district presented themselves for the office of Lord Lieutenant, and one agreed with the Government in political opinions and the other did not, they might appoint the man who agreed with them. Further than that they should not allow political opinions to enter as an ingredient into the question as to who should be appointed a Lord-lieutenant of a county. The right hon. and learned Gentleman opposite had asked whether Ireland was to be governed upon that principle, but he (Lord Fermoy) wished to ask upon what principle was Ireland to be governed. They must recollect the position of affairs in Ireland at the present moment. In that country they had a large body of men representing the Ultramontane Catholic party, whose confidence the Government did not nor ever would possess. [Mr. BOWYER: Hear, Hear!] Therefore, in order to manage affairs in that country, the Government must possess the confidence of the moderate Catholics and the Protestants; but the policy that had been pursued was not at all calculated to secure that confidence. What measures relating to Ireland had been proposed? After the application of the screw Parliamentary, two Bills had been introduced, but had not progressed further than a first reading. But surely if they held out to the people of Ireland the idea that they were going to legislate for their benefit, they were bound to carry that intention into effect. He asked what had become of the Endowed Schools Bill? A Commission which sat on the subject of education had shown to them that the endowed school system in Ireland was a monstrous job. They had £80,000 a year which was misapplied, and still the Government had not attempted to deal with this question. He believed, however, the late Government, before they left office, had showed a disposition to deal with this question. Another question of great social importance to Ireland was the Fairs and Markets Bill, which had not been dealt with. True, the Government had brought in a Reform Bill; but a measure which had received less approval from the Irish people, he believed, never was brought into the House. He had endeavoured to induce the Government to grapple with the question of the Ecclesiastical Courts, which in England as well as in Ireland, was a monstrous nuisance. They impeded the whole administration of justice in Ireland. [*Cries of* "Question."] That was the question. It was disagreeable to many hon. Members in that House to hear subjects of that nature discussed, but they must excuse him if he told them that while they were neglecting all those material interests in Ireland, the country was slipping from them; there was no public opinion in their favour, and they should recollect they had laid down this principle in dealing with other countries, that dynasties might be abolished and dependencies might be set free by universal suffrage. The day might come when this country would want the support of the independent Catholic and Protestant party in Ireland, and the only way to obtain that support was by applying those useful measures of social legislation to Ireland. If they did not do that, public opinion in Ireland would desert them, and a Minister of some foreign country would be sending them a well-written despatch, calling upon them to appeal to universal vote in Ireland. He feared very much, when that day arrived, men like himself who had an interest in the country, and wished to see Ireland governed upon moderate, fair, and reasonable principles, would find themselves deserted by the country, and the decision of the whole people of Ireland would be against connection with England.

BRIBERY AND CORRUPTION AT WAKEFIELD—QUESTION.

MR. ELLICE (St. Andrew's) said, he wished to inquire what were the intentions of Her Majesty's Government as to the Report of the Commission on Corrupt Practices at the Election for the Borough of Wakefield. The subject was one of importance, and, as the Reform Bill could not be proceeded with until after Easter, he hoped the House would take advantage of the interval to clear its conscience, for having allowed this important matter to sleep so long. In consequence of the Report of a Committee of that House, a Royal Commission of Inquiry into the circumstances of the Wakefield election had been appointed, and the Commissioners presented their Report on the 28th of last January. Their Report had consequently been on the table of the House for two months. Its contents were well worthy of serious consideration, especially now that the question of reform was under discussion. The Commissioners reported that at the election of 1859 the constituency consisted of 866 voters, of whom 809 voted; and that the election was conducted by, and on the part of each of the candidates in a corrupt and illegal manner. As between the two candidates, one being a Conservative and the other an ultra-Liberal, it seemed that with regard to the amount of corruption, it, in common parlance, was six of one and half-a-dozen of the other. The sum of money spent on either side was much the same. In all, the Commissioners found that £8,050 had been spent on the constituency by the two candidates, of which amount £6,900 had been spent for purposes of corruption; £3,500 of it had been laid out in direct bribery, and £3,400 for other matters closely connected with illegal and corrupt practices. The Commissioners went on to say that the candidates had provided these large sums of money with the intention of the money being employed in bribery and corruption; that the sum of £3,500 was paid in bribes to eighty-six persons, who had received on an average about £40 a head, but that in all there were 142 persons bribed or corruptly dealt with. The Report of the Commissioners, in its concluding paragraph, stated,

> "Lastly, we find, having regard to the length of time before the election at which the preparations for the work of corruption were commenced, to the large proportion (142 out of 866) of the whole constituency engaged in corrupt practices and guilty of bribery, to the number of persons (including fifty-six, themselves electors) who voluntarily joined in the work of offering and giving bribes, to the zeal and skill they exhibited, to the readiness with which their services were received and their acts adopted, to the open way in which bribery was carried on by the canvassers and discussed among all classes, and to the manner in which the voters received and bargained with the canvassers on both sides, that large numbers of the electors were then not for the first time engaged in the like operations of gross corruption."

By the Corrupt Practices Act, under which the Commission was issued, express provision was made for the exemption of persons who gave evidence before the Commissioners in such cases, from any penal consequences attached to acts which they themselves might have disclosed; but the Act at the same time contemplated that wherever the Commissioners thought fit to refuse a certificate of indemnity, the persons should still remain open to prosecution. Now, to the Report of the Wakefield Bribery Commissioners was annexed a schedule containing the names of the persons who had been guilty of bribery and corrupt practices there, distinguishing those to whom the statutable certificate had not been awarded by the Commissioners. In that list, and without such certificate, he found the names of the two candidates, who were stated by the Commissioners to have spent £8,000 in bribery at Wakefield. Now, he would refer to what was done last year in the case of the Beverley election. In that case, likewise, it was reported that bribery had prevailed, and the names of certain persons were reported by the Committee as having been guilty of it; and on the Motion of the Chairman of that Committee, the names of two of those persons were specially brought before the House, and the Attorney General was directed to prosecute them. Those persons were two men named Boyes and Taylor, whom the Committee had found guilty, the one of giving a bribe of £20 amongst nine persons, and the other £4 7*s.* between two persons. When the Motion for prosecution was brought before the House, the hon. Member for Southampton (Mr. Digby Seymour) moved as an Amendment,

> "That, as the recent Commissions have clearly demonstrated that many persons of higher social rank have been involved in graver criminality, it would not be expedient to limit the direction to Her Majesty's Attorney General to the prosecution of Boyes and Taylor."—[3 *Hansard*, clvi., 489.]

The right hon. Gentleman (Sir G. Lewis), in supporting the original Motion, said,

> "As far as the present case went it was quite clear that it would be a precedent for the prosecution of others guilty of a greater amount of bribery. If it were right that persons reported against by other Election Committees, or by the recent Commissions issued in respect of Wakefield and Gloucester, should be prosecuted, he was sure that the House, if those persons had not received certificates from the Commissioners, and if there appeared a prospect of success in the prosecutions, would listen to any hon. Member who should feel disposed to bring the subject under consideration. It was, therefore, a reason in favour of the present Motion that it established a principle applicable to all cases."—[3 *Hansard*, clvi., 494.

In the eyes of the public a rather unfavourable contrast would appear between the course which the House took then with those two humble individuals, who had been employed to offer inconsiderable bribes on behalf of others, and the course which was now taken in passing over the conduct of two wealthy persons, who were proved before the Commission to have produced and applied the sum of £8,000 for corrupting and debasing a whole constituency. In the one case the House had been very eager to punish the subordinates, but if when the principals were detected, which could but rarely occur, they did nothing, the public would look upon the House as desirous of screening these persons, and shirking the application of the rule they had been ready to apply to their agents. He wished to know why a different rule should be applied to the Wakefield case, where two persons were reported against as having been guilty of corrupt practices for their own purposes, from that which was applied to the Beverley case, where two persons had been employed in a similar transaction for the advantage of somebody else? With such an inequality of dealing, it was but natural that doubts should prevail out of doors as to the purity of the intentions with which the House took up the question of Parliamentary Reform, when such a report as that of the Wakefield Commission was lying on the table unnoticed side by side with the Reform Bill. They talked of lowering the franchise to £6. Now, Wakefield was the creation of the old Reform Bill, and its constituency, composed of £10 householders, was a pure one, and uninitiated in corruption, until it was demoralized by some wealthy persons. But did the House think that if the constituencies of Wakefield, Gloucester, or Berwick, had been composed of £6 instead of £10 householders, the bribery there would have been less? On the contrary, was it not evident that the list of bribers would only have been enlarged? Before going further into the question of Reform, the House should justify itself from such slurs as were cast upon its character when a Report like that of the Wakefield Commissioners was left unnoticed. He had no fear of the result of extending the franchise if they gave the voter fair play; but, if they left him exposed to every sort of illegal appliance, it was his opinion that, instead of conferring a benefit by the enlargement of the constituencies, they were only increasing a class which, politically, —if there was any truth in these Reports of numerous Commissions—was already much demoralized. He did hope that the Government would show their sense of justice and honesty of purpose by taking care that if the delinquents in the Beverley case were punished, the Wakefield Report was also acted upon, and that the Attorney General would be instructed to prosecute the two principals who were compromised by it.

SIR GEORGE GREY said, he wished to correct one error into which his hon. Friend had fallen, in supposing that the House or the Government were disposed to apply a different rule in these cases according to the station of life of the persons implicated in them. It was a mistake to suppose that it had in former cases been the practice of the House to direct the Attorney General to prosecute all persons who had been reported by an Election Committee to have been guilty of bribery. That course was confined to the cases in which the Committee reported, not only that certain persons had been guilty of bribery, but that in their opinion the Attorney General ought to be directed to prosecute; and in the Beverley case the Committee having reported to that effect, the Chairman moved a Resolution of the House directing that the Attorney General should institute a prosecution. There were many other persons who during the last Session had been reported to have been guilty of bribery, but in those cases no such action had been taken. With regard to the Wakefield Commission, the hon. Gentleman had not stated the case very correctly. No doubt the Commissioners expressly pointed to certain persons, whose names appeared in the schedule, as guilty of bribery and corrupt practices, and the names were also specified of those among them to whom the Commissioners had refused the certificate which alone would protect them from any prosecution or penalty. Under these circumstances it was obvious that the persons to whom certificates were refused were open to prosecution, provided the evidence was sufficient to insure a conviction in a court of law for the crime of bribery. But independently of the certificate of indemnity given to persons who spoke the whole truth to the satisfaction of the Commissioners, there was a clause in the Act which prevented the evidence given by any person on compulsion before the Commissioners from being used in evidence against him on a prosecution in a court of law. If, then, in the Wakefield case the persons from whom certificates of indemnity were withheld were proved by their own evidence only to have committed bribery, that testimony would not be available against them in a court of law. His right hon. Friend the Secretary of State for the Home Department, after having given a careful consideration to the Report of the Commission, had referred it to the law advisers of the Crown, calling their attention to the fact of a large number of persons having been reported guilty of acts of bribery, and also to the fact that to some of them the certificate had not been given. The law officers of the Crown had, therefore, been called upon to consider whether they considered there was sufficient evidence to support a prosecution. But independently of any proceeding on the part of the Government, the Report having been laid before the House, any hon. Member might move that the Attorney General be instructed to prosecute. On the general question he stated the other night that it was not expedient that these corrupt practices, carried on so extensively, should be overlooked, and that the writs should issue after a short temporary suspension. In Wakefield, especially, the Commissioners stated that although there were not more than 200 persons who had actually received bribes, they believed that the corruption was at all events connived at by the great bulk of the constituency, and that it was not confined to the lower class of voters, but pervaded all classes. He (Sir George Grey) believed that the most effectual means of checking those corrupt practices would be to enact that for a given term of years boroughs so circumstanced if not absolutely disfranchised should be prevented from returning Members to that House, by which means Parliament would mark its sense of the corrupt practices to which the constituencies had been proved to have resorted, and time would be given for correcting the corrupt practices. But there being now a Bill before Parliament the effect of which would be to add to the constituencies of both the boroughs in question, the Government did not think it would be right, while proposing that addition, to invite the House at the same time to suspend the exercise of the franchise in these boroughs for any lengthened period. Under the circumstances the Government recommended that no new writ should be issued for either of those boroughs during the present Parliament, and for that purpose he apprehended no Act of Parliament would be necessary, as the object might be effected by the Resolution of this House.

THE EXPENSE OF THE DEFENCE OF THE COLONIES.—QUESTION.

MR. ADDERLEY said he was sorry to be obliged to add one more subject to the heterogeneous discussion which had already taken place; but the Question of which he had given notice was, he thought, of so important a character as to justify him in asking the Secretary at War for an immediate explanation. If the answer to his question should not be satisfactory, he should ask the House to assent to the appointment of a Select Committee on the subject after the Easter holidays. His question had reference to a better apportionment of the expenses for the defence of the Colonies between the Imperial and Colonial Treasuries. He was of opinion that the present system of charging those expenses almost wholly on this country was not only burdensome to this country, but was mischievous in its effects to the Colonies themselves. The facts were these—that for the purpose of the military defences of the Colonies there was thrown upon the English taxpayers a burden of nearly £4,000,000 a year, whilst the amount contributed towards that object by the Colonies themselves was somewhat less than £400,000 a year, being less than one-tenth of the whole sum required. It seemed to him that that was a most unreasonable state of things, and that the House would do well to consider it with a view to a more just and satisfactory arrangement of the matter. The taxpayers of the mother country derived no advantage from the contribution of that money, whilst the exemption of our Colonies from their own taxation was indefensible and injurious, if not seriously mischievous to themselves. The two colonies of New South Wales and Victoria no doubt contributed somewhat more than our other Colonies towards the expense of their defence. He could not understand the reason why the British Colonies should be the only part of the empire—indeed of any empire in history—exempted both from personal service and money payment for the cost of their own defence. The effect of the arrangement was to weaken this country by occasioning the Queen's forces to be scattered in small detachments all over the world. The number of our troops supposed to be appropriated to the defence of the Colonies was 42,000. Those were scattered over a great number of the Colonies, and were lost to this country when their services were really wanted. In time of war we were obliged at the risk of incurring a bad understanding with Foreign Powers to resort to German and Swiss legions from the circumstance of being unable to avail ourselves of all our own troops. But with regard to the Colonies themselves it did a still greater injury. In the first place, these few soldiers could not really defend the Colonies. Their numbers being totally inadequate, and there being only two or three companies often in a large tract of country, the colony trusting to such defence would be at the mercy of any enemy who had anything like a competent naval force; whereas if the Colonies were obliged to depend on their own resources they would provide a sufficient force for their defence. The great inequalities, too, of the system—some of those colonies, often those the least responsible, being required to contribute more than others—naturally created a feeling of jealousy, and an impression that injustice was done to the former. Another anomaly of the system was shown in the colonial allowances made to English troops—allowances being granted liberally by some of the colonies, whilst others made no such allowances. The consequence was that the British Treasury had to make up the difference to Her Majesty's troops when stationed in the liberal colonies; and the troops stationed elsewhere complained. Last year the late Secretary at War, whilst referring to this question, complained of the present system being unjust, capricious, wasteful, and mischievous. Some colonies were not even required to pay for their own local forces, and very few had raised any local militia whatever. When he brought the question on the last occasion under the consideration of the House, the right hon. Gentleman the Secretary for War said that a Committee had been appointed to investigate the subject. That Committee consisted of the Secretary of the Treasury, the permanent Secretary of the Colonies, and the permanent Assistant Secretary of the War Office, who were required to state the existing system, and to make some suggestion as to a better principle of apportionment of military expenditure in Colonies between the Imperial and the Colonial Treasuries, and as to the best mode of carrying out that apportionment. He had asked for the Report of that Committee; but he was told that it was a Departmental Report. He, on the other hand, held it to be the property of the House, because it had been so referred to in that House, and made a pretext for stopping his intended Committee of Inquiry; and the less right had the Secretary of State for War to withhold it when it was remembered that the Committee was appointed by his predecessor in office (General Peel), and was actually sitting when he went out of office. He, therefore, now asked the Secretary of State for War whether he was still disinclined to produce that Report, and, if so, whether he, on the part of the Government, would offer any objection if he (Mr. Adderley) should think it his duty to move for a Select Committee to inquire into this subject, in order that he might obtain and lay before the House the same information as was probably contained in that document?

THE POLISH REFUGEES IN THE CRIMEAN WAR.—QUESTION.

Mr. MAGUIRE said, he rose to call attention to a Petition from certain Polish Refugees, who, having served under the British Government in the Crimean War, complain of injustice being done to them, and ask for inquiry and redress. He would not occupy the attention of the House for more than a very few seconds, for he was as anxious to listen to the hon. Baronet (Sir Robert Peel) as any Member in the House. The case to which he had to call attention was one of charity and justice, which involved the honour of the British Government. It related to the claims of forty-one unhappy Polish refugees who had served in the Crimean War. They complained of the gross injustice which had been done to them, and sought redress from that House. The statement of their case which had been placed in his hands had been drawn up by a most accomplished lady, the daughter of a Polish nobleman, and he would just refer to one or two facts stated to show that the case called for investigation. It would be remembered that in the difficulty which this country experienced to get men to fight our battles, and when our agents all but embroiled our relations with America by recruiting in the United States, the services of a German and a Polish Legion were engaged. The German Legion had been well treated; the Polish had been scandalously misused. The Petition stated that the petitioners had served in the Crimean War in the Polish Legion under the British Government, and up to this day they had not received their full payment, which they had never ceased to demand. Before they entered the Legion they had been told by an agent of the Government that great benefits would accrue to Poland from the war, and that all would receive the protection of the Government, as well as the promised bounty—a year's pay, and a free passage. They asserted that they only received £1 of the bounty, although the Germans were paid £6. When the Legion was disbanded in July, 1856, General Storks said they would receive all that was promised them; but only one-tenth part of them received it; and many thousands of them were obliged to turn shepherds in Bulgaria. Those who had received their passage money were obliged to submit to its deduction from their year's pay. Their good clothes were taken from them, and inferior clothes were given them. And as there was no room for their baggage, their good clothes were cast overboard. One of those gentlemen, Lieutenant Alexander Goman, stated that he was born in Cracow, and made prisoner of war by the Russians in 1831. In consequence of having served against Russia he was doomed for life by the Government of that country to serve as a private soldier; but in consequence of his exemplary conduct he was subsequently raised to the rank of lieutenant. Being tempted by the agents of the British Government, who were abroad to procure men to fight their battles, he entered the Polish Legion formed under the authority of the British Government: he served during the war in the Crimea until the 11th June, 1856, when the force was disbanded. At that time there was £104 due to him, but in consequence of some private quarrel a portion of that money was detained from him by the commanding officer of the Legion. He demanded it from General Storks, who promised to get it for him, but he had never obtained it. He was now reduced to the most abject poverty, and condemned to work at manual labour with his health shattered. He (Mr. Maguire) had seen two or three of the petitioners himself, and more pitiable and wretched objects he had never beheld. They were almost walking skeletons, and their whole condition was such as to excite commiseration. He asked the earnest and honest consideration of the Secretary of State for War to this case. Let some trustworthy person be employed to make inquiry, and if there was any truth in the statements made he conjured the right hon. Gentleman, for the sake of those unfortunate people, as well as for the honour of the British name, to do them justice.

MR. SIDNEY HERBERT said, that with regard to the request of his right hon. Friend (Mr. Adderley), who wished to have a copy of the Report of a Parliamentary Committee appointed by the War Office, the Treasury, and the Colonial Office, by his predecessor, the gallant General (General Peel) opposite, he had stated to him the other day that he thought, as a general rule, there was an objection to publishing the Reports of such a Committee; but it was also true that last year, when his right hon. Friend brought the matter before the House, he (Mr. Sidney Herbert) had stated his opinion on the general subject; he stated the injustice in some cases and capriciousness with which these payments were distributed, and expressed the hope that some remedy would be found; and the Government were pursuing inquiries with that view. Generally speaking, he was opposed to making the Reports of these Departmental Committees public; but, as the one in question had been announced as occupying the attention of the Government, and as the foundation of some measure on the subject, he had in this particular case, having consulted the Colonial Minister, no objection to the production of the document. It would be found to be a document of great ability; but, of the three Members of the Committee, two had signed a Report opposed to that of the other. With respect to the case mentioned by the hon. Gentleman (Mr. Maguire) as one of charity and justice, he had to state that it was really a case of charity, not of justice. He believed the hon. Gentleman could not overstate the destitute condition to which these unhappy persons were reduced. Their case had been taken up by a lady who was a Russian subject, and who was now in this country on a very unfortunate mission connected with painful family circumstances. These men had entered the Turkish service originally in the regiment known as the Cossacks of the Sultan, and were subsequently taken into British pay; but the whole question was simply one of compact. The Government raised through an English agency a certain number of men to be added to that legion. These men were promised no bounty whatever. The complainants were either deserters from the Russian army, who were transferred where they were without the necessity of providing outfit for a lóng voyage, or they were prisoners taken from Bomarsund, and sent out at the expense of the Government to join this Cossack Legion. The contract with them was, that the officers should receive the pay of French officers, and the men of Turkish privates. That they received, and at the expiration of their service a certain gratuity. Some came back; others remained in Turkey. Those who came to England received all that was due to them, and gave a receipt as having been paid in full. They never made any complaint until last autumn, when they found that others who had enlisted in the same legion at a greater distance had received more money in order to compensate them for the expense of reaching it. The lieutenant who had been referred to had been dismissed from the service for some misconduct by his superior officer, who was the proper person to decide upon the case.

ANNEXATION OF SAVOY TO FRANCE.

OBSERVATIONS.

SIR ROBERT PEEL: I rise, Sir, to call the attention of the House to the subject of which I have given notice—the recent annexation of Savoy to France. It is a subject in which I take great interest, and I trust that, under the circumstances, the House will kindly bear with me in the statement I am about to make. Nay more, I believe the House will concur with me in thinking that, looking at the embarrassed state of foreign affairs at this moment, it is desirable, before we adjourn for the Easter vacation, that some expression of opinion should be made with reference to the position of Switzerland; and that we should have an opportunity of considering and weighing the immense and immediate danger with which the neutrality and independence of that country are now threatened by the annexation of Savoy to France. My object in rising to-night is, I may say, to endeavour to save Switzerland by a generous expression of sympathy on the part of this House and this nation, for I do think that she is greatly menaced by the position of France in her immediate neighbourhood. Individually I own I take a lively and very natural interest in the welfare of that country, having lived there for several years in a very impressionable period of my life. But I put that on one side. I come here as an Englishman, in the free Parliament of a free people, to advocate the principles of liberty wherever it may concern this country, and to maintain those principles wherever imperilled; and I shall be satisfied if, when I resume my seat, I shall have contributed to draw attention to, and thus serve the cause of that country whose rights and liberties are now imminently endangered. At the outset I must say that the repeated insinuations of the hon. Member for Birmingham (Mr. Bright) against those who have advocated the interests of Europe in opposition to the aggressive policy of France are most unfounded. That hon. Gentleman is very severe in his criticism of those who venture to differ from him on political questions. We know the candour of his censures; but I am convinced almost every Member of this House dissents from the un-English policy which the hon. Gentleman would recommend Her Majesty's Government to pursue at this moment. That hon. Member repudiates the opinion of my hon. and learned Friend the Member for Bridgwater (Mr. Kinglake) as well as those which I and abler Members of this House have expressed on several recent occasions on this question. But, mark you, those opinions are now the opinions of Her Majesty's Government. The hon. Member for Birmingham the other night said he repudiated those views because he represented a great English constituency; but, remember, we all of us form the collective representation of the entire constituent body in this country; and I say the hon. Gentleman, in disowning our views and the views of Her Majesty's Government, disowns the sentiments of nine-tenths of the town which has sent him to Parliament. That, however, is the hon. Member's own affair, and he had better look to it. I venture to tell him that if the new Reform Bill passes he will find himself very much in the position of the right hon. Member for Ashton (Mr. M. Gibson)—the late Member for Manchester. But when the hon. Gentleman endeavours to persuade us that we have no direct interest in this great question, I believe he grossly misrepresents the general feeling of this country, and egregiously undervalues the depth of that feeling. I wish also now to state that, in bringing this subject before the House previous to the adjournment for the Easter Recess, I am certainly not actuated by any unfriendly feeling towards Her Majesty's Government. I only desire, as was said the other night by my hon. Friend the Member for Horsham (Mr. S. FitzGerald), to strengthen their hands in the present emergency. I only desire to see them pursuing a policy worthy of this country and the grave responsibilities under which they are placed. They have shown much hesitation on several occasions in answering questions relating to foreign affairs; but I believe they could lose nothing by a generally diffused knowledge of what their policy has been within the last few weeks. Certainly I think the opinions expressed the other night by the noble Lord the Foreign Secretary have had a very great effect in this country. Those opinions have immeasurably enhanced the confidence of the nation in the straightforward course which that noble Lord will unquestionably take in the conduct of these affairs. But why not let us know what has been the answer made to M. Thouvenel? It was promised to be laid on the table the other day; but we have never seen it? It is said in the streets that it is very spirited. Let us see, then, what your spirited answer is. Observe the difficulty in which Members of the present Government are placed by not informing the country what their policy has been. When in 1857 Mr. Cobden proposed a vote of censure on the Government, I think his expression was that their foreign policy had been "turbulent and aggressive." They were turned out of office in consequence. The year following, Mr. Milner Gibson,—the right hon. Member for Manchester then—moved another vote of censure against the Government for not having been, as he called it, sufficiently prompt in vindicating our national honour. That is to say, in 1857 the Government were too turbulent; and in 1858 they were not turbulent enough. All this comes of the country not knowing what your policy really is. But the wording of the right hon. Gentleman's memorable Motion is really worth recalling when we are considering the Government's hesitation to show us their despatch. The then right hon. Member for Manchester declared:—

> "This House regrets that Her Majesty's Government have not felt it their duty to make some reply to an important despatch received from the French Government on the 28th of January, 1858."

Here we are in almost the same position. The right hon. Member for Ashton, sitting on his present comfortable bench, may, perhaps, not like to take the matter up now. But this important despatch has not been produced, and we are ignorant of its contents. I dare say it is "spirited," if it accords with the tone used the other night by the noble Foreign Secretary. There may be, however, doubts about that, but of this there can be no doubt, that a wanton outrage, fraught with the gravest consequences to the peace and happiness of nations, has just been offered to the Powers of Europe and the principles of justice. Within the last three days I think that last act has been signed, the effect of which must be, unless this country and the rest of Europe protests against it, to subvert the independence of Switzerland. What have been the assurances of France all this time? We all recollect the famous declaration, "*L'empire, c'est la paix!*" The French Government had over and over again solemnly declared that it aimed at no personal objects—that it sought no territorial aggrandizement. In his proclamation issued at Milan, the Emperor told the people of Lombardy:—

> "*Vos ennemis, qui sont les miens, ont tenté de diminuer la sympathie universelle qu'il y avait en Europe pour votre cause, en faisant croire que je ne faisais la guerre que par ambition personnelle, ou pour aggrandir le territoire de la France.*"

In his speech from the Throne, on opening his Chambers, on the 1st of March, the Emperor said, "*La France ne menace personne;*" and then went on to avow his hope, by the expansion of the resources of France and by the extension of liberty, "to console and reassure humanity." And this is the way in which he "consoles and reassures humanity." I think we have too long and too credulously listened to his good assurances; that we have too ingenuously accepted the good faith of his intentions. Whatever may be the consequences—and grave, I fear, they may be—of the present complications, certainly, as far as is consistent with the honour of this country, and the material interests of Europe, peace must be maintained. The House, I am sure, would be sorry to urge Her Majesty's Government to adopt a policy involving war, and all those painful concomitants of war with which, alas! too many of us are familiar. But, whether it be necessary by peace, or by a firm and rigorous attitude to encounter a policy on the part of France which is producing distrust tending to war, I think we all ought, as far as possible, consistently with peace, to strengthen the hands of the Imperial Government, which is responsible to Parliament for the safety of our interests and the maintenance of our honour. Nay, I go further than the hon. Member for Birmingham went the other night, and say that, whatever may be the particular interest of Russia, of Austria, of Germany, or even of Switzerland, I should be very sorry to see the Government of England adopting a policy calculated to plunge us into a war for no object of general interest. But is there no principle of common interest affecting this country at stake in what is now going on? I believe there is. Many hon. Gentlemen, here and out of doors, think Her Majesty's Government have connived in some way or other at the aggression and annexation now being pursued by France. I do not concur in that suspicion, and I have said so from the beginning. Appearances have been strongly against them, I admit. I think they have carried forbearance to its extreme limits. But I believe they have been deceived—grossly deceived. In fact, they have confessed as much themselves. But mark you, they have been deceived by a Power whose good faith and good intentions they were bound to accept after the repeated assurances they had received. Is there, then, I repeat a principle of common interest at stake? I believe there is. I ask the House to observe the position in which Europe is now placed. Is it likely that the Emperor, having rejected all the friendly remonstrances of this country and of others, having by his desperate policy plunged France into a system of aggrandizement and territorial aggression, will now stop and be satisfied with what he has obtained, even if he be able to curb the further progress of the revolutionary—for it is revolutionary—policy which he is pursuing? It is the revolutionary policy of 1848, which was adopted by M. Lamartine and by M. Louis Blanc; and I ask you, as we know that *ce n'est que le premier pas qui coute,* whether it is not most probable that, having tasted the pleasures of ambition, and witnessed "the pride, pomp, and circumstance of glorious war," the Emperor will take the first opportunity of proceeding to some conquest which will more materially affect the interests of Europe. If that be so, we have at this moment the great and important duty to perform of endeavouring, with the assistance of the rest of Europe, to check his progress. What is the feeling of Europe at this moment? Does Europe feel with us? The hon. Member for Birmingham thinks that it does not. The other night he said, to my astonishment, "Russia takes no interest in this miserable question." The hon. Member for Birmingham calls that "a miserable question" which concerns the liberties of half a million of people. He said, "Does Russia take an interest, does Austria take an interest in it? Austria won't join you in a quarrel about Savoy or Switzerland, when not one word has been said about her own dismemberment." He must not think that every Power has that feeling of jealousy and nasty spitefulness. I believe that Austria, although she has suffered severely, has sufficient manliness still to come forward in the interest of the rest of Europe to endeavour to vindicate the right, and to defend the principles which she has herself sworn to adopt. The hon. Gentleman says that you can't get up any interest in the question in this country. In answer to that assertion, I may appeal to the state of the House at this moment; I may appeal to this crowded assembly, called together by no words of mine, but by an active and determined interest in the welfare of Switzerland. Yet the hon. Gentleman says that you can't get up an interest on this subject; adding that there is some little attention paid to it by one newspaper, but that it is a newspaper notorious for a mixture of piety and ruffianism. That is the way in which the hon. Member for Birmingham speaks of a free press. He says that day after day that newspaper endeavours to stir up the passions of the people by vituperations—I am referring to what I have read in the newspapers—

MR. SPEAKER: I must request the hon. Baronet not to refer in detail to a past debate.

SIR ROBERT PEEL: Of course I bow with submission to the Chair. I was merely alluding to what I read had taken place. One thing I recollect having seen in the newspapers, and that was, that it was insinuated by the hon. Member for Birmingham (Mr. Bright) that the guilty instigators of these vituperations were princes of the House of Orleans. Now, I do think that that was a most unjust and ungenerous imputation for any man to cast upon a family like the House of Orleans. They are princes of an exalted family, and I am assured that I speak the sentiments of the House, when I say that, weighed down as they are by the bitterest visitation with which Providence could afflict a family, they have, during all the time that they have resided in this country, conducted themselves with a nobility of character, and more than a nobility of character—with a dignity of demeanour which has gained for them the sympathies of every one, except the hon. Member for Birmingham, who, coupling them with the Savoyards, is so ready to cry down and afflict them. I only hope that the hon. Gentleman himself may never be placed in such a position as to learn what it is to be deprived of his home and of the country of his birth. [*A laugh*]. I do not mean to say that he is ever likely to become a Sovereign. Let me now call back the attention of the House to the inquiry, "Is the feeling of Europe opposed to the consideration of this question?" Russia, they say, is cool about it. Why, Russia is at this moment occupied with a great question of domestic policy, and of course she is more ready to turn her attention to the East than to the West. But take Prussia. Take Prussia, with her well-organized army and her loyal people; what are the feelings of Prussia? Were they not nobly expressed in that despatch of Baron Schleinitz, which was quoted the other night? I have not it by me, but it was a generous and noble expression of feeling on the part of the Chief Minister of that country. Recollect that that is a country which has never forgotten, and I hope never will forget, the injustice and indignities which were heaped upon it by the First Napoleon, until the genius of the Duke of Wellington and the sword of Blucher vindicated its national honour. The Prussians must feel very deeply when they are told that the Rhine is threatened now. Do not tell me that the whole of Europe is perfectly indifferent to what may take place! Above all, do not tell me that Prussia, with its devoted army, and its loyal people, is contented to assent to the aggressions of France. Well, then, I come to Austria. They say that Austria won't make any move with regard to Switzerland, because nothing was said when her own territory was dismembered. It is true that Austria has had to suffer a very heavy calamity; but I believe that any one who studied the campaign in Italy will admit that nothing could have been more heroic than the way in which the Austrian soldiers fought throughout that campaign. Of course our sympathies were with the Italians; but at the same time we admired the way in which the Austrians fought under the direction of men who were unequal to the emergency. The Austrian army showed itself worthy to be the army of a great empire, and I am satisfied that if it had been better organized it would have contended with greater success even against the forces of France. But what is the condition of Austria at this moment? There are two causes which prevent Austria from taking any active interest in this question, religious discord and financial embarrassment. Any one who has watched the affairs of Austria will know that ever since 1855, when the *concordat* with Rome was concluded, there has been much religious dissension in that country. The Austrian empire contains a population of 35,000,000, of whom 3,000,000 are Protestants, and they conceive that their religious feelings and religious rights have been very much compromised by the *concordat*. That is an element of discord against which it is most difficult for any Power to contend; but there is another embarrassment, which is still more important, because it concerns the supply of the sinews of war. Every one knows that Austria is at this moment labouring under the greatest possible burden of financial difficulty. I believe that I am correct in saying that within the last eleven years the public debt of that country has increased 150 per cent, and that at this moment it amounts to more than eight times the annual revenue. Nay, to show the difficulty which Austria has in raising money, I believe that the last loan she attempted to negotiate failed upon every bourse in Europe. I ask you then, is it likely that she should take any active part in assisting us to arrest the aggressions of France? But this I will say, that I believe her sympathies, that I believe the sympathies of Germany, are entirely in favour of Switzerland. Let us see for a moment how it is that all these difficulties have fallen upon Switzerland. Just consider for one moment what it is that presses down that country. It is this unhappy policy of France. I, in common with everybody else in this country, hoped that France was acting a noble part towards Italy, that she was acting disinterestedly, that she was really desirous to free that country; but there has been this *arrière pensée* all through her transactions. From the very beginning she has been seeking to obtain what she calls *un territoire de très peu d'étendue*, but what is both politically and strategetically of great importance to Europe. France has always been desirous to obtain possession of that. Her expression was that she wanted nothing that need alarm Europe, nothing but *un territoire de très peu d'étendue;* and that neither by military operations nor by insurrection would she seek to acquire these provinces. These are the provinces which abut upon Switzerland, which are absolutely essential to the salvation of that country, and which for 230 years have been considered absolutely necessary to its welfare. Savoy *un territoire de très peu d'étendue!* Why, Sir, this is the territory that in 1814 Lord Castlereagh and Capo d'Istria were both determined that France should not have. France desired to have Chablais, which abuts upon Switzerland, in order that she might gain a footing upon the Lake of Geneva. Russia and England, represented by Capo d'Istria and Pozzo di Borgo, by Lord Clancarty and Lord Castlereagh, prevented her from then acquiring that territory, but she has now taken it without asking. I wonder whether the Emperor of the French ever reads his Bible [*A laugh*]. It is a very serious matter. If he does, I wonder it does not recall to his recollection that small territory which Ahab the King wanted to take from Naboth the Jezreelite. That was *un territoire de très peu d'étendue*. Ahab wanted it for money, and took it with blood, and what was the consequence? The cry of the weak rose like a sacrifice to the Almighty, and the expectations of the rich man were blasted with disappointment. Such, I believe, will be the case in the present instance. We do not live in a period when miraculous interpositions take place, but I hope that the cry of the weak will still find an echo with the Government of this country; sure I am that it will find an echo in this House of Parliament. You ought not to disregard national feeling. This country never has disregarded national feeling in Europe. I well recollect to have read in the speeches of a great Parliamentary leader, when some Members of the House of Commons were urging the Government to adopt a policy of cowardice and cringing towards the first Emperor of the French, of which I hope that we shall have no examples in the present day—I well recollect that when those Members of the House of Commons were attacking the Duke of Wellington, and arguing that, after all, Napoleon would govern the Spaniards a great deal better than the Spaniards governed themselves, Mr. Canning, with that magnificent *élan* of character which always distinguished him, said, "National feeling! National feeling is prior to and paramount over every consideration of political convenience." And I, Sir, think the national feeling which has been aroused not only in Switzerland but in every country of Europe by the aggressive policy of France is worthy of the attention of this House and the country. What are the reasons which M. Thouvenel gives for the annexation of Savoy and Nice? At first he said the people would be consulted;—the people are against annexation. Then he said he would consult the municipalities;—the municipalities agree with the people. Then he promised to consult the Powers of Europe;—the Powers of Europe are of the same opinion as the people and the municipalities; but before they have had time to return an answer France has accomplished the annexation. The conduct of M. Thouvenel has been marked throughout by a duplicity unworthy the Minister of a great empire. He says in a despatch to the French Minister at Berne, "Historical traditions favour the annexation of Savoy to France." Really, Sir, I should have liked to answer that despatch. It is a total perversion of the truth. He tries to show that France has always wanted Savoy. Why, Sir, the conduct of France towards Savoy has always been the very reverse. Charles Emmanuel was Duke of Savoy when Henry IV. was King of France. Charles Emmanuel, profiting by the internal dissensions of France, endeavoured to extend the limits of his Duchy. Henry IV. attacked him, and took the whole of Savoy; but what was his policy? He was generous and politic, and having inflicted this lesson upon Charles Emmanuel returned Savoy to its Duke. How can M. Thouvenel say that "historical traditions favour the annexation of Savoy?" Louis XIII., in 1628, acting under the advice of Richelieu, also took Savoy; Hastening to Italy to arrest the progress of Austrian influence, and advancing through Savoy with the view of crossing into Italy, he demanded the passage of the Alps, then in the occupation of the Duke of Savoy. This was refused, and although defended with heroic courage, a passage was forced by the French Army through what is called the *Pas de Suze*. But, generous and politic, Louis XIII. did not, any more than Henri IV., seek to retain these *versants Francais des montagnes;* but he, too, gave Savoy back to the Duke,—another conclusive proof that historical traditions are not in favour of the annexation of Savoy to France. It is only since the dynasty of Napoleon has arisen that any attempt has been made to take permanent possession of that which has for so many centuries belonged to the Dukes of Savoy. But in a despatch to M. Persigny, the French Minister particularly alludes to this question. He there says that circumstances had compelled the Emperor to interfere in Italy, and that the annexation of Savoy and Nice has been considered by several of the principal Powers of Europe as a compensation due to France. That statement is also without foundation. Castlereagh and Clancarty, Capo d'Istria and Pozzo di Borgo, were all desirous of preventing Savoy being annexed to France. I trust that the House will excuse me if I enter into the details of this question yet more at length; but I have now to inquire how the King of Piedmont could have been induced to part with those provinces which abut upon Switzerland, and which he was bound either to keep or to return to Switzerland? I maintain he has no more right to part with Savoy to the Emperor of the French than the Sovereign of this country would have to part with Gibraltar, or than Charles II. had to part with Dunkirk. It was given to him as a defence against France, and he was paid 10,000,000 francs, to fortify it, as an inducement to keep it. Count Cavour hopes the declarations of M. Thouvenel will be satisfactory to the Powers, as they are satisfactory to the Savoyards. What, I ask, is the truth of the case? The people of Savoy and of Piedmont, it is said, have given an expression to their opinion; but, Sir, I hold in my hand a manifesto and a declaration from the provinces of Haute Savoie containing some 12,000 signatures, and in a letter which accompanies that declaration, I read that those signatures comprise the *bonâ fide* names of the inhabitants of the provinces named, and they are stated, by those in authority, to be chiefly composed of small landowners and a few *avocats*. My correspondent adds, that the names of the Savoyards resident in Geneva are not included. A more remarkable manifestation of opinion never occurred, and its importance is increased by the fact, which has been communicated to me from Chambery, that the French agents are doing everything in their power to get up a movement in favour of France,—*—Les agens de France font dans ces vallées une propagande formidable*— and have bought nearly all the newspapers, which, consequently, give a very false idea of the feelings and wishes of the population. I cannot understand a policy which gives liberty to Italy and destroys it in Switzerland and Savoy, and it is impossible not to contrast the conduct of the King of Piedmont in 1814 with that of the present sovereign. France had annexed Savoy in 1792, and for 22 years it had been separated from the rule of the Victor Emmanuel of that day. In 1814 the Powers had the greatest difficulty in inducing the King of Piedmont to give up a portion of his territory, upon the understanding that it should be comprised in the Swiss neutrality, because, he said, he could not think of separating himself from "old, faithful, and loyal subjects." These are the very words. The Plenipotentiaries of the Powers addressed themselves to the King of Sardinia to obtain from him the cession of this part of his hereditary dominions, but they experienced the greatest difficulty, "*dans la repugnance qu'eprouvait Victor Emmanuel de se séparer de bons anciens et fidèles sujets.*" The Victor Emmanuel of the present day is ready to make any sacrifice in that respect, and I cannot help thinking that his conduct shows he is little worthy to reign over that brave and devoted race. The House of Savoy should have one resemblance to the glaciers of that country. As the glaciers take their form from the womb of the mountains out of which they burst, so the House of Savoy ought to bear the stamp of the people among whom it sprang into existence, and over whom it has reigned for so many centuries. But the hon. Member for Birmingham exclaims, "Perish Savoy!" and he says to the Savoyards, "The industry of Lyons will double your incomes, and therefore you can easily shunt your loyalty." The hon. Member must have been thinking of the loyalty of the House of Savoy, and not of the loyalty of the people. "Perish Savoy!" I should rather say—Perish the future destinies of a Power which seeks to enlarge its boundaries by sacrificing the liberties of half a million of people who for eight centuries have been the mainstay of its existence and the rock of its defence! Savoy has been called by the Ambassador of France a barren rock. When I heard that phrase, I declared that every time I alluded to the subject, I would bring that expression to the bar of public opinion and stigmatize it as it deserves. The people, Sir, are poor, but the very rocks among which they live make them place a higher value upon liberty and independence than upon the industry of Lyons and the duplication of their incomes. I am almost afraid it is all over with Switzerland, and Savoy is already gone. A deputation from Savoy went to the Emperor to offer him the country, and it is quite amusing to read how the Emperor received this deputation. I do not know where the deputies came from, but they arrived in cabs at the Place Vendome, dressed in the national costume. Having dined with the Emperor, they received a photograph of the Imperial Family, signed *in memoriam*, 24th March, and since then they have not been heard of. It is a very curious thing that the Emperor, when he received them, made a most striking remark to one of the deputies from Chablais, which is close to Switzerland. He said, "By the way, Député Savoisien, are there any barracks in your country?" "Yes, Sire," replied the deputy; and then the Emperor exclaimed, "*Ah! je vais vous envoyer des troupes, dont la présence donne toujours de la vie et de l'animation aux pays.*" That is charming —that is the way in which the liberties of these people are going to be got rid of, and the manner in which they are to be deprived of what they at present enjoy. I am afraid that they will have but a slight enjoyment of the liberty which they expect to receive from the Emperor of the French. It is curious to observe that the family of Napoleon are always talking about liberty and national feeling. I recollect a famous letter of the first Napoleon, which was published the other day, and the present Napoleon is following precisely the policy of the dynasty. It is only surprising that we cannot be on our guard against what must be the infallible consequences if we allow that policy step by step to advance. There was a letter, which the first Napoleon wrote to his brother Joseph, who was a quiet man, and not in favour of violent measures. In this letter the first Napoleon wrote,—"Mind you favour national feeling." But, at the same time, in a private letter he said, "Crush every sign of national feeling; *enfin faites brûler les maisons, trente des principaux de chaque village et distribuez leur bien à l'armée. Livrez au sac deux ou trois gros bourgs cela servira d'example, et rendra aux soldats de la joie et de la gaiété.*" These Savoyards will have to undergo the

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same consequences, and the people of Switzerland are in the same danger. *La question Suisse*, let me remind the House, is a different thing from *la question Savoisienne.* The question of Switzerland is one of the deepest moment. From the earliest time the President of the Swiss Confederation impressed upon Captain Harris "that it was of vital importance to the safety and independence of Switzerland that Savoy, and especially 'Haute-Savoie,' should never be annexed to France; for if that took place the flank of Switzerland would be completely open, and Geneva would inevitably follow." "We know," he added, "what passed in 1792." Why in 1792 France annexed Savoy, and in 1798 France annexed also the town and territory of Geneva. The President of the Swiss Confederation clearly foresaw that this must happen again. The hon. Member for Birmingham has said that Savoy is politically worthless. That expression shall not go forth without correction, and so I have quoted what the President of the Swiss Confederation says with regard to the annexation of Savoy to France. Louis Napoleon in one of his writings says, "Not only will Savoy augment the French territory, but it will open the great Simplon road, and give to France *la liberté des Alpes, et en cas de guerre un magnifique champ de bataille pour une lutte offensive et defensive.*" When the first Napoleon annexed Savoy, did he think it unimportant? This only shows how the hon. Member for Birmingham makes statements without the slightest foundation. The first Napoleon, directly after he took Savoy, he himself stated that he considered the occupation of Switzerland as a thing absolutely necessary on military grounds, and he came to the same conclusion on political grounds. For these reasons he commenced his intrigues against Switzerland, occupied its cantons and laid contributions on them, seized the public treasure, the Government funds, plundered the magazines and arsenals of stores of all descriptions in fact, according to official documents he robbed Berne alone of no less than 45,000,000 francs. Can Switzerland forget the horrors inflicted by the French troops? Can the Swiss ever forget how Brune, Schauenberg, and Rapinat, generals under the direction of Bonaparte, behaved towards them. Can Europe forget that Bonaparte, before the close of that very year 1798, compelled the Swiss to grant him two roads for the passage of his army, one by the Lake of Constance, the other the *route du* Simplon through the Canton of Vallais. It is singular that while the President of the Swiss Confederation was continually pointing out to Captain Harris that there was great danger for Switzerland; that Captain Harris, on the other hand, replied that there was no occasion for alarm; that no change would take place of a neutral territory without the entire consent of the parties to the treaties. The President of the Swiss Confederacy, however, insisted upon the danger, and said that without consulting the Powers these important provinces would be annexed. On the 19th January, Captain Harris wrote to the noble Lord, describing the fears of the President; but he added that he (Captain Harris) had told the President that he ought to have confidence in the opinions expressed by Her Majesty's Government. Events have shown that, whatever confidence he might have had in the assurances of Her Majesty's Government, the result to the independence of the country from the aggression of France is likely to be most fatal. Very great satisfaction has, indeed, been afforded by the answer given by the noble Secretary for Foreign Affairs to a question I put to him sometime back. I asked the noble Lord whether the Government were prepared to abandon the neutrality of Switzerland as guaranteed by Great Britain in common with the other Powers, and the noble Lord replied in language worthy of himself and his country,

> "That the Swiss Government have asked us whether, in case of such annexation (of Savoy), we are prepared to maintain the neutrality of Switzerland, and to provide in such a manner that the neutrality should in no way be injured, and we have always replied that we have determined to do so; that Chablais and Faucigny were parts of the general arrangements for the guarantee of Switzerland; and that if separated from Sardinia they ought to be annexed to Switzerland."

It is a curious thing that M. Thouvenel at one time made the same assertion—I have forgotten the date, but I think it was on the 5th of February—for he told Earl Cowley that if Savoy should be united to France the provinces of Chablais and Faucigny should go to Switzerland. But the French Government and M. Thouvenel have strangely changed their opinions; and in point of fact it is impossible to expect them to abide for one week by their declarations. One of the most unworthy documents I ever cast my eye over is the answer of M. Thouvenel to M. Turgot at Berne. He says, for instance, that the principle of sovereignty implies the right of the sovereign of any nation, from whatever motive, to cede the whole or any part of his states, and that none would be justified in opposing such measures unless they should result in a disturbance of the balance of power in Europe. This is a most extraordinary doctrine to hold in the middle of the nineteenth century. That a sovereign should be entitled to give away his people as he may desire—can this be maintained in the nineteenth century? It is a re-establishment of the divine right of kings; and I, for one, will never give my adhesion to a principle which gives up a people who have for centuries been accustomed to the enjoyment of liberty into the hands of a man who governs under the most severe of despotisms and for the most ambitious purposes. M. Thouvenel said the neutralization of the districts in question had not been originally arranged with a view to the protection of the Swiss frontier, because that was sufficiently defended by an impassable barrier. This means the neutrality guaranteed by Europe. Nothing can be more futile than such an assertion. I will not, however, enter more fully into the question. But I am bound to say that I think we should interfere, if we can, at the present moment. I do not like to see this country interfere in matters in which its interests are not concerned. For instance, there was recently an attempted interference between Spain and Morocco. I do not approve that. Again, there are some passages in the despatches of Mr. Elliot from Naples which I think are far from satisfactory. On one occasion Mr. Elliot tells the King that such and such a thing has occurred. The King says that his Ministers have told him just the contrary, upon which Mr. Elliot replies in the most overbearing manner, that what the Neapolitan Ministers say does not matter to him; the King may believe that what he has told him is the case. Into the Neapolitan question I do not wish to enter, but the position assumed by our representative cannot, I think, be altogether justified. But the hon. Member (Mr. Bright) says that England has always ignominiously failed in the exercise of its influence with foreign countries. I do not agree with him. Did Mr. Pitt ignominiously fail when he endeavoured to use the influence of this country in Europe? Did Lord Castlereagh, did Mr. Canning, did the Earl of Aberdeen, did Sir Stratford

Canning ignominiously fail? In 1830 Viscount Palmerston was Foreign Minister. I allude to an historical circumstance, and therefore mention the noble Lord's name. He did not ignominiously fail in making the influence of England felt in Europe. The question of Belgium had then to be treated, and, through the influence of England and of Europe, Belgium has for thirty years enjoyed the blessings of constitutional Government, under a wise and liberal Sovereign. Again, did Viscount Palmerston fail, during 1838-9 and '40 in making the influence of this country felt as regards the affairs of the East? Then I say that what we want now is a generous and a vigorous protest on the part of the British Government. I recollect in 1847, when the question of Cracow arose, the noble Lord (Lord John Russell) made a protest, from which I wish to read a sentence. He said:—

> "I consider that in late transactions in Europe, although on more than one occasion, and by different Powers, our wishes have not been complied with, our desires have not been listened to, our protests may have been disregarded, yet there does remain with us a moral strength nothing can take away. . . . . We are ready in the face of Europe, however inconvenient some of those stipulations may be, to hold ourselves bound by all our engagements to keep the fame and the name and the honour of the Crown of England unsullied, and to guard that unsullied honour as a jewel which we will not have tarnished." [3 *Hansard*, xc., 894.

That was the protest of the noble Lord against the conduct of the three Powers in 1847 with regard to Cracow, and I hope to see that the English Government has not retrograded since then. I hope also to see a vigorous protest from this House. We are not, as the French paper said, the nominees, the *écuyers*, and the *chambellans* of an Imperial Court, but we are the free Parliament of a free people. This House is a great assembly, and ought to exercise the rights which belong to it as the representative of a great country. We have always been battling against France. It has been the policy of this country to counteract the policy of France, and we have done so successfully. We checked the aggression of Louis XIV. and of Louis XV.; we curbed the ambition of the First Napoleon, and are now called upon to check the unhappy policy which the present Emperor of the French seems desirous of inaugurating. I hope the Emperor will not, like his uncle, curse Europe with the destruction and the desolation which swept over its face in the last great war. If he does, and if we resist him, our quarrel will be a just, our cause a good one, and worthy of this country. Shakspeare says,—

> "Thrice is he arm'd who hath his quarrel just,
> And he but naked, though lock'd up in steel,
> Whose conscience with injustice is corrupted."

I believe that to be the corruption which now infects the Imperial policy; and that injustice sooner or later will bear bitter fruits in the retributive condemnation with which it will be met. This very night I have been told that perhaps there may yet be some hope for Switzerland, and that the union of Chablais and Faucigny with France is not yet accomplished. If that be so, I ask the House to join me in a protest which shall vindicate the interest and the liberties of Switzerland. I ask the House to allow me to be its interpreter on this occasion in favour of a liberty-loving nation and of a most loyal Republic. I ask it to allow me by anticipation to give expression to its feelings, and I think the House will then concur with me when I say in the name of public opinion in this country, that upon every principle of justice, of honour, and of right it is absolutely necessary that these provinces should be annexed to Switzerland, or otherwise you will infallibly see that Republic sink into the lowest depths to which it can descend, the consequence of its absorption into the Imperial domains, and of its subjection to the Imperial dynasty of France.

Question, "That the House, at its rising, do adjourn till Monday next," put and *negatived.*

INCOME TAX BILL.

CONSIDERED AS AMENDED.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [29th March, "That the Bill as amended in the Committee, be now taken into consideration."]

Question again proposed.

Debate *resumed.*

MR. DISRAELI said, it would be convenient to know when the Government intended that the adjournment for the Easter holidays should take place.

VISCOUNT PALMERSTON replied, that the Government hoped to move the adjournment of the House on Tuesday next, if the state of business would allow it, but at all events Wednesday.

MR. BRIGHT said, he had a suggestion to make to the noble Lord (Lord J. Russell) respecting the state of public business. It was unfortunate that the Budget, involving as it did an unusual number of questions, should be mixed up with the question of Reform; and he suggested that it would be better to go on with the Budget and get all those subjects disposed of, and then proceed with the Reform Bill from day to day. He knew that the Reform Bill was put off until after Easter, but the same difficulty might occur then, unless some such plan were adopted. The repeated adjournments which had taken place of late were not just to the Government, to the House, nor to the question of Reform.

Lord JOHN RUSSELL said, the course which the hon. Gentleman recommended was that which he intended to take. He proposed to fix the Reform Bill for the 19th or 20th of April. By that time he hoped that the principal questions involved in the Budget would be gone through, and it would not be advisable to postpone the Reform Bill any longer. The second reading of the measure would then be taken, and at the end of April he hoped they might go into Committee. When the adjourned debate was resumed it would certainly continue from day to day on the evenings at the disposal of the Government.

Lord JOHN MANNERS said, he would remind the noble Lord that an important Bill—the Church Rate Bill—was fixed for Thursday, the 19th of April.

Lord JOHN RUSSELL said, in that case, he would fix the Reform Bill for Friday, the 20th.

Question put, and *agreed to.*

Colonel DUNNE said, he rose to take the opportunity of protesting against the unfair taxation to which Ireland was subjected as compared with England, and which was quite opposed to the spirit and the terms of the Act of Union. The revenue derived from Ireland last year was £7,000,000, but that did not represent the whole of Ireland's contributions to the Imperial exchequer. Nearly all the articles paying Customs' and Excise duties consumed in Ireland were imported from England, where those duties were paid, and were included in the taxation of England, but, of course, the Irish consumer was the person who really paid them. The amount of those duties could not be less than £2,000,000, making £9,000,000 of taxation; but to that was to be added at least £4,000,000 drawn annually from Ireland and spent in England by absentee proprietors, thus making a total drain of £13,000,000 from Ireland. Then, again, as to the expenditure, he found that nearly all the great Government establishments were in England, and the money paid to support them was again distributed over the country. He found by a Report laid before Parliament, that after paying for the different charges of Government in Ireland, no less than £2,252,000 was remitted to this country, leaving still a balance of about £1,000,000 to the credit of Ireland. By the Act of Union, the debts of the two countries were to be kept separate, but since 1824 no distinction had been made. He knew it was said to be productive of real amity between the two kingdoms that all distinctions should cease; but while he desired a real union he did not wish it to be upon the basis of considering Ireland as a province of England. The Chancellor of the Exchequer had talked of the increase of wealth as justifying the increase of the income tax, but he (Colonel Dunne) denied that there was any increase of wealth in Ireland. He found from the Returns that between 1854 and 1859, although there had been an increase upon schedule A, there had been a decrease upon schedules B, C, and D. He therefore totally denied that the prosperity of Ireland was increasing after the ratio mentioned by the right hon. Gentleman. There was actually—astounding as might be the fact—500,000 acres less land cultivated now than were under cultivation in 1847. It might be true that the farms were larger, but making them so had added to the misery of the people by necessitating evictions. Had commerce advanced in Ireland? At that moment the value of the exports and imports did not amount to more than £300,000. No doubt there had been an increase in the trade with England, for if there had been no such increase there would be no prosperity whatever. It was, however, remarkable, that the foreign exports and imports from and to Ireland were considerably less now than in 1790, ten years before the Union. At that time they were then no less than £1,000,000. Where, then, was the enormous prosperity of Ireland, which was to entitle the right hon. Gentleman to add to its taxation? There was no ground on which to base it, nor any reason to suppose that the people were more able to pay it than they had formerly been. It was true that they had removed the duties on butter and some other things. The value of the butter exported from Ireland was about £1,000,000. That was the trade between England and Ireland chiefly; but by the removal of differental duties they had admitted the competition of all the world. In other words there was free trade. In these days the mere mention of free trade seemed to be an excuse for everything, and that was the great cry which had been raised to force through the late commercial treaty with France, by which she gained and England lost everything. But then it was said, "O, this tax is necessary for increasing our defences." What had they added, he would ask, to the defences of Ireland? Had they sent her a single additional gun or raised a single additional fort? They were not even allowed to raise volunteer corps in that country. Why did not the Government, if they distrusted the Irish, tell them so at once. Yet there was no part of the British nation more loyal or more willing to come forward in defence of the country than were the Irish. The Irish, besides, had no occasion for that extraordinary preparation for defence. They had never nourished a feeling of national antipathy to the French; on the contrary, there were reminiscences and associations which connected almost every family in Ireland with France, and there was not that hostile feeling which continual wars had fostered between England and France. While, therefore, he asserted that the agricultural wealth and commercial prosperity of Ireland were not such as to justify the imposition of an additional income tax, he asserted also that there were not sound reasons for the expenditure of large sums for defence in that country. If, however, war broke out between France and England, the Irish would readily assist in the defence of England, although they objected to pay additional taxation for purposes of defence—not in Ireland, but in England. He hoped that ere long every Irish Member would come to Parliament pledged to settle the fair proportion of taxation to be borne by Ireland; but, until that arrangement was made, every Irishman ought to object to any additional taxation whatever. He submitted that it was high time that taxation as between Ireland and England should be settled on a proper basis, because at present he was perfectly satisfied that they paid what was not fair. Those were Irish considerations; but he thought also that there were strong reasons why this additional income tax should not be imposed upon England in order to fill up the deficiency occasioned by the repeal of the paper duty. Indeed, he had strong doubts whether the right hon. Gentleman would be able to pass his Paper Duty Repeal Bill without imposing a foreign import duty. He warned the Chancellor of the Exchequer that there was not then the same disposition in favour of his Commercial Treaty with France as existed two or three weeks previously, before the nature of the bargain was fully known, and before the manifestation of French policy in the annexation of Savoy, which had created universal distrust. He reminded the House that not only had France gained everything in the Treaty, but that for years she had snatched at and obtained every commercial advantage, while she had surrendered none. The people of this country were, therefore, not so favourably disposed towards the Treaty, and did not see why—for the very problematical advantages this country was to receive—an additional income tax should be levied, in direct contradiction to the assurance given in former years by the Chancellor of the Exchequer that it should come off in 1860. The subject was, therefore, a fair one for reconsideration, and he proposed that the income tax should be 9*d.* instead of 10*d.*

Amendment proposed, in page 2, line 3, to leave out the words "Ten Pence," and insert the words "Nine Pence," instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid the hon. and gallant Gentleman had anticipated the view which Her Majesty's Government must necessarily take of the Motion he had made. His speech was broader and larger in its views than altogether suited the occasion, and, on the other hand, his Motion, though one of great importance, did not seem to belong to his speech. The gist of the gallant Gentleman's speech was, that there was no cause for assuming the capacity of Ireland to bear equal taxation, and that Ireland had a right to complain of being subject to the same taxation as England. He (the Chancellor of the Exchequer) should say at once that it was a legitimate course for the gallant Gentleman to bring that reasoning under the consideration of Parliament, but he did not raise the proper issue in moving a universal reduction of the tax. The logical sequence from his premises would have been to introduce a distinction in favour of Ireland in proposing an income tax. Not that such a Motion would have met with a more ready assent from the Government, because he was prepared to contend that there was no real equality of rights and liberties without an equality of taxation, and he must say that the manner in which the income tax had all along been borne by Ireland showed that the people there were well aware that that was a sound political doctrine, and that exemptions and privileges granted to a country in matters of taxation were nothing more than the note of political depression and degradation. The Government always set out with assuming that it was the intention of the House to maintain the public credit and to provide so much revenue as would be necessary to meet the estimated expenditure. On that principle they could not part with the penny which the gallant Gentleman proposed to take off the tax without leaving the exchequer involved in a probable deficiency; at a time, too, when the expenditure was more than usually uncertain; because, though we were not in a state of war, yet we had a military expedition on hand which might issue in war at a distant part of the globe, and if it did issue in war there would be an imperative call for a considerable expenditure for that purpose. The provision already made for that expedition was very considerable, and in that event it would have to be increased still more. He thought it enough to state, what was undeniable, that according to all the best estimates that could be formed of the revenue and expenditure of the year, the loss of £850,000 in round numbers, which the Motion of the gallant Gentleman would cause, if carried, would leave the Government in a deficiency of about £500,000. It was true that in his speech on the Budget in the beginning of February, he assumed a surplus of £460,000, yet since then some few of the proposed minor charges had been modified, which would reduce the surplus to £360,000, and if £850,000 more was deducted there would be a deficit of half a million. He was convinced it was not the wish of the gallant Gentleman to assist in bringing about such a result. He hoped the gallant Gentleman would not believe that he was slighting his Motion. The whole argument, in fact, as he (the Chancellor of the Exchequer) had just stated it, was summed up in a couple of sentences, and it was his duty to oppose the Motion.

Question, "That the words 'Ten Pence' stand part of the Bill," put, and *agreed to.*

MR. W. WILLIAMS said, he rose to beg leave to modify Clause 8 in such a way as that incomes under £150 a year should be exempted from income tax. When this tax was first proposed by Sir Robert Peel he considered it would be an act of great oppression to impose it upon incomes under £150, and this exemption continued from 1841 to 1853, although several renewals took place by different Governments in the course of that period. In the year 1853 the right hon. Gentleman brought forward a great financial scheme in which he proposed reductions of taxation on several articles which entered largely into the consumption of the great mass of the common people, and he made out that those reductions would, in the consumption of ordinary families, more than counterbalance the imposition of 5*d.* in the pound on incomes between £100 and £150. The right hon. Gentleman carried the House with him; but what was the consequence? In less than twelve months the taxes on the necessaries of life were increased to an enormous extent, as well as the tax upon incomes between £100 and £150, so that all the principles upon which the right hon. Gentleman obtained the sanction of the House were completely violated. In 1853 the tax was 5*d.* in the pound, but now in the year 1860—when, according to the promise of the right hon. Gentleman, the income tax was to cease altogether—it was made 7*d.* in the pound on those incomes, and the taxes on the necessaries of life, such as tea, were kept considerably above what he had proposed. There were several classes, such as labouring men who worked extra time, clerks, small tradesmen, clergymen, and retired officers of the army and navy, to whom this tax was a severe burden, and greatly interfered with the maintenance of a respectable position, and even with the education of their children. But what was the cause for those taxes? It was to be found in this, that the Estimate for this year for the army and navy amounted to £18,000,000 more than had been required by the most eminent men that ever governed this country,—Sir Robert Peel and the Duke of Wellington. The necessity for this increase of £18,000,000 he believed nobody, except Her Majesty's Government, understood. Probably they had an apprehension of a war; but, if war should arise, they might come down then and ask for an increased grant from the House. Now, if the right hon. Gentleman would allow the Army Estimates to be referred to an impartial Committee, he (Mr. Williams) would undertake to show that a reduction might be effected without lessening the strength or efficiency of the army in any respect. And he would say the same of the Miscellaneous Estimates. For these reasons he begged to move the modification of which he had spoken, and he should take the sense of the House upon it.

Amendment proposed, in page 3, line 37, after the words "one hundred," to insert the words "and fifty."

SIR HENRY WILLOUGHBY said, there could be no doubt of the extreme pressure of this tax on the lower class of incomes. He wished to ask the Chancellor of the Exchequer whether he contemplated the appointment of a Committee to inquire into the inequalities in the operation of the tax. Some such course ought to be pursued, for the present Budget left the tax in a most uncomfortable position. The extremely unequal pressure of the tax on all property in Schedule A was indisputable. The Chancellor of the Exchequer had himself proved that the 7*d*. income tax was nearly a 9*d*. tax on property under that schedule; and he believed that the 10*d*. rate about to be imposed would operate at the present moment as a rate of 1*s*. on all real property. In a town in which he was himself interested—Leamington—there were two rentals in the ratebook—one the net and the other the gross rental. Those who paid upon the gross rental paid, in point of fact, a tax upon a tax—they paid not merely upon their income, but upon their income and taxes as well. Under the exigency of war an income tax might be tolerated, and even in peace a small tax of, say, 5*d*. in the pound, might be borne; but to levy so heavy and unequal a tax as 10*d*. in time of peace upon all incomes was contrary to the first principles of justice. He trusted, therefore, that the Government would announce their intention of endeavouring to grapple with the subject, and remove at least some of the most glaring injustices.

MR. HUBBARD said, he thought that to enter upon any one or two or three of the many anomalies of the income tax would simply be to detract from that inquiry which must take place at a future period, and which ought to be attended with greater deliberation than could then be given to the subject. At that juncture a lengthened debate on the subject would be neither for the interest or convenience of the country, as the Chancellor of the Exchequer was so situated that the passing of this measure was a matter of necessity. He trusted, however, that the right hon. Gentleman would give the House some information as to the feelings with which the tax was viewed by the Government. It was a grave consideration that the income tax was about to be imposed for one year only. That a tax producing £10,000,000 or £11,000,000, so full of injustice that no statesman could justify it, should be levied for only one year, was a state of things productive of much apprehension, and the House ought to know by what means the Chancellor of the Exchequer proposed to provide at the end of the year for the revenue of the country. The Motion of the hon. Member for Lambeth was objectionable because its effect would be materially to lessen the productiveness of the tax, which the right hon. Gentleman could very ill afford. He objected to the Motion, however, upon principle. He thought that where the wages of unskilled labour ceased, and higher wages began to represent a combination of skill and capital, there Parliament might begin to levy an income tax. The incidence of the tax might fairly begin at £100, and the interval between £100 and £150 was, he thought, not unwisely chargeable with a diminished ratio of tax as compared with incomes exceeding £150. The House had nothing to do now but to pass the Bill and to assist the Government out of the difficulty in which they had placed themselves by the unwise remission of indirect taxation. He trusted that the Chancellor of the Exchequer would concur on some subsequent day in the appointment of a Committee of Inquiry, who might recommend some revision of the tax, so as to make it less objectionable, for use it at present he feared we must.

MR. ROEBUCK said, he had no doubt the right hon. Gentleman the Chancellor of the Exchequer wanted the money, and that the House must provide for its payment; but still he would point out to the right hon. Gentleman something of the injustice he was about to commit, not intentionally, but of necessity, and thus he (Mr. Roebuck) would show the justice of the proposition made by the hon. Member for

Lambeth. The income tax was most incomplete and unequal in its operation. Take, for instance, a man possessed of many thousands in the funds, or so many acres of land, and then place under the operation of the schedule a man of brains, making £5,000 a year—and that was a high figure for a man of brains to make, let him be either a physician or a lawyer. Suppose the latter to go on from day to day, perhaps from year to year, and then all upon a sudden there came upon him a fit of apoplexy. He was destroyed, and his £5,000 a year melted to nothing, and though he might have been living like a man of £5,000 a year from land, he was from that moment rendered null and nothing. Then the lower they came, and the smaller the sum taxed, the greater was the injustice inflicted. A man who had only £150 a year spent that £150. Compare that man with the artizan. He was obliged to make an appearance in the world. Suppose that he had a family—a wife and two or three children—he must live in a particular kind of house and maintain a certain kind of appearance, and it would be found that at the end of each year his £150 had disappeared. If the right hon. Gentleman the Chancellor of the Exchequer taxed this man upon his outgoings by indirect taxes he would get out of his income all that he could. By the income tax he cut off a portion of that man's enjoyment, but it did not increase the sum in the Treasury by one penny, because the tax had diminished his power of contributing to the indirect taxation. He would appeal to the right hon. Gentleman as he had done before, though he knew his necessities were quite equal to those of the men whose cause he (Mr. Roebuck) was endeavouring to advocate. He knew the Chancellor of the Exchequer was in a most pitiable condition, and that he was providing from hand to mouth. This year he made an effort—grand he (Mr. Roebuck) would allow, pertinacious everybody would acknowledge, and successful he hoped it might be. What might follow next year? He hoped it would not be the injustice of the present year. He wished the right hon. Gentleman would draw a distinction which he (Mr. Roebuck) had pressed on the late Sir R. Peel, when that great Minister first introduced the income tax to the House. He (Mr. Roebuck) pressed upon him the justice of making a distinction in the charge on the income of men of skill, art, and science, and that on men of fixed income. Sir R. Peel told him plainly that he could not answer him, but he wanted the money. He would acknowledge the right hon. Gentleman the Chancellor of the Exchequer felt the same necessity at that time, but he hoped for some more justice hereafter. The Chancellor of the Exchequer pounced upon the poor clerk, upon the poor gentleman, who was obliged to keep up an appearance in the world; he fixed his fangs upon him, and made him writhe and twist in very agony while he took from him, perhaps, his last shilling. The right hon. Gentleman could however draw from the country an equal income without producing the same injustice, and he (Mr. Roebuck) hoped next year to see the right hon. Gentleman in his present seat, though in these times the transitions of governments were so frequent that no man knew what might come to pass, and he would entreat of him meanwhile to consider the circumstances of this tax.

MR. ALDERMAN SALOMONS said, he would suggest that orders should be given to the assessors to do their duty with all possible forbearance. Nothing could be more disagreeable to gentlemen who acted as Commissioners of the income tax in the country than the ordeal which small tradesmen had to undergo before them under cross-examination. The grocer was required to disclose all his transactions both with his customers and with the wholsale dealer. The publican, in the same way, had to give the quantity of beer and spirits, and the profits were then calculated. The same with the baker and his transactions with the miller. Such a mode of examination was painful to everybody, while it was lowering to the character of the Government that imposed the tax. A small amount of forbearance on the part of the assessor would afford a considerable mitigation of the grievance. He knew it was a great difficulty to make the income tax palatable to any one. But the word of a gentleman or a merchant was taken without question, whereas these country traders, with small incomes, were rigorously examined. In short the tax was most obnoxious from its inquisitorial character.

MR. BARROW said, he was most anxious that the incidence of the tax should undergo a thorough investigation, with a view to relieve incomes between £100 and £200 from paying the full rate of income tax. He suggested to the Government that it was desirable such an investigation should take place in the course of the present year, in order that they might have an opportunity of considering the proportions in which the tax should be levied in a future year.

Mr. POLLARD-URQUHART said, he wished to remind the right hon. Gentleman (the Chancellor of the Exchequer) that he would have saved himself and the public business much inconvenience had he consented to the appointment of the Select Committee which he (Mr. P. Urquhart) had proposed at the beginning of the Session. He hoped that the right hon. Gentleman would see that the sooner he consented to the appointment of that Select Committee the better. He quite agreed with the hon. Member for Lambeth (Mr. W. Williams) that incomes of £150 a year deserved the greatest commiseration, for to make use of the words of the right hon. Baronet the Member for Carlisle (Sir James Graham) there was no class of society which felt the pressure of the income tax more than that "where the fustian jacket ends and the cloth coat begins." He sincerely hoped that a Select Committee might be appointed as soon after Easter as possible, with a view to soften the inequalities of the tax, so generally complained of.

Sir MINTO FARQUHAR said, he would suggest that the Chancellor of the Exchequer should take into consideration the propriety of adopting the scheme proposed by Sir Robert Inglis some years ago to the effect, that relief should be given to small incomes by applying the tax only to the amount by which they exceeded the point of exemption. In this way, if a person had £150 a year, £100 would be deducted, and he would be taxed only on £50, and the same rule would apply to other incomes up to a certain amount. If that proposal were applied to incomes up to £300 or £400, it would afford great relief to those persons to whom allusion had been made, namely, clerks, clergymen, and others, whose small incomes were so deeply affected by this tax.

Mr. H. B. SHERIDAN said, that before he gave his vote he should like to know what difference was likely to be effected if the Motion of the hon. Member for Lambeth were carried. He (Mr. Sheridan) was of opinion the difference would be in amount almost equal to that given away by the repeal of the paper duty, if not a great deal more.

Mr. PEASE said, he entirely sympathized with the views and arguments of the hon. Member for Lambeth, and would be most happy if he could relieve from the pressure of income tax those who were immediately contemplated by his Motion. But then they were in duty to the country bound to maintain the Budget which had been brought in by the Chancellor of the Exchequer, based on certain principles, and on that ground he should reluctantly be compelled to vote against him. He had another reason. The House was to a certain extent guilty of great extravagance, and he did not care how universal was the outcry against taxation re-echoed in that House if it would only lead to something like care in the public expenditure.

The CHANCELLOR of the EXCHEQUER: Without referring to all the statements and arguments that have been urged in the course of this conversation, I will ask the permission of the House to allude to some of the principal points that have been raised; and, first, I will take the appeal of my hon. Friend the Member for Buckingham (Mr. Hubbard). He absolves the Government from the duty of shadowing out their policy for seven years to come, but confidently hopes they may not refuse to sketch out the general view of what they are likely to propose in 1861. Now, in point of fact, if we were in a condition which would permit us to state by anticipation what we were likely to do in 1861, perhaps we should not find it so difficult to go further; but the truth is this, that in times when the expenditure of the country is in a stable and what may be called normal condition — when you have no reason from the state of public affairs and the public mind to anticipate any great change in the scale of national expenditure, nothing could be more reasonable than to endeavour to form plans for a more extended future than that of twelve months only with respect to taxation, and to sketch out its probable operation and effects; for then you have got a certain basis to work upon, inasmuch as the expenditure of the country must regulate the amount of taxes to be imposed. Those who think that the expenditure of the country is now in a normal state, may very well draw from that opinion the further conclusion that it is reasonable to assume that the expenditure is a fixed quantity, and that a permanent provision may be made for it accordingly. But that is not my view. I do not assume that our expenditure is in a normal state. I doubt the wisdom, I doubt the safety, I doubt the possibility, without serious danger to the country, of continuing such an expenditure in time of peace; and on that account the Government have not thought it wise to attempt to sketch at the present moment the future of the case when the most important elements are necessarily in a state of some uncertainty. For that reason I think it impossible to venture on any distinct indication of what might be the view of Government, supposing them to hold office twelve months hence, with respect to the expenditure at the time which will then have arrived.

Then, with respect to another point of great importance, namely, the inequalities of the income tax, which has been raised and discussed by the hon. Baronet the Member for Evesham (Sir H. Willoughby), the hon. and learned Member for Sheffield (Mr. Roebuck), and others, I have only to say that in the main I admit what is stated with respect to those inequalities. I think, however, that upon a minute and careful examination, we shall find that other taxes have likewise many gross inequalities in their operation, which, however, are veiled and concealed in a very considerable degree; while those of the income tax have, at any rate, the merit of being tolerably patent on an examination of the case. Apart from the great and vital question whether it is just to tax incomes at a uniform rate without any reference to how far they are permanent, there are great inequalities in the income tax. If you take the single case of Schedule A, there is a great inequality between houses on the one hand and lands on the other; and house property, no doubt, is much more severely taxed than landed property. If, again, you take house property of different classes there is very great inequality; because the repairs of houses, according to their condition, and the period at which they were built, according to climate and exposure, and many other circumstances, will vary from 5 to 25 or 30 per cent. Now, the question is asked whether Government are prepared, on their own responsibility, to propose a Committee to inquire into the income tax with a view to the removal of these inequalities. I am bound to say, on the part of the Government, that we are not prepared to propose any such inquiry, and for a reason which I will distinctly state to the House. I do not think it the duty of the Government to submit, on their own responsibility, the subject of a great, gigantic tax like this to the scrutiny of a Committee of the House of Commons with a view to the removal of certain evils and defects, unless the Government be conscientiously persuaded that it is in their power to make proposals to the Committee and lay plans before them which are likely to undergo the ordeal of examination and issue in the removal, or at any rate in a great modification of the defects and evils of the tax. If we could see our way to such a result, I admit nothing would be more rational than to invite the attention of a Select Committee to this subject. But we do not see our way to such a result, and, until we do, I think it will be admitted that it would be an unworthy attempt to escape from our proper responsibility and catch popularity by encouraging an expectation with regard to our own views and opinions as to the income tax, which the issue might not fairly justify. But what has been stated with respect to inquiry during the present Session has been this—There are many Members of this House, hon. Gentlemen of experience and ability, who represent large bodies of the people, who are more sanguine in their views with regard to the great question of the reconstruction of the income tax than the Ministers of the Crown now happen to be; and it is my duty, on the part of the Government, to state that we look on the position of the House of Commons, with respect to an inquiry of this kind, as by no means the same with that of the Government; because, if there be a strong desire on the part of the country, and a large portion of the House to institute an inquiry of this kind, the legitimacy of the object—namely, the removal of the inequalities of the tax being admitted, it may be very proper that such a desire be gratified, and such a Committee be instituted. Under these circumstances, therefore, the Government would certainly not think it their duty to oppose any resistance to the appointment of a Committee. In 1851, when my noble Friend the Foreign Secretary was at the head of the Government, such a Committee was instituted, although I am not aware that any sanguine expectations or definite view were then entertained that it would be practicable to reconstruct the tax or the mode of assessment, but the question was very properly and becomingly submitted to the House of Commons; and always assuming that the Committee will be composed of men of sincerity of purpose, who will go fully into the question, and develope the whole difficulties of the case with the view to find out, if possible, a good plan which they may recommend, whatever the result may be, that will of itself do something to give contentment and satisfaction to the country, which never expects of its representatives more than what is practicable relief. That is the position of the Government with regard to the appointment of a Committee of Inquiry into the income tax. There are two great questions that may be raised besides those of the inequality and justice of the income tax—one is the adjustment of the schedules according to the nature of the income which those schedules represent; and the other is the exemption, or partial exemption, of lower incomes from taxation. The question of the adjustment of schedules, opened to-night by several hon. Gentlemen, is one which would no doubt come under the view of a Committee, and would probably be one of the principal objects of the Committee. Upon that, however, I do not feel it necessary to enter, especially as it has been my duty at other times to trouble the House at great length by stating in very full detail the reasons why I am not prepared to be responsible for making any proposal to that effect.

With respect to the other subject—that of the Amendment now before us—the hon. Member for Lambeth has moved that we should make a total exemption of all incomes under £150. An hon. Gentleman has asked, and asked very properly, what difference the Amendment would make in the receipts of the tax. The hon. Member for Lambeth is perfectly convinced that the practical effect would be such a reduction of expenditure as would render the adoption of his Amendment entirely innocuous. I do not doubt the honesty of his conviction, but what likelihood is there that he will succeed this Session in imparting the same conviction to the majority of this House, so as to induce them to adopt in a working form such a reduction of expenditure? I cannot, therefore, say I am prepared to part with some £500,000 or £600,000 a year on the speculation that the hon. Gentleman will be able to bewitch the House into doing with extraordinary celerity what seems so impracticable. I must be content, then, to meet the proposal by saying that its adoption would impale the financial provision for the service of the year, and leave a balance on the wrong side of the account. I think we could not estimate the loss to the revenue from this proposal at less than £600,000 a year; and I am afraid that amount could only be made up by what I am almost afraid to mention—a further addition to the tax on the other classes of incomes. I admit that this Motion is not to be disposed of by a simple reference to temporary difficulties. It practically involves the most painful portion of the whole case. Everybody must feel that perhaps the most dangerous of all propositions that could be made in a country like this would be an attempt upon abstract principles to devise a graduated tax on incomes, aiming at an adjustment of different rates of assessment, according to the means of the taxpayer. On the other hand, to a very limited extent, and cautiously guarded by wisdom and experience, the income tax does contain, and always has contained, a principle of total or partial relief in favour of the most numerous class in the community. The hon. Member for Buckingham (Mr. Hubbard) said that the limit of £100 a year is the dividing line between skilled and unskilled labour. I think it would be more just to say it is, on the whole, the point that divides between the labouring classes, who subsist on weekly wages, and those who derive their subsistence either from property or from labour employed in other forms. From the time when the income tax was first introduced by Mr. Pitt down to the year 1815, when it underwent considerable alteration, the principle of remission was applied up to a point higher than that which it now applies, because at present everybody with £150 a year and upwards pays the *maximum* rate, whereas, until 1815, there were remissions for incomes under certain schedules up to £200 a year. Without giving countenance to the general principle of a graduated tax, it may yet always be a question for fair consideration by the House up to what point total or partial exemption should be carried, subject, however, to the most vigilant maintenance of the rule that we will, on the whole, confine ourselves within the limits which our forefathers adopted for themselves, because prescription and experience are better guides in determining what is safe than any abstract idea or opinion of the moment. When he introduced the present income tax, in 1842, Sir Robert Peel, in lieu of the old system of exemptions, adopted one fixed limit of £150 a year. That plan was recommended by simplicity of operation, and also by the circumstances under which the tax was reimposed, the rate being moderate, and there being an obvious prospect—which was afterwards realized—that at the end of a certain number of years the House might be enabled to dispense with it if they thought fit. In 1853 the aspect of things had materially changed, and there was not the same probability that the tax might be got rid of at an early period. There was, then, an impatience of the impost on the part of those who were paying it; and, on a careful examination of the effect produced on the expenditure of different classes by the large remissions of duties that had taken place since 1842, it was found that the saving to those whose incomes were between £100 and £150, as the consequence of the new commercial policy, was so large as to render it only just that they should be called upon to bear their fair share of this national burden. In the main, I think, the same thing still holds good. It would be inflicting, not remedying, an injustice to pretend now to revert to the form of the tax introduced by Sir Robert Peel, and to say that all those receiving less than £150 a year have derived so little from the remission of duties, and are so unable to pay, that they shall be relieved altogether, but that all those receiving above £150 have derived so much benefit from that remission, and are so well able to pay, that they shall be left liable to the *maximum* amount. I do not think that would be a reform or improvement in the incidence of the tax at the lower extremity of the scale, where, unquestionably, its chief difficulty arises. The discussion, however, of changes in the form of a tax is more opportune when you are proposing to renew it for a term of years, instead of, as in this case, merely for a twelvemonth. Another mode of remission suggested by the hon. Member for Hertfordshire (Sir M. Farquhar) is, that a sheer deduction of a certain amount from the lower incomes should be made, leaving the residue subject to assessment. That proposal likewise deserves a careful consideration, if the House should entertain any plan for mitigating the burden on the lower incomes. Something, however, may be said against it. No doubt, as has been stated, it would be satisfactory to a man with £105 a year to know that he had to pay on the odd £5 only; but those charged with the care of the public revenue would hardly view the matter in the same light, for such a tax would not nearly cover the expense of collection. When Sir R. Inglis proposed a deduction of that kind his idea was to apply it to all incomes, those of the *millionnaire* included. But it can hardly be said that the circumstances of a man with many thousands a year required that £100 or £150 should be deducted from his assessment. Such a principle is obviously absurd, and would only inflict a great loss on the Exchequer without good reason. My hon. Friend, however, proposes that this deduction should only be made on incomes up to £300 a year. That would not avoid the difficulty, that a man with a lower income will be richer than a man with a higher income, because, if at present the man with £99 a year is not so rich as the man with £100, the same thing will happen if your transition point is fixed between £299 and £300. A person once made the statement to me that his employers, without his solicitation, fixed his salary at £149 that he might escape this tax at the time when it did not go below £150. This man, taking a very strict view of his obligations, insisted on paying up his arrears of the tax for all the years during which that arrangement was in force, and he even offered to give the Government interest on the money besides. Certainly that was a very remarkable case of conscientiousness. I think I have given conclusive reasons why we should not now entertain any proposal of this kind, and why, if we ever do entertain it, we should follow the safe guidance of experience and tradition rather than lay down new and arbitrary methods of settlement.

MR. DISRAELI: Sir, I am hardly satisfied with the tone of the right hon. Gentleman respecting the tax now under consideration. The trumpeter gives an uncertain sound. The right hon. Gentleman appears to be quite prepared to assent to, though not to propose, the appointment of a Committee to inquire into the character and incidence of the income tax. He says that ten years ago, when the noble Lord the Secretary for Foreign Affairs was First Minister, such a Committee was proposed and carried in this House. It is quite true. The tax had then been some ten years in existence, and there had been no Committee to inquire into its character and operation. When Sir Robert Peel revived the tax, after an interval of thirty years, he was guided in the regulations which he established by the traditionary experience which he found existing in the public offices; and, applying that with admirable tact and talent to the circumstances with which he had to deal, he framed an Act which, upon the whole, operated, so far as the revenue was concerned, very satisfactorily. It was only after some years of experience, after the country had been disappointed in its expectation that the burden would last for but a limited time, and when it seemed probable that this tax must continue for a considerable period, that there arose that general feeling of discontent which about 1850 was so strong both in the country and in this House. Then it was that the Government assented to inquire into the principles and operation of the tax. But what was that Committee? The right hon. Gentleman says that a Committee to inquire into such a subject ought to be formed of men highly qualified by their earnestness of purpose and scientific acquirements for the investigation of such a question; and that its investigations ought to be conducted with an entire devotion of time and ability. Well, what was the Committee of 1850? It was formed of the best men in the House. Its proceedings were chiefly conducted by the late Mr. Hume, a very earnest man, one who had had great experience upon financial subjects, and one who took an interest in the operation of this tax which, as will be remembered by those who sat in Parliament with him, was of a remarkable character. That Committee sat for two years, and if ever any Committee exhausted a subject it was that Committee on the income tax. There was not a philosopher, there was not a practical man, whose information or whose thought was calculated to enlighten us, who was not examined before that Committee. You had examined great economists, like Mr. Mill, and the most experienced actuaries, like Mr. Newmarch. You had these characters multiplied before your Committee to give you the result of their labours, their knowledge, and their experience. As I have said, that Committee sat for two years, and you have in your library the valuable results of its labours and its lucubrations. What was the practical consequence? Very shortly afterwards there was a change of Government. Of the Government which was in office when the income tax expired I happened to be a Member. There was then in the country great discontent with the tax, and in this House a feeling which I am not exaggerating when I say that it was one which no Government could pass by with indifference. The Government, after deep deliberation, determined to make a moderate, but absolute difference between the assessments under Schedule A and Schedule D. On what condition did they make that difference? But on condition that you should entirely put an end to all exceptions, to all remissions, and to all exemptions, and that you should levy the tax upon incomes as low as was consistent with the collection of the tax. I do not say whether we were right or wrong, but at any rate the principle of making a difference between permanent and precarious incomes was applied with moderation, and upon conditions of the most rigid character, and totally opposed to those propositions that we now hear of from both sides of the House. Why, where is the man who can draw the line between wages and income? Who can define what is manual labour? Is the clerk who gains £150 a year by the hand which is always driving a quill to be placed in a different category from the man who uses a spade or operates as an auxiliary to a machine? Well, Sir, we arrived at that conclusion. Right or wrong, it was not arrived at without deep consideration, and was not adopted except upon rigid conditions, the essence of those conditions being that there should be an end for ever of exemptions, exceptions, and remissions. Our policy was opposed. It was opposed, Sir, with great ability and with success by the right hon. Gentleman the present Chancellor of the Exchequer. He separated the income tax from all the other taxes of the country, and said, "This is an immoral tax. This is a tax not to be tolerated except for a moment in an emergency of the country—at some public exigency, when, in fact, philosophical and scientific criticism on the principles of taxation ceases, and all men are ready to make sacrifices for the assistance of their country. This is a tax, he said, which is not to be tolerated as a permanent feature of the taxation of any country, and the policy which you recommend must be stigmatized and put an end to." What was the policy which we recommended? It was our opinion that an income tax of moderate amount must be—

I do not say a permanent feature, because that might be looked upon as an extravagant phrase even in these days, but that it must be a feature of our financial system for a considerable time. Therefore, we had to deal with a tax which we thought must be a feature of our financial system for a considerable time with reference to public opinion and upon conditions which we thought would be conducive to public safety. The present Chancellor of the Exchequer, then in Opposition, would not listen to anything of the kind. He said, "This is a moral enormity. We find it a necessity owing to the state of the finances of the country; but we cannot at all adopt your principles of financial policy. We must put an end to this tax. We must find a Government that will terminate its existence, and will grapple with the question in a statesmanlike and efficient manner." Well, you have grappled with the question in an efficient manner. The Government of 1852 were turned out of office because they did not deal with the income tax in a scientific and satisfactory manner, and because it was necessary that that tax should not be a permanent feature of your system of taxation, but that an expeditious method should be had recourse to to abolish it for ever. Then you had that great scheme upon which I need not touch, which is known as the subject of the most successful oration of modern times. Since the oration of Demosthenes' *De Coronâ* nothing has been more successful. It gained for the eminent orator who delivered it a fame which has lasted for seven years. For seven years he has been the idol of the country, because the people knew that in 1860 they would be relieved from the income tax. I must say that in the history of man I know no destiny so much to be envied and so successful as that of the right hon. Gentleman. The bottle conjuror was successful, but he was successful for only forty-eight hours. No doubt those forty-eight hours were hours of great excitement. That the country should believe that at the end of forty-eight hours he would be able to enter into a pint bottle was an amount of credulity that must greatly have elevated the man who had produced it in his own opinion; but the right hon. Gentleman has enjoyed the position of the bottle conjuror for seven years. That is a long time. You take a house for seven years; it is the term of a lease; and the person who has been the hero of a popular delusion for seven years enters into one of the first categories of human achievement. The Chancellor of the Exchequer will not allow even these passing remarks upon the events of his distinguished career, because he says that circumstances occurred after he had entered into this engagement with the country which entirely released him from the promises which he had made to an admiring nation. We have all touched upon that subject once or twice, and it is quite unnecessary to dwell upon it. Unfortunately, the Chancellor of the Exchequer will always defend himself, which is remarkable in a person of his surprising abilities, because if he did not defend himself, his position would be a very good one. We all recollect that in 1853 he most unnecessarily entered into a compact with the country. It was not a contract that in 1860 the income tax should be put an end to. It is absurd for a moment to suppose that. A Minister must of course defer to the circumstances with which he has to deal. He is the creature, and often the slave, of events which are ever occurring. If the Chancellor of the Exchequer found in 1860 that the finances of the country did not permit the repeal of the tax, the continuance of which he had impressed upon the nation would sap the morality of the country, he would have appealed to the people not in vain upon high reasons of State to bear it a little longer. The Chancellor of the Exchequer entered into a special contract with the public. He told them that in 1860 there must necessarily be a considerable remission of taxation by the falling in of terminable annuities to the amount of upwards of £2,000,000. He stated that those £2,000,000 would form a fund upon which the country might count, and that there was a fair certainty that his prescient policy would be realized and consummated. But the right hon. Gentleman this year has actually come forward and with those £2,000,000 in his hands has ostentatiously appropriated them to another purpose and for another result. I have never heard from the Chancellor of the Exchequer in the moments—I will not say of his insolent, but of his triumphant, rhetoric, or of those milder tones in which he addresses us over the table when he tries to persuade us that the income tax is the best tax in the circumstances, an answer on that subject. To-night, instead of denouncing the income tax as an immoral tax, as an unconstitutional tax, as a tax which saps all the principles of domestic happiness and public security, the Chancellor of the Exchequer has told us there is a good deal to be said against the income tax, but, after all, the same may be said against every tax. Contrast this confession of the Chancellor of the Exchequer with those oratorical invectives which in the seven years during which the country has been so fondly expectant of the felicitous consummation of 1860 we have heard from the right hon. Gentleman. But I am not doing justice to the Chancellor of the Exchequer when I say that he entered into a contract with the public upon which he has successfully traded that he would, at least as far as the terminable annuities were concerned, attempt to relieve the country in 1860 of this burden. Hon. Gentlemen who were then Members of the House must recollect his speech on the Budget of 1857. The Chancellor of the Exchequer tells us now that circumstances have occurred which have prevented the accomplishment of his promise and the fulfilment of his policy. I shall not stop to say that the circumstances to which he refers, and by which a great increase of the National Debt has been occasioned, were brought about mainly by a Cabinet of which he was an eminent member, and by his influence in the Cabinet on the subject of our finances, which I believe was injurious to the honour and interests of the country. Let that pass. But in 1857 you had a Budget brought forward by a right hon. and much respected Gentleman who is now a colleague of the Chancellor of the Exchequer—I mean the right hon. Baronet the Secretary of State for the Home Department. You heard that Budget; it was received with great respect and listened to with great attention; but the Chancellor of the Exchequer, who then sat below the gangway, could not contain his indignation at that Budget. He denounced it, he denounced all the principles of taxation which had been laid before us by his present colleague as worthy of our acceptance; but the right hon. Gentleman did more than that. In 1857 he adhered to the policy of 1853, the policy which, during the interval he had always sustained, and he told the House that if, by any combination of circumstances, he should preside over our finances in 1860—which was then less likely than it has since turned out to be—he would be prepared to consummate the policy which he had laid down in 1853—

THE CHANCELLOR OF THE EXCHEQUER: It may be convenient I should state that the right hon. Gentleman is entirely at fault as to what I said.

MR. DISRAELI: Matters of fact are stubborn things, and they are not disposed of when the Chancellor of the Exchequer, rising in a very irregular manner, gives you to understand, on his *ipse dixit*, that you are mistaken. I make that statement upon my recollection, upon the authority of the records of this House, and I believe upon the recollection of every hon. Gentleman now present who was a Member of the last Parliament. We are now told it is not convenient to deal with a tax of these gigantic proportions. A tax of gigantic proportions! Who, let me ask, has made it so? There was a Minister once who said it was a tax so intolerable, so immoral—for that was the favourite anathema—one so injurious to the domestic happiness and so fatal to the public spirit of the country that, not only it could not be tolerated except in an emergency, but that immediate steps must be taken for its gradual and certain abolition. You have an Act of Parliament framed for that purpose. Can it be believed that the same Minister who took measures to insure that every year a portion of this tax should cease has come forward in 1860 virtually to propose doubling that tax, and accompanying his proposition with what statement, let me ask? Does he tell us, as the noble Lord the Secretary of State for Foreign Affairs tells us every night, that the country is in danger, and that we are on the eve of grave events? On the contrary, the Chancellor of the Exchequer says that he could not feel justified in making this proposition if he thought it likely to be a permanent arrangement. I want to know on what grounds the Chancellor of the Exchequer thinks it will not be a permanent arrangement. But what I wish the House to observe is that after all the promises and professions we have had as to the reduction of a tax which struck at the morality of the country we have this tax now proposed to be doubled by the very same Minister who has for seven years obtained and enjoyed the confidence of the public because we believed it was his policy to terminate the obnoxious impost. And how is this proposition introduced to our notice? Strange to say, by a declaration that, so far as the right hon. Gentleman can judge, though there are great objections to the income tax, these are objections to which every other tax is liable. What, then, is the conclusion to which we must arrive? We must believe either that the Chancellor of the Exchequer in 1853 had not sufficiently considered this question, had not gone into all the bearings of a tax of which he spoke in language so unmeasured, or that his conduct must have been, what I do not believe it could have been, characterized by a little of that immorality which he ascribed so freely to the income tax. That is totally impossible, and therefore I can only suppose that in that eager moment, on that memorable occasion in 1853, when the Chancellor of the Exchequer laid down his policy respecting the income tax, he had not considered the subject sufficiently, and that he spoke in a crude and immature spirit. The only other conceivable supposition is that the right hon. Gentleman, after the experience he has had, feels it his duty to come forward now and propose that which he denounced before, and which I myself believed to be most unwise—namely, that he should throw off himself and the Government the duty of directing the country upon this important tax, and should endeavour to lay upon the House of Commons, by appointing a Committee of inquiry, a responsibility which no Minister, but, of all Ministers, which he should never for a moment attempt to relinquish.

Question put, "That the words 'and fifty' be there inserted."

The House *divided*:—Ayes 24; Noes 174: Majority 150.

Bill to be read 3° *To-morrow*.

STAMP DUTIES BILL.

CONSIDERED AS AMENDED.

Bill considered, as amended, in Committee.

Clause 17,

MR. BENTINCK said, he proposed to ask the House to omit this clause. It repealed the 7th of George II., which was framed for the express purpose of putting an end to the practice of gambling in the funds, commonly called time bargains. The enactment was originally passed for three years, but it worked so beneficially that it was made perpetual, and had been in operation up to the present time. To repeal the enactment because it was to a certain extent inoperative was not the proper mode of proceeding, for that would countenance every description of gambling that the ingenuity of man could devise, and they would have no right afterwards to break into houses on suspicion that gambling was carried on, or to punish the detected parties. The proposition in short struck a heavy blow at the morality of the country. The Chancellor of the Exchequer, who was more remarkable for his eloquence than the extreme courtesy with which he treated opponents, did him the honour of saying that there was extreme confusion in his mind on the subject of this Bill; but he, on the other hand, believed that the ideas of the Chancellor of the Exchequer were marvellously at variance with all sound reason and practical sense. The right hon. Gentleman laid great stress on his first argument; he said none of his distinguished constituency had remonstrated against the announced intention of repealing Sir John Barnard's Act. Probably that distinguished constituency had never even heard of the Act; the law as to time bargains was not likely to be much discussed in that seat of piety and virtue which the right hon. Gentleman so ably represented. It was, therefore, not a very sound argument. He then contended that time bargains stood precisely on a par with the purchase and sale of shares in railway or other companies. Now, time bargains were exactly the converse of such transactions. The sale of shares was a *bonâ fide* transfer of property. The right hon. Gentleman who seemed to know everything, really did not know what a time bargain meant. It was a vicious arrangement between two persons, both of whom might be equally penniless, by which they agreed to run the chance of which should lose and which should win on the contingency of the price of stocks on any given day and the price of that day week. It was said that the law against these bargains was a dead letter; to a certain extent he admitted it, but that was no reason why the law should be repealed. It was rather a reason why the House should remodel it and make it effective. Then the right hon. Gentleman asked a most extraordinary question. He asked, as if in doubt, whether making time bargains could be considered an immoral practice or not. If he could not see that it was immoral, could he perceive the immorality of any species of gambling? Then, with that extraordinary method of arguing peculiar to the right hon. Gentleman, he pleaded that the gentlemen connected with money transactions in the city were highly respectable individuals.

Why, what had the respectability of persons engaged in large mercantile affairs to do with the malpractices of men who met on the Stock Exchange solely for the purpose of gambling? The right hon. Gentleman said he was not prepared to admit that time bargains were wrong in the sense in which he (Mr. Bentinck) had spoken of them. He had described them as the worst and most pernicious mode of gambling ever devised; if the right hon. Gentleman could not see it, his ideas on the subject of gambling must be of a very peculiar description. He asserted that dealing with all kinds of property involved a certain amount of hazard, and had instanced the practice of forestalling and regrating; but they were nothing like time bargains. Actual property was bought and sold, and the seller got money for money's worth. It should be recollected that these time bargains materially affected the value of all funded property; the small property of those who had invested all they possessed in the funds was influenced and altered by the practice which the right hon. Gentleman was so anxious to countenance. That of itself was a sufficient ground for objecting to the repeal of Sir John Barnard's Act, which was proposed solely to obtain the penny for the stamp on each time transaction. The proceeds would be excessively small, and for this they were asked to sacrifice the character of the Government and the country. Again, the law as it stood was by no means inoperative. The brokers having no means of recovering any sums of money which they might risk in time bargains were extremely averse to have anything to do with them unless they were perfectly satisfied as to the solvency of the parties who sought to employ their services. Was the noble Lord at the head of the Government, who took such an active part in 1853 in trying to put down gambling in London, prepared to carry out the singular views of his colleague on the practice? Would the noble Lord hazard the reputation he acquired in 1853? Sir John Barnard, he understood, was, by a singular coincidence, one of the noble Lord's ancestors; if he consented to this clause it would be enough to make the shade of his ancestor blush. It would give a legal stamp to a kind of gambling with which more villany was mixed up than any other, for the sake of a few wretched pennies of revenue.

Amendment proposed, to leave out Clause 17.

Mr. Bentinck

Mr. EDWIN JAMES said, that he did not agree with the arguments which had been used by the hon. Member, but still he thought that some explanation was required, as the clause under notice was utterly inoperative, and not worth the paper on which it was written. It professed to repeal the 7th of George II., but the Act only lasted three years, and was succeeded by the 10th of George II., which perpetuated it. The clause, therefore, repealed an Act which had expired three years after it passed, and left untouched the only Act on the subject which was now in existence. With respect to Sir J. Barnard, every Gentleman knew that Sir J. Barnard took part in the great debates of 1733, and was the person who opposed Sir R. Walpole. The Chancellor of the Exchequer of that day was burned in effigy, Sir R. Walpole was assaulted in passing through the Court of Requests, and Lord Chesterfield was dismissed from his office of Gold Stick in Waiting, because he opposed Sir R. Walpole's measure for turning the system of Customs into a system of Excise. If they wished to repeal the 10th of George II., it seemed to him that it was not by a clause in a Stamp Duties Bill that it should be repealed. The Act of Sir John Barnard was become perfectly nugatory. It had been decided, over and over again, in the courts of law, that it did not apply to the great system of gambling in foreign funds, but only to gambling in the funds of the day, which were English funds. There was the 7th and 8th of Victoria, which applied to such transactions, and all the courts of law held that they applied to all gambling, and all wagers, whether in cases of stock jobbing, or railway scrip, or foreign bonds. Therefore he agreed with the Chancellor of the Exchequer that Sir J. Barnard's Act was perfectly useless. It was a sort of Act which, when pupils with pleaders, young lawyers always made use of when they wanted a sham plea. It happened once, when a tailor sent in his bill, a sham plea was put in that a Bengal tiger had been delivered in satisfaction of the debt, and an attorney's clerk having made affidavit to that effect, a verdict for the defendant was returned. He was opposed to the clause as a useless one.

The SOLICITOR GENERAL said, that his hon. and learned Friend must feel that he had made the most of the very notable discovery on which he had hit. He could not dispute with his learned Friend that the 7th of George II., c. 10, had been enacted to endure only for three years, and by another Act, the 10th of George II., c. 8, the former Act was made perpetual, and the latter had no operation except to perpetuate the earlier Act. That being so, he agreed with his hon. and learned Friend that it might have been better not to have made an express reference to the former Act, but only to the Act which perpetuated it. Still he could not allow that the clause would be a dead letter on account of its reference only to the 7th of George II., because he did not see what operation the Perpetuation Act could have if the original Act was annihilated. There would, however, be an opportunity afforded of correcting any defect in the clause either at the present stage or on some future occasion. As to the objections of the hon. Member (Mr. Bentinck) to the seventeenth section, he did not think them well-founded. The Act to which they referred, whatever its merits, had been undoubtedly, almost from the time of its having passed into law, a dead letter. The Act began by a very vituperative preamble against a class of people, not then in such good esteem as at present, the stock-brokers. So far as it applied to stock-jobbing, he need not say that it had been utterly inefficacious; and when the hon. Member opposite asked for its continuation, he did not of course desire that the class of persons in the City of London engaged on the Stock Exchange should be put an end to. He rather applied his objections to the second provision of the first section, which provided for the rendering void of all contracts in the nature of wagers and other contracts, of a particular description, being gambling contracts, with reference to dealing in stock. Sir John Barnard's Act was provided for those purposes, with the most cumbrous and entirely useless machinery, principally to be exercised through *qui tam* actions at law, and by Bills in Chancery. With respect to that machinery the Bill appeared to have been absolutely a dead letter. For the last 100 years there had not been shown in the Court of Chancery any practical, or, at all events, any successful, application of its provisions for these purposes, and, at law, the Act had been equally nugatory. It remained, therefore, for him (the Solicitor General) merely to deal with the question raised by the hon. Member as to repealing such sections of the Act as seemed to prevent or restrict gambling or wagering in stocks. The hon. and learned Member for Marylebone had anticipated him in reference to that point, by mentioning that the dilatory and unsatisfactory mode of procedure to which he had referred had been superseded and rendered unnecessary by a recent Act, the 8 & 9 *Vict.*, c. 109, generally known as the Gaming and Wagering Act; the 18th section of which provided that all contracts or agreements, whether in writing or otherwise, by way of gaming or wagering, shall be for all purposes and under all circumstances void. This Act was in full force and vigour, and therefore, in repealing an old enactment, prohibitive of a particular class of gaming and wagering, they were in no way interfering with that later Act, which would continue in operation, and which absolutely and entirely put an end to every contract having reference to gaming or wagering. The effect of the present measure, by which the former Act was to a certain extent repealed, was virtually little more than to get rid of an abusive and vituperative preamble which had proved obnoxious to stockbrokers and others whose pursuits brought them into connection with the Stock Exchange.

SIR HUGH CAIRNS said, it was natural that mistakes should at times be made, more especially when dealing with the cumbrous volumes of Acts of Parliament, but when a mistake had occurred he thought it much better that it should be at once confessed. He had been amazed to hear the hon. and learned Solicitor General argue the proposition that a clause which repealed an Act that had come to an end somewhat more than 100 years ago could be stretched so as to repeal a wholly different Act, which made the former one perpetual; and as the Act prohibited time bargains in the stocks at the present day he would not insult the good sense and understanding of the House by debating a question which was not arguable. He agreed with the hon. and learned Member for Marylebone in thinking that this clause, if it passed, would become a perfectly dead letter, and would not alter the existing state of the law. But since the Solicitor General had addressed the House the question had assumed an entirely new shape, and it was consequently most important that before going further the history of this clause should be distinctly remembered. The Chancellor of the Exchequer proposed, as a part of his financial scheme, to impose a tax on contracts for the purchase and sale of stock. The gentlemen connected with the Stock Exchange, who were he believed of the highest respectability, contended that if a tax was thus about to be imposed on their transactions, they ought, at all events, to be relieved from the difficulties under which they had hitherto laboured, because by Sir John Barnard's Act time bargains could not take place with any faith in their validity. The Chancellor of the Exchequer acceded to this proposition; he stated that in his view Sir John Barnard's Act was unwise in prohibiting bargains of this kind, and that he was prepared to propose a Bill repealing that Act. Time bargains, as every one knew, were contracts in which one party agreed to sell at a future day stock which he did not possess and which he did not intend to buy. This circumstance being well-known to the other party, they mutually intended to settle on the day fixed upon, according to whether the price of stocks had risen or fallen in the meantime. This was the class of contracts distinctly struck at by Sir John Barnard's Act, which the Chancellor of the Exchequer expressed his willingness to repeal. The Solicitor General, on the other hand, told them it was a delusion to think that time bargains or wagering contracts were to be made legal; and he stated that the only object of the present Act was to remove from the statute-book a preamble which was offensive to the stockbrokers, through its describing them as a highly discreditable set of people. He hoped the gentlemen of the Stock Exchange would like the description which had been given; but they certainly would find that they had been hitherto in a fool's paradise, for, trusting in the promise which had been given, they believed a new vista was opening and that they were to have the power of making time bargains to any extent in return for the 1*d.* which they would contribute to the Exchequer on each of these bargains. The hon. and learned Solicitor General, however, declared that they had no need to go back 100 years to Sir John Barnard's Act, as there had been recent legislation on the subject which rendered a time bargain, as a contract made by way of wagering, null and void; and that not by any cumbrous process of the Court of Chancery, but by a fresh, vigorous, green statute of the present reign. He was quite willing to accept that description, and it was therefore clear that the House was called on to pass a Stamp Act, not for the

sake of imposing or renewing duties, but in order to expunge from the statute-book an offensive preamble—a purpose to which he had never before known a Stamp Act to be applied. A solemn explanation had been given by the Chancellor of the Exchequer of the reasons for postponing the measure to that evening; and now they were told by the Solicitor General that this had all been much ado about nothing, that the law was not to be altered, but the sensitive minds of stock-jobbers were merely to be relieved from the disagreeable terms in which Sir John's Barnard's Act spoke of them. More ludicrous treatment of a grave question he had never known. The clause as it stood, the hon. Member admitted, was not worth the paper it was written on, for it would leave the old Act untouched, while the cumbrous proceedings in Chancery, which had never been resorted to before, would never be resorted to again. As time bargains were not to be legalized, it was unnecessary for him to trouble the House with the observations which he should otherwise have felt it his duty to make.

Mr. HUBBARD said, he conceived that the imposition of the stamp duty on contracts, if it were expedient, ought to have been made without any consideration given or received by the Members of the Stock Exchange, and that if Sir J. Barnard's Act were objectionable it ought to have been repealed independently of anything in the way of concession. He could not agree with the opinions expressed by the hon. Member for West Norfolk, for he believed the Act to be a standing disgrace to the statute-book. It was the remnant of an antiquated and bigoted policy. It struck at the very root of liberty in transactions of buying and selling. Nothing tended more to maintain the steadiness of the funds in this country than the existence of a large body of men who were always ready to enter into operations in that particular article. It was a mistake to suppose that the operations were all in one direction. There were habitually as many ready to buy as to sell. The noble Lord the Secretary for Foreign Affairs made a speech the other night reflecting in severe, but not too severe terms on the conduct of a near political neighbour of ours. The next day on returning from the City he was asked by several Members—" Was there not a great panic on the Stock-Exchange to-day? Did not the funds experience a great fall?" But his answer was, that, though there certainly was a feeling of agitation and apprehension, the funds had only fallen about a quarter per cent. The existence of a body of men, ready to take advantage of any depreciation in the funds, had, no doubt, arrested the fall at a quarter per cent, when it would otherwise have been 3, 4, or 5 per cent, considering the formidable nature of the speech. In fact, but for the presence of those men, and the operations deprecated by the hon. Member for Norfolk (Mr. Bentinck) the very event which he most dreaded must occur. He begged to differ with the hon. and learned Gentleman on that side of the House (Sir H. Cairns), who, when he told the House what constituted time bargains, said that they were mere gambling transactions. He stated a time bargain to be an offer for sale of £100,000 stock by one man, stock which he never had or would have, and which was offered to a man equally unprepared to take it. He (Mr. Hubbard) did not deny that isolated transactions of this kind might occur —but such were not the transactions which ordinarily took place on the Stock Exchange. The ordinary course of dealers was to sell for the next settling day, at the middle or end of the month, a certain amount of stock which they had in their own engagements purchased. But the operations of Sir J. Barnard's Act was to make illegal every transaction which was not consummated upon the spot. Unless a man could at once deliver over the stock sold he became the participator in a time bargain. But this disability was not confined to stocks and shares; it operated on all kinds of bargains. The whole of our foreign commerce was carried on by time bargains. It was impossible to sell upon the spot. Cargoes were bought in foreign countries to be delivered at a distant day; and were they to be told that these operations were illegal? While the necessities of commerce and the stimulants of common interest led traders to make these bargains, there had not been wanting men who, adverting to this act of disability, had tried to evade those bargains when it suited their purpose. And it had led to the further inconvenience that, in the event of the buyer's insolvency, the honest merchant had been defrauded of his dividend. The most honest and straightforward merchants in the City of London had had their transactions branded as illegal on account of the interpretation of this law in the Bankruptcy Courts. He hoped that the Government would not allow the matter to rest where it was, but would remove the disability from time bargains in stocks and shares as well as in goods.

MR. BUTT thought it would be absurd to pass the clause if, as the Solicitor-General had stated, the effect of the Wagers Act would be to leave time bargains exactly in the same position as now. His great objection to the clause, however, was that it was tacked to a money Bill, and if the House of Lords attempted to exercise the discretion which they undoubtedly possessed, and struck it out, the House of Commons might be disposed to treat it as a breach of their privileges, and refuse to pass the Bill altogether.

THE CHANCELLOR OF THE EXCHEQUER said, he was not much moved by the objections made to this particular clause; and he thought the speech of the hon. and learned Gentleman opposite showed that he did not quite clearly understand either the operations of the Stock Exchange or what fell from his hon. and learned Friend the Solicitor General. No demand had been made by the members of the Stock Exchange for an amendment of the law. But, after the stamp was proposed on contract notes, a communication was made to him through the hon. Member for Kendal (Mr. Glyn), that the Act of Parliament known as Sir John Barnard's Act might be repealed, as by that Act transactions which entered into the daily course of their business were prohibited, though the Act itself had grown obsolete, and they thought it was but just that they should be free from this bond when it was proposed to put a stamp upon the notes by which these contracts were carried on. The Government thought it was but fair to comply with that request. But now the hon. and learned Member for Youghal (Mr. Butt) had raised an objection to the clause, appearing in this Bill, which he thought a perfectly good one. In truth, it was his intention to have proposed the repeal in a separate Act; but finding the clause inserted in this Bill as it was drawn up in the Revenue Office, he allowed it to pass. He quite saw the force of the objection, however, that the fact of this clause being inserted in a Money Bill would oust the jurisdiction of the House of Lords; and therefore he would withdraw the clause, and would give notice of his intention to-night to move for leave to introduce a new Bill on the subject to-morrow.

MR. HENLEY said, he must complain that the right hon. Gentleman had given no explanation of the views of the Government whether time bargains were illegal or not. The Solicitor General said that the repeal of Sir John Barnard's Act would leave these time bargains exactly where they were before; that they would not be legalized, but that the Wagers Act would apply to them. But the right hon. Gentleman had not told them what was the opinion of the Government on this point, which was not an unimportant one. The discussion began in the complaint that Government was about to legalize gambling by putting on it a penny stamp. Well, was that the intention of Government or was it not; and if so, did they mean to repeal the Wagers Act, as well as Sir John Barnard's Act? He wished further to know whether Government intended to reprint this measure, for there had been so many Amendments proposed by the Government, and those Amendments had been made in such confidential whispers between the Secretary to the Treasury and the Speaker, that he believed there was no Member of the House who now knew how the Bill stood.

VISCOUNT PALMERSTON said, that, as direct reference had been made by the hon. Member for Norfolk to the part he took in the passing of the Act for putting down gambling-houses, he would offer a few observations to the House. But he thought he could give the hon. Gentleman another instance which was more appropriate. In the time of Charles II. a law was passed making all bets on horse-races above the value of £20 illegal, and subject to a penalty, which might be recovered by a *qui tam* action. The hon. Gentleman's lamented relative (Lord George Bentinck) was actually sued under that Act, and when a Committee of the House was appointed to sit on this subject, of which he (Viscount Palmerston) had the honour to be Chairman, a Report was made, and in consequence of that Report it was felt that this was an obsolete system of legislation which did not belong to the present age. Consequently an Act was passed repealing that statute, and relieving from any penalty those who made wagers upon a horse-race. He thought the present question was to be viewed upon precisely the same principle. He would not enter upon the legal question, but would take the hon. Gentleman upon his own ground. Viewing this as a simple question of a wager upon the future price of a given amount of stock, it fell, in his opinion, within the same category as a wager upon a horse-race; and upon the same principle as that by which the House of Commons thought fit to relieve persons who made wagers upon horse-races, he said they should also relieve from liability those who entered upon time bargains. By so doing he thought they should not be disparaging the memory of Sir John Barnard, who introduced an Act no doubt very well suited to his own age, though not to the present.

MR. MALINS said, he thought the right hon. Chancellor of the Exchequer had exercised a wise discretion in withdrawing the clause, and hoped he would take more time to consider the points that had been raised. At present bargains might be made in reference to all kinds of merchandise, without being liable to the penalties for gambling.

MR. LAING said, the few Amendments that had been introduced were intended to carry out the various suggestions that had been made in the course of conversation on the previous evening. At present the Wagers Act applied to many transactions upon the Stock Exchange, without which it would be impossible to dispose of the immense quantities of stock that were in the market. It was for the convenience of the public that these transactions should take place; and the object of the present measure was to render legitimate the operations of the middle men, who acted for the public convenience.

LORD CLAUD HAMILTON said, he must deny that wagers on horse-racing were at all analogous to time-bargains. But what he rose for was to point out the services which his hon. Friend the Member for West Norfolk had rendered to the Government, in preventing them from proceeding to legislate in too hasty a manner, and thus avoiding the blots which had been pointed out to-night, and which they had corrected, but which would have been inserted in the Bill, if the Government had been allowed to proceed in the hasty manner they at first insisted on doing.

MR. BOVILL said, he would suggest that, as it was admitted that this Bill had received neither the assent of the Solicitor General nor the Attorney General, it should now be remitted for their Amendments.

Question, "That Clause 17 stand part of the Bill," put, and *negatived.*

In reply to Mr. T. Baring,

The CHANCELLOR of the EXCHEQUER said, that the 3*d.* stamp could not apply to dock warrants.

Bill to be read 3° *To-morrow.*

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Saturday, March 31, 1860.

Minutes.] Public Bills.—1ª Stamp Duties; Income Tax.

Royal Assent.—Consolidated Fund (£850,000); Mutiny; Marine Mutiny; Endowed Schools; Benefit Societies Rules Amendment.

STAMP DUTIES BILL.—INCOME TAX BILL

Read 1ª, and to be *printed;* and to be read 2ª on *Monday* next; and Standing Orders No. 37 and 38 to be considered in order to their being dispensed with.

House adjourned at a quarter past One o'clock to Monday next, half past Four o'clock.

HOUSE OF COMMONS,

Saturday, March 31, 1860.

Minutes.] Public Bills.—1° Sir John Barnard's Act.

3° Income Tax; Stamp Duties.

INCOME TAX BILL.

THIRD READING.

Order for Third Reading read.

The CHANCELLOR of the EXCHEQUER: Sir, it may be convenient that I should mention the order in which I propose to take the remaining financial business before the recess. I propose to-day to read a third time the two Bills on the orders—the Income Tax Bill and the Stamp Duties Bill. On Monday I propose to commence with what are known as the Customs Charges Resolutions; and after those to take the second reading of the Wine Licenses Bill. If not objected to I would also read a second time the Bill for the repeal of Sir John Barnard's Act, if the House shall give me leave to introduce it to-day. It cannot pass this House till after the recess, but inasmuch as there is a charge depending on it, I trust the House will expedite its progress as much as possible. On Tuesday I should report such Resolutions as the Committee on Customs Act may think fit to adopt on Monday, and insert them in the Customs Duties Bill. There has been already inserted in it a clause with respect to drawbacks on wine. It will be advisable that the Bill should then be reprinted, that it may be seen with all its provisions as a whole; and when the House reassembles after the recess I will take a convenient opportunity—not for several days after the meeting, however—of asking the House to put the Bill through the remaining stages. With respect to the Wine Licences Bill I reserve to myself liberty, presuming it be read a second time on Monday, of committing it *pro formâ* on Tuesday, with a view to certain Amendments which it may be worth while to introduce. Several very good suggestions have been made referring to matters of detail—some to mitigations of charge and some to provisions against the abuse of authority on the part of magistrates in granting licences—which I would introduce; and as it may be convenient for the House and for the public likewise to see the Bill with these suggestions embodied, that Bill must be reprinted also. In Committee of Ways and Means it will be my duty to ask for the charges on licences, which are a necessary supplement of the second reading of the Wine Licences Bill, and with respect to which I should have no change to propose, except perhaps one or two minor adjustments in way of mitigation. These charges, if adopted by the House, would then be inserted in Committee on the Bill on Tuesday, that stage being taken *pro formâ*, and then hon. Members would have the opportunity of seeing the whole measure in the precise form in which the Government intend to submit it for the final consideration of the House. With this explanation, Sir, I beg to move the third reading of the Income Tax Bill.

Mr. HENLEY: Sir, I wish to call the attention of the House to the manner in which this particular Bill has gone on. It is a Bill of very great importance, and on Wednesday, after the hour when, ordinarily, public business is not proceeded with if there be any dispute—because if there be the least question you cannot go on, according to the forms of the House—a clause was introduced which had not been printed, and which nobody, except the Members of the Government, knew anything about. I must enter my protest against that mode of conducting business on an important taxing Bill. I do not mean to say that the clause is an improper one. It may be a very convenient way of granting the sort of appeal given in that clause; but I do protest against clauses which are of consequence, whether for good or evil, being introduced into Government Bills of such importance when nobody knows anything about them. The right hon. Gentleman shakes his head; but I would ask the Chancellor of the Exchequer, was the clause to which I referred printed? Did anybody know anything about it? Was it not proposed after a quarter to six o'clock, when every one leaves the House supposing that nothing but routine business will be proceeded with? All I can say is, if it were so, that is not the course which has ordinarily been followed. Before any clauses are introduced into a Bill, the common practice is to print them, that hon. Members may know what they are legislating upon. But that was not done in this case. With regard to the Bill itself, I have nothing to say against its being read a third time; but I have considered it my duty to call attention to this point, because I think that the observance of the ordinary forms of this House is not only a matter of great convenience, but also of the greatest advantage to the conduct of public business. With regard to the order in which the business of the House is to be taken next week, as sketched out by the right hon. Gentleman, I have no objection to offer. Being quarter sessions week, many hon. Members who are connected with country business will not be able to be here on Monday, and therefore I shall hold myself free, if the Wine Licences Bill be read a second time on Monday, to take any course I may think necessary in Committee when that stage arrives. I am not sorry to hear that the right hon. Gentleman proposes to modify some provisions in the Bill; some of them—and I especially refer to that clause with regard to the interference of magistrates—are so objectionable in their present shape that they have been made the subject of much comment. I hope, however, to see them in a different guise when they come before us again. With these observations I do not object to the third reading of this Bill; but I do hope that, in future, if clauses of an important nature are to be introduced into a Government Bill they will be printed and notice given of them, so that this House may know what they are doing.

MR. DARBY GRIFFITH: I beg to corroborate the view taken of this matter by the right hon. Gentleman the Member for Oxfordshire. I must say I have seen communications pass between parties who carry on business at the table and those on the Treasury Bench which were entirely inaudible in the House, and which I afterwards found resulted in the insertion of clauses without any knowledge on the part of hon. Members who took an interest in the subject, and which, had they known of them in time, they would have opposed.

Bill read 3°.

On the Question that the Bill do pass,

THE CHANCELLOR OF THE EXCHEQUER: I think it quite right, Sir, that all matters appertaining to the business of this House should be very strictly watched and criticised, and I am always glad to hear such criticisms made; but the right hon. Gentlemen is not accurate in the statement he has made, as I think I can show. I frankly own I have been indebted to the courtesy of the House on more occasions than one for consenting, at an unusual hour, to pass a particular stage of this Bill, and postpone discussion till a future stage, with a view to the general convenience of this and the other branch of the Legislature. Nobody can reproach the right hon. Gentleman with inattention to his Parliamentary duties. He is so constant in his attendance on the proceedings of this House, as well as so valuable in the assistance he gives in all public matters, that occasional absence on his part is always sure to be excusable. But, Sir, I must state that the Bill was not brought on upon Wednesday after the time when public business ceases, but before that time. It was concluded after the time when public business ceases, but in the presence—I do not recollect of what Members—but of a number who take an interest in the matter, and by whose consent the Bill was carried forward, while it was in the power of any one of them, by a simple objection, to stop it. In fact, to show that full notice was taken of all that took place in regard to the insertion of the clause referred to, I may mention that one hon. Gentleman put the question whether it could then be regularly introduced, which was ruled in the affirmative. With regard to the clause not having been printed, the remark may be technically correct, but substantially it is not so. It relates to a point of relief raised by the hon. Baronet the Member for Evesham (Sir H. Willoughby) who gave a notice, which was printed in the Votes, of a clause for the purpose of giving an appeal, and what we proposed and inserted in the Bill was really an Amendment of his Motion. Technically it was not the hon. Baronet's clause, for it was drawn up differently, but it had the same object in view, and a clause in such cases cannot always be printed in the Votes.

MR. HENLEY: The right hon. Gentlemen says that the hon. Baronet the Member for Evesham gave notice of such a clause; but I do not think that ordinarily speaking, the House would suppose because any hon. Member gave notice of a clause therefore the Government were going to adopt it; or, adopting its spirit and principle, would bring up a clause of the same kind. Hon. Members are not generally so fortunate in getting the consent of Government to amend taxing Bills. All I can say is, that when the Government make up their minds to amend a Bill in any particular it would be well to print the clause or clauses proposed to be inserted in the usual manner, and then there can be no objection.

Bill *passed.*

STAMP DUTIES BILL.

THIRD READING.

Order for Third Reading read.

THE CHANCELLOR OF THE EXCHEQUER moved the Third Reading of the Stamp Duties Bill.

Motion made and Question proposed, "That the Bill be now read the third time."

SIR HUGH CAIRNS: I wish, Sir, to draw your attention to a question which arises on the proceedings connected with this Bill in relation to the forms of the House, which I think it important should not be overlooked. I would ask whether there is not an irregularity in the Bill which strikes at one of the most important privileges of this House. We know very well that no tax can be imposed on the subject unless founded on Resolutions of the whole House in Committee. One tax proposed by this Bill is on contracts for the sale of stock. Now, there was a Resolution of the House in Committee upon that subject, but that was a Resolution to this effect,—that, provided the Act which is called Sir John Barnard's Act be repealed, there should be imposed on contracts for the sale of stock a certain duty. That Resolution having passed a Committee of the whole House, involving a condition precedent—namely, the repeal of Sir John Barnard's Act—a Bill was introduced containing a clause proposing to repeal the Act; and by the same Bill it was proposed to impose the duty on contracts for the sale of stock. We had last night a discussion on that clause, the result of which was that it has been withdrawn, and the right hon. Gentleman the Chancellor of the Exchequer has given notice of the introduction of a Bill to repeal Sir John Barnard's Act. The matter, therefore, stands thus:—That Bill has not yet been introduced; Sir John Barnard's Act has not been repealed. The course that Parliament may take with respect to the repeal cannot be certainly known, and in this Bill, which imposes a stamp on contracts for the sale of stock, there is no condition precedent; it is a positive imposition of a stamp duty on all persons who deal in stock, the condition precedent not having been complied with. The question I would submit to you, Sir, with great respect, is this, whether the Bill, so far as it proposes to impose a tax on the sale of stock, is warranted by the Resolution of the House, I respectfully submit that it is not. I contend that until Sir John Barnard's Act be repealed it is not competent to the House, under this Resolution, to impose a tax upon these contract notes; and I therefore submit that the proper course for the Government to pursue is to strike out of this Bill the words which refer to contracts for the sale of stock, and to deal with that subject hereafter either in another Bill or in that by which it is proposed to repeal Sir John Barnard's Act. If that Act be repealed the Resolution of the House will warrant the imposition of this tax.

MR. SPEAKER: On referring to the Resolution I find that it was a provisional and conditional one. The terms are, "Provided that the Act passed in the seventh year of the reign of King George II. shall be repealed," and so on.

MR. DODSON said, he wished to know whether a stamped form would be provided for certified extracts from the registers of baptisms, marriages, and burials.

THE CHANCELLOR OF THE EXCHEQUER: The Commissioners of Inland Revenue will be required to provide both impressed and adhesive stamps for such documents; but I am not aware that we have any power to compel the use of a particular form of words. I am much obliged to the hon. and learned Gentleman (Sir H. Cairns), who is, I think, quite correct in his statement, that a condition was inserted in the Resolution which, owing to the omississiоn of the clause repealing Sir J. Barnard's Act, is not now followed in the Bill. When we last night came to the conclusion that, in deference to the privileges of the House of Lords, it would be better to deal separately with the subject of that clause, I did not observe that an Amendment would consequently be required in the schedule. The hon. and learned Gentleman has pointed out that necessity at the most seasonable time, and I shall propose to withdraw the Motion for the third reading of the Bill, and to recommit it, in order to insert in the schedule words which will affix to the imposition of the tax the same condition as was originally specified in the Resolution. [Sir H. CAIRNS: Contingent taxation! You can't do that.] I do not know that. It appears to me to be clearly within the powers of the House, and I am not prepared to admit that a tax which is to accrue upon a certain contingency is a novelty in any sense. I shall, therefore, propose to go through the necessary form of recommitting the Bill, with the view—if that, Sir, meet your approval as a matter of order—of bringing the schedule into exact conformity with the Resolution.

MR. SPEAKER: As to the matter of form, there have been many occasions upon which a similar course has been pursued. The order must be discharged, and the Bill be recommitted. As to the matter of substance, it does not come within my province to give any decision.

THE CHANCELLOR OF THE EXCHEQUER said, he would then move that the Order for the third reading of the Bill should be discharged.

Motion by leave *withdrawn.*

MR. HENLEY said, he hoped that if the Bill had to be recommitted it would be reprinted. Amendments of an important character had, as he believed, been introduced which it was very desirable that the House should see; and as it would occasion no delay, he trusted the Chancellor of the Exchequer would accede to his suggestion.

MR. DISRAELI: This is not a mere matter of form, because the principle of contingent taxation is a most important one. I am not at this moment prepared to say that there may not be precedents for its adoption, but at the same time I have not them at hand. Taxation is always founded upon an estimate submitted by the Minister for the service of the year, and all propositions for taxation bear a relation to that estimate. Any departure from this salutary course may seriously affect the financial system of the country. If the principle of contingent taxation be admitted, we may find that our expenditure and our revenue do not balance. This is therefore not a matter of form merely, but involves a most important principle. I assume, as a matter of course, that we shall not be asked to go into Committee on the Bill to-day. Even as a matter of form, notice of the recommittal would be required; but, as a principle of great importance is involved, I take it for granted that time will be given to us to make ourselves thoroughly acquainted with the subject, so that we may bring to the Committee the result of the reflection and information which are so necessary.

THE ATTORNEY GENERAL: I cannot understand the importance which has been given to this matter by the speeches of hon. Members opposite. There is no question of contingent taxation at issue. All that will be proposed to the House will be to adapt the schedule to the language of the Resolution. If any objection attaches to contingent taxation, it is one which applies to your own Resolution. Your own Resolution is framed in these words, "Provided the restrictions on dealings in the public funds" contained in a certain Act shall be repealed then "for and upon every note," there shall be a certain stamp. We propose now to put into the schedule precisely the same words as were adopted in the Resolution of the House,—"that, provided the restrictions in dealings in the public funds contained in the Act of so-and-so shall be repealed by any Act passed in the present Session, then from and after such repeal these duties shall attach." Therefore there is not the smallest objection in point of principle, unless that objection be carried to the extent of affirming that your own Resolution was unconstitutional and improper.

SIR HUGH CAIRNS: No doubt the hon. and learned Attorney General has not the least objection to that which is proposed, but there is a graver question—whether there is not an objection to it founded upon the forms of the House. I venture to say that the objection does not apply to the Resolution. A Resolution is in its nature temporary and provisional, merely to stand until a Bill is brought in and passed, and therefore the object of this Resolution being framed as it is, is to show that it is intended to introduce the Bill which is referred to as a condition precedent before you introduce the Bill imposing the tax. That which the Resolution says in effect is this :—"Let there be a Bill passed in this Session repealing Sir John Barnard's Act, and then let a Bill be brought in and passed which will impose a tax upon contract notes; and I venture to think that no precedent will be found in which a Bill has passed this House imposing a tax not directly and absolutely, but upon a certain contingency, which is a speculative contingency that Parliament will do something else by some other Bill. If there be such a precedent there may be no reason why we should not follow it, but if there be not, it would be a most inconvenient and irregular practice to introduce upon the present occasion, and one about which there will be a great deal to be said. I understand that the Motion for the recommitment of the Bill cannot be made until a future day. When we see the words which it is proposed to insert in the schedule, and the precedents which the Government, if it can find them, will then bring forward, will be the time to consider the proposition. In the meantime, I apprehend that the House would not think it advisable, without notice and without precedent, to adopt such a proposal at once.

MR. MILNER GIBSON: The hon. and learned Gentleman is mistaken when he alleges that a Resolution relating to the imposition of duties is in all cases a merely temporary arrangement and provision, lasting only until a Bill is brought in. In the case both of Customs and Excise the duties are levied immediately upon the Resolution being passed. I contend that when you agreed to the Resolution in this instance you affirmed the principle of contingent taxation, if you choose so to describe it. The objections ought to have been taken at that time. I am informed that if the course which has been suggested by my right hon. Friend is not adopted, it will prolong the sitting of the other House of Parliament, and will lead to much inconvenience. I cannot see that this is anything more than a technical objection, to which an importance has been given which it does not deserve, and I hope that there will be no further opposition to the course proposed by my right hon. Friend.

MR. EDWIN JAMES said, he considered that the House had very imprudently agreed to the Resolution on the subject of the Stamp Duty on contract notes. The difficulty which had arisen was an instance of the evils resulting from this hurried manner of transacting the public business. The condition precedent, namely, the repeal of Sir John's Barnard's Act, had not taken place; and it was clear that the Resolution would not justify the passing of the Bill as at present framed. He hoped that the Government would accede to the suggestion which had been made by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) for reprinting the Bill with the Amendments. The present Bill contained so large a number of Amendments that its own parents would not know it. Many of these Amendments had been introduced by the Secretary of the Treasury at a late hour, without any explanation whatever, and it was most important that the House should be fully aware of their nature. The provisions of the Bill were such as to tend to fetter every transaction of commerce, and it was most unfair and unjust that the House should be called upon to pass it without knowing the nature of the Amendments which had been introduced.

MR. J. C. EWART stated that great interest was felt with respect to the Bill by the commercial world, and expressed a hope that the Bill would be reprinted before passing through its final stage.

MR. LAING said, that the Amendments which had been referred to as having been introduced late on the previous evening were only three in number, and were intended to meet objections which had been raised principally by the hon. and learned Member for Marylebone. These Amendments were of a purely technical nature, and did not affect the general operation of the Bill. The importance of passing the measure that day arose from the circumstance that the revenue to be derived under it would amount to about £1,000 a day, and thus if its becoming law were delayed until after Easter, the country would lose about £14,000.

MR. SEYMOUR FITZGERALD said, he hoped that the proposal to reprint the Bill with the Amendments would be acceded to. It was a measure which concerned much the mining and the banking interests, and interfered with the transactions of all the commercial classes of the country. The objection urged against reprinting the Bill was that the delay would cause a loss of £1,000 a day to the revenue, and if not passed before the Easter recess the total loss would not be less than £14,000. But he contended that the gain of this sum would be but a poor compensation for the litigation and annoyance which might arise from passing a Bill in an incomplete or ill-considered form.

The CHANCELLOR of the EXCHEQUER: Sir, I do not accede to the doctrine of the hon. and learned Gentleman (Sir Hugh Cairns) opposite, but, as no serious loss to the revenue will be involved, I am prepared to meet his objection by withdrawing from the Bill the part of the schedule which refers to contract notes. [Sir H. Cairns: That is what I suggested.] I did not understand that. Well, then, I will omit from the schedule the words relating to contract notes, and leave the whole question to be dealt with in a subsequent measure. With regard to the reprinting of the Bill, I may observe that the Amendments which have been made have been principally designed to remove from the Bill certain words with respect to which it was suggested that difficulties might arise. There is but a single case in which new words have been inserted in the clauses, and these simply refer to the mode of cancelling stamps on the various documents, and involve no extensive or general change in the terms of the Bill. The effect of the words introduced is to provide for cancelling stamps, by impressing as well as by writing upon them, and this alteration has been made in accordance with the suggestion of the hon. and learned Member for Marylebone. If the Bill is required to be reprinted, it will cause delay and consequent loss to the revenue, and I therefore hope that the right hon. Gentleman the Member for Oxfordshire will not insist upon seeing the Amendments in print before the Bill passes.

Mr. HENLEY said, that when he had suggested that the Bill should be reprinted he understood that it was to be recommitted on a future day, and that therefore its printing would cause no delay. As that course was not to be adopted, his observations did not apply.

Mr. DARBY GRIFFITH complained that considerable inconvenience was frequently occasioned by communications being made to the Chairman by Members of the Government in so low a tone that they did not reach the ears of the Members of the House.

Mr. LOWE: The course which the Government proposes to take is this:—We propose, in conformity with precedent, to re-commit the Bill at once, in Committee to strike out the part of the schedule relating to contract notes, to report immediately to the House, to read the Bill a third time, and to pass it. That is a course which is sanctioned by precedent.

Mr. KER inquired whether the omission of contract notes from the operation of the Bill would affect the revenue.

The CHANCELLOR of the EXCHEQUER: Only to a limited extent.

Order for Third Reading *discharged.*

Order for Committee read.

House in Committee; Bill recommitted with regard to the Schedule; *Considered* in Committee.

House resumed; Bill *reported;* as amended, *considered;* read 3° and *passed.*

SIR JOHN BARNARD'S ACT, &c. REPEAL BILL.

LEAVE. FIRST READING.

The CHANCELLOR of the EXCHEQUER moved for leave to bring in a Bill to repeal the Act 7 *Geo.* II., *c.* 8, commonly called Sir John Barnard's Act, and the Act 10 *Geo.* II., *c.* 8, which made the former Act perpetual.

Mr. WISE said, he thought that the right hon. Gentleman the Chancellor of the Exchequer was bound to have made some statement to the House with respect to his object in introducing this Bill. Sir John Barnard's Act was passed for the purpose of preventing "stock-jobbing." That Act had been found to work so well that it had been made perpetual, and he doubted the policy of repealing it. There could be no objection urged against the buying and selling of stock and public and other securities; but "stock-jobbing" was a thing which he hoped every hon. Gentleman in the House would endeavour to do all in his power to prevent. He was anxious to have an assurance from the Chancellor of the Exchequer that the effect of repealing this Act would not be to promote the injurious practice of "stock-jobbing."

Mr. EDWIN JAMES said, that those who had drawn up this Bill had appeared to have totally overlooked the existence of the Act of the 8 & 9 *Vict.*, which was directed against all kinds of "gaming and wagering," and therefore applied to stock-jobbing and wagering in time bargains. The statute 8 & 9 *Vict.*, *c.* 109, was passed to prevent *qui tam* actions in cases of betting under an old statute of Charles, which was supposed to have become obsolete, but under the provisions of which numerous actions were brought against Lord George Bentinck and others. He was counsel in that case for the informer who had brought the actions, and anything more absurd could not be conceived than the proceedings which were necessary to be taken in those actions. The principal witness in the case swore that he had burned his books, and he could not state anything whatever as to his transactions with Lord George Bentinck. The House had consequently agreed to pass an Act which would relieve the defendant from penalties accruing under an Act which referred to a state of things that had become entirely obsolete. He believed that the Government were wholly ignorant of this Act of 8 & 9 *Vict.*, when they decided upon repealing this Act of Sir John Barnard, because that Act equally applied to wagering. The Chancellor of the Exchequer ought to state whether it was his intention to derive a revenue from wagering transactions on the Stock Exchange. These dealings in the funds no doubt took place at the present time to a very large amount, but it was a very different thing to license and sanction them, as would be the case if this Bill were to pass. If the principle of allowing these wagerings were to be applied to the Stock Exchange, it should be made equally applicable to transactions at Tattersall's. What took place at the "Corner" was perfectly patent and known to the world. Everybody knew the nature of the betting that was going on there. There was nothing to prevent any person at Tattersall's offering or taking, for instance, 40 to 1 on the double event of Lord Palmerston's horse winning the Derby and the passing of the Reform Bill in the present Session. If it was the intention of the Chancellor of the Exchequer to obtain a revenue from contracts entered into for wagering transactions on the Stock Exchange, he could not do so under the provisions of the present Bill, for the Act of the 8 & 9 *Vict.* would prevent him, and it would be necessary to repeal that Act as well as Sir John Barnard's.

The CHANCELLOR of the EXCHEQUER said, that, in the presence of his hon. and learned Friend the Attorney General, he should be slow to offer an opinion of his own on any legal point. But Sir John Barnard's Act, considered along with other legislation, placed members of the Stock Exchange under a peculiar law, exclusively applicable to them. In the opinion of those gentlemen the effect of the Act was to proscribe and render penal, not only what were called and understood to be wagering transactions, but likewise the regular and ordinary form under which the whole of that vast and beneficial business of dealing in the funds was conducted. He, therefore, now intended to repeal the Act treating in an exceptional manner this particular class of pecuniary transactions, leaving them subject to the general provisions of the law as determined by the Wagering Act; and, in laying on the table what he hoped would be merely a repealing measure, care should be taken not to interfere in any manner with the operation of the Wagering Act.

Leave given.

"Bill to repeal the Act of the seventh year of King George the Second, chapter eight, commonly called 'Sir John Barnard's Act,' and the Act of the tenth year of King George the Second, chapter eighth, *ordered* to be brought in by Mr. Chancellor of the Exchequer, Mr. Attorney General, Mr. Solicitor General, and Mr. Laing."

Bill *presented*, and read 1°.

The CHANCELLOR of the EXCHEQUER said, he wished to state that as some attention had been drawn to the matters proposed to be dealt with by the Bill, he would not fix its second reading until the 19th of April.

House adjourned at a quarter-after One o'clock.

HOUSE OF LORDS,

Monday, April 2, 1860.

Minutes.] Public Bills.—1ª Trustees, Mortgagees, &c.
2ª Stamp Duties; Income Tax.
3ª Dwellings for Labouring Classes (Ireland); Stamp Duties; Income Tax.

THE TYNE HARBOUR OF REFUGE.

The Marquess of CLANRICARDE wished to correct a statement he had made the other evening with reference to the sum expended on the works now in progress at the mouth of the Tyne. He had read from the Report of the Harbour of Refuge Commissioners that the sum of £750,000 was recommended by them as the total cost of efficient works for a good harbour of refuge at the mouth of the Tyne. That was quite correct; but he stated incidentally that £500,000 of this sum had been already expended, which he found was not the fact. The sum actually laid out was only £142,000.

PARLIAMENTARY BOROUGHS (IRELAND).—MOTION FOR RETURNS.

THE MARQUESS OF CLANRICARDE moved an address for—

> "Return of all Towns in Ireland, exclusive of Parliamentary Boroughs, containing a population of 3,000 or upwards, specifying the County in which each such Town is situated, and showing the Number of Occupiers rated at above £4 and under £6, and at £6 and upwards but under £8, and at £8; And also,
>
> "Returns showing the Area, Population, Income Tax, Number of Occupiers rated at various Amounts, Number of Parliamentary Voters, &c. in each County in Ireland, and showing the Area, Population, Income Tax, the Number of Tenemenu ated at various Amounts under £10, Number Voters, &c. in each Parliamentary Borou Ireland."

The noble Marquess said that the Irish Reform Bill which had been introduced into the other House of Parliament was, in his opinion, so complete a mockery that he could not understand why the Government had taken the trouble to bring it forward. So strongly did he entertain that view with respect to it, that if it should ever come up to their Lordships' House, which he hoped would not be the case, he should deem it to be his duty to oppose its passing into a law. For his own part he had not heard that any desire for Parliamentary Reform had been exhibited in Ireland, or that the question was one which had taken the slightest hold of the minds of the Irish people. But if it were deemed necessary that some alteration in the electoral system in that country should be made, he thought due consideration should be shown for those large constituencies which were not adequately represented. He might also observe that there were in Ireland boroughs so poor and having constituencies so small that they were to a great extent naturally subject either to proprietary or to other corrupt influences; while on the other hand there were populous places in Ireland that were at present either wholly unrepresented or very inadequately represented. It was most expedient in any measure of Reform which might be passed that such cases should be placed upon some more satisfactory footing than that upon which they at present stood. He held, for example, in his hand a Return of no less than sixteen boroughs not one of which had a constituency exceeding 300 registered electors, and that number, it must be borne in mind, was considerably larger than the number who voted at the last election. He might add that of the sixteen boroughs to which he had alluded six had a constituency of less than 200, so that they afforded a good ground for the hand of the Reformer to work upon. And how, let him ask, was it proposed to deal with these cases in the Government measure? According to certain returns which had been laid before the House, the result of the change which that measure proposed to effect would be that not one of those boroughs would have a constituency of 400; that twelve would still have a constituency of less than 300, and four a constituency of less than 200. That being the proposed operation of the measure, he could not, as he had said before, look upon it otherwise than a perfect mockery of Reform, to disturb the existing system for the attainment of such a result as that. Now he would not completely abolish the representative system in all such small places; what he should propose in most cases would be to group those boroughs in such a way as that they might have a constituency somewhat respectable in point of numbers—in such a way, for instance, as that no constituency should number below 500, while the population which it represented should not be less than 12,000. He had said that the large constituencies in Ireland were inadequately represented, and he might, in support of that opinion, mention the county of Cork, which, with a population of 563,000 and 15,700 electors, had altogether only six Members; the county of Down, which, with a population of 328,000 and a constituency exceeding 11,000, had only three Members; Tipperary, which, with a population of 331,600 and 9,467 electors, had only four Members; and Galway, which, with a population of 297,000 and a number of electors exceeding 5,000, had only two Members. There was also the county of Dublin, which, although the number of its inhabitants was not more than 143,000, yet was of greater importance, and which, with a constituency of 6,200, returned only two Members. Those were, in his opinion, points well worthy the attention of the Government in dealing with the subject of Irish Parliamentary Reform.

THE DUKE OF NEWCASTLE said, the noble Marquess had not merely anticipated the discussion of that Reform Bill which he had expressed a hope would not come up to their Lordships' House from the House of Commons, but had, to a certain extent, sketched out a counter-measure of his own. Now, while his wishes with respect to the fate of the Government Bill were quite different from those which his noble Friend entertained, he must decline following him into a discussion of the details of that or any other measure which might be introduced on the subject. The Government Bill involved, he was prepared to admit, no proposals of immense magnitude. It was not, for instance, of a character "to take away one's breath," if he might be allowed the use of an expression which he had of late on one or two occasions seen in print. He might, however, observe that the Irish people would not, in all probability, be disposed to think that equal justice had been dealt out to them if the small boroughs in that country were, as the noble Marquess suggested, to be disfranchised, while no such course was to be adopted with regard to boroughs of the same description in England. The noble Marquess seemed to be of opinion that it would be advisable that a certain number of those boroughs should be grouped together, but in order to effect that object it would be necessary to alter the proportion of the borough to the county representation, inasmuch as no substitute could otherwise be found for those boroughs he wished to see disfranchised. He might add that the population in boroughs and that in counties in Ireland stood to one another in proportions different from that which was the case in England or Scotland. The county population in Scotland, for instance, was 2,000,000, of which the town population exceeded one-half; while in Ireland, with a population of 6,000,000, the town population did not exceed 1,000,000. Under these circumstances, the noble Marquess would see that there would be considerable difficulty in adopting in Ireland the changes which he recommended. There could, of course, be no objection to the Returns required by the noble Marquess, on the understanding that the population should be taken according to the last Census.

LORD MONTEAGLE said, he did not think the Irish Reform Bill was a measure in itself of very great importance; indeed all reference to Ireland might very well have been omitted in the present legislation, were it not that if that had been the case the Irish people might have thought they were treated with neglect. But whatever might be the character of the Reform Bill for Ireland, in other respects it would not be denied that it contained some very great anomalies. Some of its provisions were of a very extraordinary character, and he could not help calling attention to one which had attracted considerable notice—he meant that clause which provided that Irish Peers should in future be enabled to sit as representing Irish constituencies in the House of Commons. On that clause there was undoubtedly an extraordinary unanimity of opinion as well on this side of the water as on the other. How it was possible to conceive that such a power should be granted to Irish Peers he could not imagine. Irish Peers had already the privilege of representing their own body in the House of Lords, and now it was proposed that they should enjoy another franchise,—namely, that of representing their own counties and boroughs in the other House of Parliament. How could that clause recommend itself to the House of Commons? It was too much to suppose that the present Irish Members would commit political suicide by supporting a clause the effect of which must be to create the most formidable competition against themselves in every constituency throughout the country.

THE MARQUESS OF CLANRICARDE said, he did not now propose that any disfranchisement should take place in Ireland, except to the extent which was contemplated in England, by depriving constituencies of one Member when the population was below a certain amount. The boroughs of Athlone and Portarlington each returned a Member to Parliament. He found that under the Government Reform Bill four additional voters would be added to the constituency of Athlone, which would thus amount to 258; the increased roll of voters for Portarlington would number 140. He did not believe that by grouping these boroughs together, and allotting one of their Members to some large constituency, any injustice would be done to the 398 voters of whom the joint constituency would then be composed.

Motion *agreed to.*

SMITHFIELD MARKET.—QUESTION.

LORD EBURY rose to inquire, Whether it is the Intention of Her Majesty's Government to allow any Part of the Site of Old Smithfield Market to be appropriated for Building Purposes? The noble Lord said he had always taken a deep interest in the affairs of the metropolis, and had spent twenty years of his life in endeavouring to remove the vested interests of Smithfield Market from that great centre of the town. Having got rid of them he had since been employed in endeavouring to prevent their resettling themselves on that at present vacant space of ground in the shape of a dead-meat market. He had attended with deputations to both the noble Earl (the Earl of Derby) and the noble Viscount now at the head of the Government to ask that they would not allow old Smithfield to be covered with buildings. He might state that Smithfield had been granted to the Corporation of London, to be held so long as it was used as a cattle market; but when that was removed to another locality the site of Smithfield reverted to the Crown, and the Crown now claimed the right to hold it. He believed that the Corporation of the City at first demurred to the Government interpretation of the terms of the charter; but there could not, he thought, be any doubt that when the market was removed to Copenhagen Fields—whither, however, it ought not to have been removed, for he contended that it ought to have been removed wholly out of town—the ground reverted absolutely to the Crown. When that removal took place he formed one of a deputation to the noble Earl at the head of the last Government, requesting that the area should not be built over, and both from that noble Earl and more recently from the Government of the noble Lord now in power he received the assurance that there was no intention to build over the area. This was so far satisfactory, because there was no part of London where there was so dense and squalid a population as that which was found in the immediate neighbourhood of Smithfield and the adjacent localities of Snow Hill, Clerkenwell Green, Long Lane, Cow Lane, and Field Lane. It was most important to the health of the people in those localities that this open space should be kept clear of buildings. That large population had no other space whatever for their children to play on. But, although he had received an assurance from both Governments, neither of them had taken a step in the matter, but had left the ground in the same state in which it was left when the market was removed some years ago. The Government having done nothing in the matter the City authorities had proposed that the space should be appropriated to a dead-meat market, and for other purposes to which they might think proper to apply it. Their Lordships should recollect that there were no squares or open places in the City for the recreation of the people. He thought the Government should have taken possession of the ground in the name of the Crown, have railed it off, and have made it into a playground for the poor children of the neighbourhood. The reason why he had asked the question of which he had given notice was because he understood a plan had been submitted by certain parties for making a great railway terminus on the site of Smithfield. The company was not *in posse* but *in esse*, for an Act had been obtained from Parliament for making a railway which should bring the Great Northern and the London and North Western Railways to that part of the town, and the company had proposed to the Government a plan under which they would occupy the greater part of Smithfield. He hoped he should receive an assurance from the noble Duke that the Government did not mean to sanction this covetousness on the part of the Corporation of London. He wished to know whether the Government would persevere in keeping the space vacant, and further, whether they would take possession of it in the name of the Crown.

THE DUKE OF NEWCASTLE said, the noble Lord was probably aware, though he had not stated it to the House, that the City had at that moment a Bill before the other House of Parliament sanctioning the formation of a dead-meat market on the site of Smithfield. Communications had taken place between the City authorities and the Home Office on this subject; and, though no decision had yet been come to by his right hon. Friend the Secretary of State he was bound to tell the noble Lord that the proposition had been received not unfavourably. At the same time he might state that the matter was still under consideration, and no answer which would at all compromise the Government had yet been given. He did not know at what stage the Bill had arrived, but he apprehended that some arrangement, involving the sanction of the Crown, must be come to before the Bill reached their Lordships' House.

STAMP DUTIES BILL.
INCOME TAX BILL.

BILLS READ 2^a; 3^a; AND PASSED.

Orders of the Day for the Second Reading, and for Standing Orders Nos. 37 and 38, to be considered in order to their being dispensed with in the said Bill, read.

THE DUKE OF NEWCASTLE: If I rightly understand the wish of the House, from the desire which was expressed on a former day by two or three noble Friends, and from the tacit assent of the remainder, I apprehend that it is not now desired to enter into a discussion at the present moment either of this measure or of the Income Tax Bill; but that a discussion should take place on the general financial scheme of the Government when some three or four other Bills are brought before us after Easter. If that be the feeling of the House, I shall act more in conformity with it by abstaining from debating the question, or from defending an enactment which there is no desire at present to assail. I shall, therefore, simply explain to your Lordships that the general scope of this Bill is to extend to various other articles of agreement in writing that principle of penny taxation which has been adopted with very great success for some years, and has produced, on the whole, a very considerable revenue. It was first adopted in the case of the Post Office by my noble Friend (Lord Monteagle) when Chancellor of the Exchequer in a former Government. It was carried further by my right hon. Friend the present Chancellor of the Exchequer, who imposed an uniform rate of 1*d.* on receipt stamps; a step further was made by the Chancellor of the Exchequer of the late Government when he imposed a similar stamp on bankers' cheques; and we now propose to extend the principle considerably further by imposing a small tax, varying from a penny to sixpence, on various other documents. I do not now enter into the question of stamps for a higher amount which are to be found in the present Bill. I am quite aware that objections have been raised to the measure on the ground that it interferes with trade and creates impediments of an undesirable nature. It is impossible to deny that any tax, however small, must have that tendency; but when it is believed—whether rightly or wrongly, I purposely abstain from entering into that question—that the general measures of the Government are largely calculated for the relief of the trade of the country, we have thought it not unfair that it should be called on to contribute a compensation to the revenue to an extent which it is well able to bear. With this short explanation, I beg now to move the Second Reading of these Bills, with the intimation that, if your Lordships should be willing to agree to it, I shall then move the suspension of the Standing Orders Nos. 37 and 38, with a view to both Bills being read a third time and passed.

Motion made and Question proposed, That the Stamp Duties Bill be now read the second time.

Motion *agreed to;* Bill read 2^a accordingly; Committee *negatived;* Standing Orders Nos. 37 and 38 *considered,* and *dispensed with;* and Bill read 3^a, and *passed.*

THE DUKE OF NEWCASTLE then moved that the Income Tax Bill be now read the second time, and said as their Lordships had been kind enough to allow him to pass the former Bill without a single word of observation, he would not further intrude upon their Lordships' time even with any explanation of the only two remarkable features in this Bill—that was to say the imposition of an additional penny in the tax, and why it was only imposed for one year. He apprehended that these points would all be raised in the discussion that was to take place after Easter, and, therefore, he would abstain from expressing any opinion whatever on them now.

Bill read 2^a; Standing Orders *read,* and *dispensed with;* Bill read 3^a and *passed.*

House adjourned at a Quarter before
Six o'clock, till To-morrow,
Three o'clock.

HOUSE OF COMMONS,

Monday, April 2, 1860.

MINUTES.] NEW MEMBERS SWORN.—Sir William Russell, for Norwich; Edward Warner, esquire, for Norwich; The O'Conor Don, for Roscommon.

PUBLIC BILLS.—1° Prisons (Scotland); Police and Towns Improvement (Scotland) Act Amendment; Fisheries (Scotland); Public Charities. 3° Bankrupt Law Scotland) Amendment.

DIFFERENTIAL DUTIES.—(FRANCE).

Sir GEORGE LEWIS brought up Her Majesty's Gracious Answer to the Address presented to Her relative to the Differential Duties on shipping in French ports.

Answer to Address [29th March] *reported,* as follows :—

I have received your Address praying that I will enter into Negotiations with the Emperor of the French, with the view of making a Treaty for the reciprocal abrogation of all discriminating Duties levied upon the Vessels and their Cargoes of either of the two Nations in the Ports of the other; and for procuring such alterations in the Navigation Laws of France as may tend to facilitate the commercial intercourse and strengthen the friendly relations between England and France.

And I shall not fail to give such directions as may appear to Me to be best calculated to promote the object which you have in view.

ANNEXATION OF SAVOY WITH FRANCE.—OBSERVATIONS.

Lord JOHN RUSSELL : Mr. Speaker, in laying these papers — further Correspondence relating to the Affairs of Italy— upon the table, I wish to state shortly and generally their contents, and also to say a few words on the present state of affairs, as far as I can do so consistently with my public duty. We have thought it right to lay before Parliament the correspondence with M. Thouvenel, and in answer to a despatch which had already appeared in the public papers. That closes with a despatch from M. Thouvenel. We have replied on our part that we intend to keep the question of the neutralized parts of Savoy separate from the general question of the annexation of that province. There are likewise among this correspondence papers from Switzerland, containing an appeal to the Great Powers who signed the Treaty of Vienna on behalf of the neutrality of Switzerland, and a request that those Powers will meet in conference upon the subject. We have expressed no objection to going into conference, if that should be thought the best mode of dealing with the question. The papers also include a copy of the Treaty of Turin, which has been communicated both by Earl Cowley and Sir James Hudson. In the second article of that Treaty it is stated that it will be for the Emperor of the French to come to an understanding with the other Powers with respect to the neutralized portions of Savoy. We conclude, therefore, that there will be a serious examination of this important question, that it will be discussed with reason on all sides; and we hope that such propositions may be made as will be satisfactory to Switzerland, and will meet the views of the Powers of Europe generally.

LIGHTS AND BUOYS.—QUESTION.

Mr. RIDLEY said, he would beg to ask the right hon. Gentleman the President of the Board of Trade, Whether the Commissioners appointed on the 3rd day of December, 1858, to inquire into the condition and management of Lights, Buoys, and Beacons, have made their Report; and, if so, when he will lay it upon the Table of the House.

Mr. MILNER GIBSON replied that the Report of the Commissioners had not yet been made, in consequence of the necessity of procuring extensive Returns from the Light House Authorities. He should be very glad to do anything in his power to promote the end in view, and he did not doubt that he should be able to lay the Report upon the Table before the close of the Session.

PUBLIC BUSINESS.

Lord JOHN RUSSELL said, that in the absence of his noble Friend Viscount Palmerston, he wished to move, that upon Thursdays after Easter, and till Whitsuntide, Government Orders of the Day have precedence of Notices of Motion.

Motion made, and Question proposed,—

"That upon Thursdays, after Easter and till Whitsuntide, Government Orders of the Day have precedence of Notices of Motions."

Colonel WILSON PATTEN said, he had no wish to embarrass the Government in the conduct of the public business, and was convinced that difficulties had been thrown in their way which would shortly render necessary the adoption of some remedial measures; but at the same time he thought that it was rather early in the Session for the Ministry to take possession of Thursday, which was one of the only two days a week that independent Members had for their Motions. He observed that the Motion was not to take possession of Thursdays till the end of the Session, but only those intervening between Easter and Whitsuntide. The fact, however, was that practically the Thursdays after Whitsuntide were of no value whatever to private Members, because they had not the slightest chance of getting through with any measures which were not in an advanced state at that time, seeing that they would only have the Wednesdays on which to discuss them. A practice had arisen in the House which had met with great favour, the discussing many public questions on the Motion of the adjournment from Friday to Monday, and the Government had shown an evident disinclination to interfere with it. He could not, however, but think that that practice must cause considerable inconvenience to the Government in retarding the transaction of business, and, if it continued, it would soon be necessary to adopt some arrangement for the more equal division of the time of the House between the Government and independent Members. During the last few weeks the Government, instead of having two evenings a week for their business had only had Mondays and three or four hours on Friday. On Friday last, for instance, the debate upon the adjournment of the House lasted so long that the Bills of the Chancellor of the Exchequer did not come on until 1 or 2 o'clock in the morning, when they were considered so hurriedly that he believed sundry errors had crepti nto them. He was of opinion, under these circumstances, that some better arrangement would have to be made for the conduct of public business; but at the same time he thought that it was only fair to private Members that the proposition now made by the noble Lord should be deferred till a later period of the Session.

Mr. LINDSAY said, that he very much agreed in the views which had been expressed by the hon. and gallant Member. There was no precedent for taking Thursdays away from independent Members until after Whitsuntide, and he did not wish to create one. If they gave the Government too much time, they might be disposed to bestow less care and attention upon their measures. He admitted that independent Members frequently occupied too much time on Friday evenings, but thought that some arrangement might be made to meet that evil. The Government now had Mondays, Fridays, and Wednesdays—["No, no!"] Well, then, he would say Mondays and Fridays; they had the same right of balloting for Tuesdays and Thursdays as was enjoyed by other hon. Members, and they had this advantage, that they had greater facilities for keeping a House, though on a recent occasion even they had not found that task a very easy one. The only object of the Government in taking these Thursdays must be to gain more time for their measures. He thought, however, the Government had already too much time given to them, and that they would not require more if their measures were better considered and more matured. There were certainly exceptions in that respect. For instance, the Budget, which, in his opinion, was a great and well-considered measure, had not occupied more time than was absolutely necessary, and was now pretty far advanced. Another great measure, the Bankruptcy Bill, had been so well considered and matured by the Attorney General that it had passed its first two stages without opposition. Had the amendment of the representation of the people been as well considered, and the views of persons both in and out of that House concerning it as well ascertained, he believed that a measure upon the subject—he did not say one that would have satisfied all parties, but one that would have been generally acceptable to the country—might have been passed in a fortnight. He was afraid the Reform Bill would occupy months in Committee, and perhaps fail to give satisfaction after all. He thought the Government should not seek to deprive private Members of Thursday till after Whitsuntide. He should take the sense of the House on the Motion.

The CHANCELLOR of the EXCHEQUER said, he was sorry to hear the hon. Member say that he should take the sense of the House on the Motion, but he hoped at all events he would reserve his own vote until he was convinced that the request of the Government was an unreasonable one. The demand which the Government had made was really one prompted by a sense of public duty and public convenience, as well as by a regard to the state of public business. So far as his recollection went, there was no charge he had heard more frequently, and he must add very often more justly, brought against administrations than the charge that, by introducing very important measures at a very late period of the Session, they rendered it impossible for the House to give them due attention, and so had caused unnecessary delay in legislation. Now, whatever might be said of the measures of the present Government, it must be admitted that they had taken some pains to bring forward, at the very outset of the Session, the most important measures which they intended to submit to Parliament. How did those measures stand. The hon. Member had said that the Reform Bill would occupy a month in Committee: but was that not one reason for taking time to discuss it? He had also said truly that the Attorney General had devoted great pains to the consideration of the Bankruptcy Bill; but he (the Chancellor of the Exchequer) believed it to be the expectation of his right hon. and learned Friend that that Bill, however well matured it might have been, must necessarily, from its very nature, occupy a considerable portion of the time of the House in Committee. It was obvious that that Bill, unless sent to the House of Lords at a comparatively early period of the year, would not pass into law during the present Session, because the noble and learned Lords who guided the deliberations of that House would naturally take part in the question, and would require ample time for its consideration. It was true that owing to the great kindness of the House very considerable progress had been made in the measures of finance, but at the same time he could not calculate upon requiring less than from four to six entire evenings after Easter, to get rid of the various questions which still remained for discussion in connection with the Wine Licences Bill, with some particulars of the Paper Duty, with the question of the Malt drawbacks, and several other questions. It must also be remembered that the House was in a very backward state as regarded Supply. They had had only one or two evenings given to Supply, and it would be absolutely necessary that the House should devote several evenings before Easter to the subject. What was the available time at the disposal of the Government? He had listened with interest to the sanguine views of the hon. Member, who said that the Government in addition to Mondays and Fridays, had virtually got Wednesdays and Tuesdays and Thursdays. If could be shown they had got even a moiety of that very sanguine estimate the Government would have no reason to complain. He admitted that on two occasions the Government had occupied a portion of Thursday—once for some hours with the Bankruptcy Bill, and again for about an hour and a half with the Reform Bill. [An Hon. Member: The Tenant-right Bill.] It was likewise true that the Tenant-right Bill was introduced at a late hour on Thursday last. But on an average it would appear that the time which had been really at the disposal of the Government was only one evening and a half each week. The business of the Friday previous commenced, so far as the Government were concerned, at eight o'clock, when half the night was gone. The Government business of the preceding Friday commenced at nine o'clock, when more than half the night was gone. They had been obliged to compensate themselves for the many inroads upon their time by seeking for scraps and fragments at the end of other evenings. Members were kept until the latest hour on Friday evenings waiting for the Government business, until a miscellaneous, he was going to say, *farrago*, but he would say assemblage of subjects, had been disposed of in the singular manner in which they were commonly disposed of upon such occasions. Between Easter and Whitsuntide there were but five weeks available for discussion, which represented, even taking the sanguine estimate of two nights a week, ten nights available for the Government. Now, several nights would have to be given to the Estimates, from four to six would be required for the financial measures; the Bankruptcy Bill must be got into Committee before Whitsuntide; and something, he presumed, must be allowed for the second reading of the Reform Bill. He confidently submitted that he had made out a good case for that additional time, amounting to about five days, which the Government wanted between Easter and Whitsuntide.

Mr. DISRAELI said, he was always disposed to accede to the requests of the Government for facilitating the progress of business, but at the same time it did occur to him that on the present occasion the request had not been brought forward and supported by those reasons which ought to induce the House to agree to it. In the first place, the Motion was made without the noble Lord who moved it condescending to offer a single reason in its favour. Since then the Chancellor of the Exchequer had brought his great powers of argument to support it; but, after all, what was the result of the argument the right hon. Gentleman had used? It was neither more nor less than this—that independent Members ought really to have no days at all. That was the legitimate conclusion, and no doubt the Government business would be in a much more advanced and satisfactory state if hon. Gentlemen had no privileges at all on two days of the week. There was, indeed, one argument of a more limited character in favour of the Motion, and that was, that at present the Government suffered very much from the arrangement which subsisted with regard to Friday. But he begged to remind the right hon. Gentleman that it was the head of his own Government, the leader of that House, who opposed the Motion which would have put an end to that which many hon. Gentlemen thought a great inconvenience and an abuse. He agreed, on the whole, though with conditions, to the course taken by the noble Viscount; but it was not open to the Chancellor of the Exchequer, on the part of the Government, to complain now of the conduct of the House with respect to proceedings on the Motion for adjournment on Friday, when the Government, by their principal representative, had decided that the existing arrangement was convenient to the House and advantageous to the conduct of public business. After all, generally speaking, had the Government any right to complain of the manner in which their business had been received by the House? They had brought forward measures of considerable importance, which met with opposition from the majority of the Gentlemen who sat on the other side of the House on principle, and legitimate opportunities were taken to oppose them on principle, but the House studiously refrained from embarrassing the Government on matters of detail, because they thought that, having decided by a large majority on the principle of the measure, and there being many difficulties of detail, it would be unfair to take advantage of those difficulties. In consequence of this great progress had been made in the measures, and it did appear to him somewhat unreasonable that hon. Gentlemen should now be asked to give up their privileges on Thursdays in the interval between Easter and Whitsuntide, when it was remembered that the Government had not only been treated with great moderation on the part of the House, but also had availed themselves, he believed, on four occasions, of those very nights. As independent Members had not yet had fair opportunity of bringing forward many Motions which they might think important, and had given up many of their opportunities without demurring, he thought it unreasonable that they should be deprived of further opportunities in the interval between Easter and Whitsuntide. Therefore it was, he conceived, his duty, though he performed it somewhat reluctantly, to oppose the Motion.

Viscount PALMERSTON said, he must admit that all the important measures brought forward by the Government this Session—he might perhaps mention one exception—had been met by the House in a spirit of fair discussion, and that no delay had been interposed beyond that which was necessary to enable hon. Members to express their opinions. He disclaimed therefore altogether the notion that this Motion was brought forward in any spirit of complaint. Possibly, in the case of the exception he had referred to —the Reform Bill—the Government might have some reason to complain of the manner in which the second reading had been opposed, but really this proposition was not made in the interest of the Government, but rather in that of the House. It mattered but little to the Members of the Government, who were compelled to be in town the greater part of the year, how long the Session lasted, but it was to the interest of the public service, and in an imperial sense to the interests of the House itself that the business of the Session should not be unnecessarily delayed. It was in accordance with the ordinary practice for the House at a later period of the Session to adopt the arrangement which they were now asked to assent to, and the only difference in the present instance was that the House was asked to give that assent somewhat earlier than usual. But the reason was obvious: the circumstances of the Session were exceptional—there was an unusual pressure of public business, which it was necessary to get through —and it was for the House to take its choice, either to give the Government the Thursdays for that purpose, or to sit till a later period. There was this Session, much earlier than usual, a large accumulation of important measures which it was essential to the public service should be proceeded with, and the proposition therefore was in fact offering to the House the means of getting through that business, which must be got through, at a period of the year which would suit the convenience of hon. Members generally, so that they might be enabled to bring the Session to a close at a time beyond which hon. Members wished not to remain in town. Hon. Gentlemen had spoken of the time which the Government had for proceeding with the public business of the country as compared with that which was at the disposal of private Members of the House; but the real fact was that the Government had only the Monday and about half of the Friday which they could call their own, while private Members had the Tuesday, the Wednesday, the Thursday, and the privilege of raising discussions upon the Motion of adjournment to the Monday—one-half in fact of the Friday. Now he must say, with all respect for the House, and with every regard for the privileges of private Members, that this was a most unequal division of the public time. The right hon. Gentleman opposite said that he (Viscount Palmerston) refused when a Motion was brought forward for that purpose on a former occasion to interfere with that faculty or power which private Members possessed of bringing forward Motions on the question of the adjournment of the House from the Friday to the Monday. That was quite true, and he did so because he thought it undesirable to interfere with the privilege which, by the established usages of the House, hon. Members had of bringing forward important questions of pressing interest on that day, which otherwise they might find it difficult to bring to the attention of the House; and though he must say that that privilege had been rather largely used of late, he did not think it would be wise on that ground to abolish it. The Government, nevertheless, did not propose to interfere with that privilege, but only on the ground of the pressure of public business, in some degree consequent upon the extensive use which had been made of that privilege during the present Session, to take, with the consent of the House, one other day, on which those measures which were of general public importance should be proceeded with. After the explanation of his right hon. Friend (the Chancellor of the Exchequer) of the measures which would have to be gone through between this and Whitsuntide, and, considering that it only proposed a temporary arrangement, he hoped the House would consent to the Motion.

Sir JOHN PAKINGTON observed that in reference to the statement of the First Lord of the Treasury that there had been one exception to the mode in which the Government business had been suffered to proceed, he (Sir J. Pakington) must remark that the Reform Bill was the one measure of all others to which no complaint could apply; and if that measure had lingered in its progress the Government must admit that the fault did not lie with the Opposition. The noble Lord could not suppose that in the case of a Bill of that importance the House would proceed to the second reading at once and without discussion. He had been led by a person connected with the Government to expect that if the debate on that measure was not resumed last week it would be resumed this week; at any rate the delay had not rested with the Opposition, but with the Government, and it had been their own plan to postpone that discussion till the day for which it now stood. With respect to this Motion, he must observe that the Government had already had the greatest number of Thursdays during the present Session for proceeding with their own business. Tuesdays and Thursdays were considered as days set apart for private Members; but the Government had already, to a considerable degree, trenched upon this right. He would remind the noble Lord that this was a matter which lay very much in the hands of the Government themselves. If the system of desultory conversations on the Fridays was to continue, it ought, for the sake of the Government and of the transaction of public business, to be placed under some restriction, for nothing was more unsatisfactory than the way in which private Members, under the mere pretext of the Motion for adjournment, monopolized half the Government evening with discussions so ill-conducted that it was almost impossible to understand what was talked about. This was a matter which the Government should consider before they proposed to encroach on the rights of independent Members. He trusted the Government would not press the present Motion, but defer taking the Thursdays until after Whitsuntide.

Mr. RICH said, that considering the many assaults which had been made by successive Governments upon the privileges of private Members, he thought that they would do well to make a stand and resist this Motion. It would be a dangerous precedent to depart from the practice which had so long prevailed without a special reason being given. At the same time he admitted that the Government Friday had been rather unscrupulously encroached upon, but some provision might be made for the more regular conduct of business on that evening.

Mr. BENTINCK said, it appeared to him that the Government had not made out any case in support of the proposal of the noble Lord. The Government said they had been prompted in their proceeding by a sense of public duty; but the noble Lord admitted that there had been no unnecessary delay, and the fact was the Government had encumbered themselves with too much business, and had miscalculated the time necessary for getting through the business which they desired to transact. The fault must lie with themselves, and it was most unfair on their part to propose a new mode of dealing with their own difficulty. The noble Lord said that this was only a temporary arrangement, but what the noble Lord called a temporary arrangement would possibly pass into a most dangerous precedent and ultimately become the practice of the House. The principal point to which he meant to advert was, that the whole tendency of the practice of Governments drawn from both sides of the House had been for some time past to stifle the right of independent Members. He hoped the House would not accede to this proposal, and that private Members, on the contrary, would be induced to compare the time now at their disposal with the time which used to be allotted to them some years since. Then Gentlemen could raise a debate on a petition as well as upon almost every question. That right had, however, been extinguished, and it was matter for consideration whether independent Members should not now claim the restoration of their old privileges.

Colonel FRENCH said, he thought that there was nothing unreasonable in the request of the Government. What was it that they asked? They merely asked that four Thursdays between this and Whitsuntide should be given to the public business. It was urged that it would be an exception to their usual practice; but was not this an exceptional Session? They had the Reform Bill to discuss, and if the proposal of Government was not acceded to they might sit until December.

Mr. DEEDES said, he doubted very much whether the noble Lord, if the arrangement suggested were agreed to, would advance the Government business. The Government, in his opinion, would do much better if they gave up the Fridays to private Members, and took the Thursdays themselves. By this means they would avoid the loss of time consequent on the miscellaneous discussion on the ordinary Friday Motion for adjourning the House to the Monday.

Mr. CLAY said, he thought that, under present circumstances, looking to the exceptional amount of business before the House, the Motion was a reasonable one; but it should be understood, if granted, that it was not to be converted into a precedent. [*Laughter*]. Hon. Gentlemen might laugh, but he (Mr. Clay) should certainly be content with the assurance of the Prime Minister that no precedent would be made of the Motion.

Lord STANLEY said, the hon. and gallant Gentleman (Colonel French) had described this as an exceptional Session. So, in one sense, it was; though not perhaps in the sense in which the hon. and gallant Gentleman intended; because there had not for many years past been a Session in which so much time, which should be at the disposal of independent Members, had been in practice appropriated by the Government. Turning back to the last few weeks, he found that on Thursday, the 1st of March, there was a discussion on Customs' Duties; on March 8, the Address in favour of the Treaty was moved; on the 15th, there was another debate and a division on the Customs' Duties, and the Bankruptcy Bill was introduced; on Thursday the 22nd, there was a discussion on the Reform Bill; and on the 29th, one upon the Income Tax and Stamp Duties. There had absolutely not been one Thursday from the beginning of the Session down to the present time, of which a part at least had not been devoted to Government business. The demand made by the Government was an exceptional one, for which, at this time of the year, there was no precedent within his Parliamentary recollection. Nor was there any justification for such a demand in the state of business. Parliament had begun to sit considerably earlier than usual; the Government — and he said it to their credit—had taken the earliest opportunity of bringing on the most important business of the year; and their financial business was in a state of greater progress than usual at this time of year. On what ground, then, did this demand rest? Generally, it was true, the Civil Service Estimates had been presented before April; and it was not usual to have one set of Army Estimates submitted, and then withdrawn that others might be substituted in their place. But there was no good reason for acceding to the Motion, which, as had been said, would be set up as a precedent hereafter. If independent Members too easily surrendered their Thursdays, then they would not be likely to get them at a similar period another year. As to the discussions on the adjournment which took place on Friday evenings, if the right hon. Gentleman (Mr. Bouverie) were again to submit his Motion on this subject, it would meet with a very different reception from that accorded to it before. But he believed it to be the general feeling on both sides of the House that such a demand as was now made, could not reasonably be pressed upon the House.

LORD JOHN RUSSELL said, he would remind his noble Friend (Lord Stanley), that when the Government had taken Thursday evenings for forwarding their measures it was after the notices of Motions had been disposed of—a course to which he could hardly conceive any objection could be made. He would ask the House to consider the important change which had of late taken place in regard to the amount of legislative business which the Government were called upon to undertake and conduct through Parliament—a change which was by no means conducive to the progress of business. According to the old custom, the Government hardly ever brought in any measures. They proposed their Budget and their Estimates at a certain time; but there the duty of the Government ended, and Members who wished to bring in measures on any subject did so. Of late years, however, as everybody knew, the House had insisted that the Government should take up any important subject which happened to require legislation. He had tried in vain to resist the pressure; but the House had always said in such cases, "This is a question for the Government, and it will be disgraceful in them if they do not deal with it." In that way one subject after another was forced upon the Government, and the result was to throw upon them the responsibility of preparing and passing through Parliament at least ten times as many measures as they were formerly required to undertake. But while the amount of labour had been increased by the compulsory pressure of the House, there was on the other hand a diminution in the time during which it must be performed, and as his noble Friend had shown, of the business days of which the week consisted one and a half only went to the Government, the other three and a half being, according to the practice of the House, taken up by private Members. Thus the Government which had three-fourths of the whole legislative business of Parliament in its hands, was left with only one-fourth of the time. His hon. Friend (Mr. Rich) thought the present arrangement satisfactory, because it was the old established practice. Now, what was the working of this old established practice? A number of important Bills were brought in by the Government at an early period of the Session—take as an instance the Bankruptcy Bill; it was brought forward with great applause, it was afterwards read a second time with still greater applause. In Committee, however, it would very probably be found that the few objections which had been raised on the second reading would swell out immensely. Points deserving of careful consideration would be raised. The House would take great pains in order to settle the clauses in such a way as should be most satisfactory to the commercial community. Much time would necessarily be consumed in this way, the Government having meanwhile to carry the Estimates and transact the ordinary business of the year; and perhaps, in the month of July the Bill would pass a third reading. It would then be sent up to the House of Peers, where it would be declared impossible for the law Lords at such a time of year to attend to so many details; and the whole time of this House as well as the legislative skill and ability which had been bestowed upon the measure would thus be utterly wasted. The Government simply wished to improve the system under which the business of the House was conducted. They thought it would be desirable, instead of having discussions upon a variety of subjects leading to no definite conclusion, to have a system established under which the attention of the House would be directed to the substantial legislation of the country. If, however, such a proposition were objected to, he thought that the suggestion of the hon. Member for Kent (Mr. Deedes), would be an improvement upon the present practice, because the Government could then get Thursdays for their own business instead of Fridays, which would be given to the House. At present the Government were only able to obtain a portion of the Friday.

SIR MINTO FARQUHAR said, he would beg leave to suggest a plan by which the Government could get their measures forward between Easter and Whitsuntide without disturbing the established rules o the House. The noble Lord spoke smilingly and mysteriously of a certain important measure that had been postponed from day to day. He presumed that the measure regarding the representation of the people was the one alluded to. But how was it that a measure affecting the constitution of the country should be received with such indifference, and in such an apathetic and sneering manner by all parties inside and outside of that House? He thought if the noble Lord the Secretary for Foreign Affairs would but allow his "poor little Bill" to be dropped and buried under the floor of the House, with a *requiescat in pace*, everything would go on well, and there would be no tears shed over it, and the Government would have little difficulty in proceeding with their other measures.

MR. AUGUSTUS SMITH submitted that it had been shown that the Government had monopolized almost all the Thursdays already. They had, further, the power of encroaching upon the privileges of private Members by resorting to an expedient which was sometimes adopted to arrest the progress of a measure or debate which was objectionable or inconvenient to them. Under such circumstances he did not think that the Government could fairly ask for any further accommodation from the House; above all, they had no right to ask private Members to surrender to them those few remaining privileges which they possessed. He hoped that the House would not assent to such a proposition.

MR. PAULL said, he would remind the House that he had proposed a Resolution with a view to the transaction of the business of the House in a more convenient and orderly manner. The Government, no doubt, had two days in the week assigned to them for their business, but it could scarcely be said that they had the full advantage of those days. He thought that those days should be given to the Government without interruption. That was the object which he had in view when he had made his proposition. At the same time he was not disposed to forego the privileges already possessed by private Members. He should support any arrangement that would give the Government the full advantage of two days in the week without interruption, but at the same time he was opposed to the proposition of the right hon. Member for Kilmarnock (Mr. Bouverie). He thought that the House was generally desirous of preserving the privileges of independent Members in submitting certain questions for consideration on Friday evenings. It was, in his opinion, most objectionable to introduce any precedents interfering with the privileges of private Members; because if they once established a precedent of the kind it would be most difficult to retract it.

SIR CHARLES DOUGLAS said, he did not think the House had any just reason to complain of the Government proposition, when it was considered that, in addition to the two days at their disposal, hon. Members exercised largely the privilege of bringing forward questions on the Motion of adjournment to Monday. He did not think, however, that the Government would gain their object if they pressed the question against the feeling of a large minority of the House. He hoped, therefore, the Government would well consider that point before they divided the House. He, in common with some other Members, had been returned to that House for the purpose of endeavouring to reform it, and he believed the country would not be satisfied unless they brought that question to an early issue. There would only be five weeks after they met again before Whitsuntide, and unless the Bill passed that House before Whitsuntide, there would be little chance of its passing the House of Lords this Session.

MR. WALPOLE said, the question had been discussed upon two grounds, which ought to be kept perfectly distinct. The one was the special ground, applicable only to the present year. The other was the general ground, applicable to the mode in which the course of business was usually conducted. In regard to the special ground, he did not think that a case had been made out for assenting to the proposition of the noble Lord. Ordinarily speaking, the financial statement of the Government was not proposed until after Easter; and all the measures consequent upon that were usually taken in the months of May and June. During the present year the financial statement had been very properly brought on at an early period, and that circumstance had apparently thrown into the background the Resolutions in Committee of Supply. In regard to financial measures they were clearly in advance, and he was inclined to think that in the general business of the country they were not more backward than in former years. Consequently, he did not think that a special ground had been made out for interfering with the right of independent Members in bringing forward their Motions on the proper opportunities. But he owned he was struck with the general ground urged by the noble Lord the Secretary for Foreign Affairs. It seemed to him that they had really come to the stage when it would be well for those who guided the deliberations of the House and his right hon. Friends on the front bench below him to consider what new mode, for the arrangement of the public business, might be conveniently adopted. When he wished to press on the Government was this—it seemed to him that unless the Government obtained the general acquiescence of the House to their proposition, they would be rather losing time in the progress of business than gaining it. He had looked at the Notice Paper for the Thursday after the holidays, and he found upon it two Notices and one Order of the Day of the Government—that for the repeal of Sir John Barnard's Act. No other business was as yet set down, and it was impossible as yet to ascertain what business might be fixed for that day besides that to which he had referred. But would they be justified, upon so short a notice, in depriving independent Gentlemen of the opportunity of discussing the two first notices already set down for the first Thursday after the Easter holidays? His opinion was that the Government ought to give notice of their intention to bring forward a proposition after Easter to consider the best mode of disposing of the business of the House on Tuesdays and Thursdays, and particularly in reference to the course of business on Fridays. He believed by that course they would facilitate business much more satisfactorily than by pressing their proposition at that moment. He doubted very much whether the Motion before the House would not occasion much disappointment amongst the independent Members of the House. He, therefore, urged upon the noble Viscount the propriety of withdrawing the present proposition, and of bringing forward a distinct proposition on the subject immediately after Easter as to the general course of business, when he believed the great body of the House would give him their support.

Mr. DARBY GRIFFITH remarked, that he was anxious that the Government should have their two days clear for the discussion of public business, but without infringing on the rights of private Members.

Sir GEORGE GREY said, he thought it would be necessary, if they intended to make any alteration in the course of business, that it should be made before Easter. He concurred with the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) in thinking that it would be useless to press the proposition unless with the general assent of the House, inasmuch as it was purely a question for the general convenience of the House and the public, and not one in which the Government were specially interested. He believed, however, there was a very general opinion that the practice which had grown up of taking the greater part of Friday night for the discussion of general questions should be checked, or some compensation given to the Government for the loss of time which they thereby sustained; and, if he was not mistaken, there was a very general feeling in favour of the Motion proposed a few evenings ago by the hon. Member for St. Ives (Mr. Paull). He would take the liberty of proposing an addition to the Motion of his noble Friend (Lord J. Russell), which he hoped would be acceptable to the House. It was to add the words "and that Notices of Motion have precedence of all Orders of the Day on Fridays." That proposal was, of course, limited to the time between Easter and Whitsuntide, and the effect of it would be to make an experiment for that time of the Motion proposed by the hon. Member for St. Ives.

Amendment proposed, at the end of the Question, to add the words, "and that Notices of Motions have precedence of Orders of the Day upon Fridays."

Mr. SOTHERON ESTCOURT said, he hoped that the right hon. Gentleman did not intend to call upon the House to affirm his proposition at the present moment. The right hon. Gentleman should first give notice of his intention to move the addition of those words. What had been stated as to the disappointment which the adoption of the Resolution would occasion to independent Members was, in his mind, a strong argument in favour of due notice being given of the proposition. He was very sorry at having unintentionally stood in the way of the adoption of the Motion of the hon. Member for St. Ives (Mr. Paull) in which he concurred, by assenting to the suggestion of the right hon. Member for Kilmarnock (Mr. Bouverie) to refer the question to a Select Committee. He thought the best plan would be to refer the whole case to the consideration of a Select Committee after Easter.

Lord HARRY VANE said, the subject was not before the House for the first time. The Motion of the hon. Member for St. Ives and that of the right hon. Member for Kilmarnock (Mr. Bouverie) had necessarily had the effect of calling attention to the subject, and he could not but think that without an inquiry by a Select Committee the House was perfectly prepared to decide the question. He thought Government had no reason to complain of the conduct of the House this Session, seeing that a great number of Thursdays had actually been given up to them. But there was a general feeling that the time of the House was much wasted by the desultory discussions which took place on Fridays. He hoped therefore the proposition of the right hon. Gentleman would be acceded to.

Mr. A. MILLS observed that they had wasted an hour and a half in this discussion. He hoped that Government would accede to the suggestion of the right hon. Member for Cambridge University (Mr. Walpole) and postpone the subject till after Easter.

Mr. AYRTON said, he objected to the House being hurried into the adoption of any such changes as were proposed, and therefore he wished to urge upon the Government the propriety of withdrawing the Motion, and bringing it forward after Easter. If Thursday were made a Government day instead of Friday, it would probably come to be felt that the public business of the week was over; hon. Members would leave town, and the House would be counted out every Friday. He would suggest to the noble Lord to amend his Motion by giving all Orders of the Day precedence on Thursdays, so as to include the Bills of independent Members as well as those of the Government.

Mr. DISRAELI: Sir, I rise to a point of order. I wish to know from you whether it is competent to the House to change a Standing Order without notice.

Mr. SPEAKER: I do not understand this to be a Motion to change a Standing Order of the House. If this Motion were carried, the Standing Order would remain. It is only proposed to make a change for a certain number of days between Easter and Whitsuntide. I do not think, therefore that it is necessary to repeal the Standing Order for this purpose.

Sir GEORGE GREY said, that the words of the Standing Order itself were, "unless the House should otherwise direct." Of course the addition he proposed would be a direction to the House.

Mr. NEWDEGATE said, it was the opinion of the Select Committee which sat to consider the forms and procedure of the House, that even the suspension of a Standing Order ought not to be made without notice. His right hon. Friend (Mr. Henley) had on Saturday drawn attention to the fact that several hon. Members who were chairmen of quarter sessions would be absent on the present occasion. Now, in the category of Members who attended quarter sessions were many hon. Gentlemen who took a most useful part in the business of the House. There were other and grave reasons why changes in the procedure of the House should not be made without notice; but upon this ground alone he should support the suggestion of his right hon. Friend (Mr. Walpole) that this change in the Standing Order ought not to be made without notice.

Mr. E. P. BOUVERIE said, he could not consent to give up both Thursday and Friday for Government business. But the change proposed by his right hon. Friend (Sir George Grey) was in the nature of an experiment during the interval between Easter and Whitsuntide. If the experiment did not succeed the House could go back to its original practice. If, on the other hand, the change was found to be an improvement upon the present practice, if it favoured the despatch of business—if, above all, business came on when Members anticipated it would be taken, it would then be easy to make a change in the Standing Orders.

Question put, "That those words be there added."

The House *divided*:—Ayes 150; Noes 126: Majority 24.

Upon the Question that the Motion, as amended, be agreed to,

Sir HENRY WILLOUGHBY said, he thought that the change proposed was a very unwise one, and would tend only to prolong indefinitely the *conversazione* with which the House was regaled every Friday evening. It would be much better to arrange that on Fridays the Orders of the Day should be proceeded with at a specified hour, say seven o'clock.

Mr. NEWDEGATE said, he would repeat his objection, which was as strong against the Motion as a whole as it was against that portion of it which had been already adopted. The Standing Orders ought not to be changed or suspended without notice, and he would urge the House not to decide rashly a question which might seriously influence the future course of business.

Colonel WILSON PATTEN thought the House had better try the utility of the Resolution just agreed to for a few weeks after Easter, and if the inconvenience which was feared really arose, he would be the first to vote against the plan.

Mr. BAILLIE COCHRANE observed that if the privileges of independent Members were curtailed by the Government, it must be expected that those Members would avail themselves of every opportunity that might present itself for the purpose of discharging their duty to their constituents. He regretted that such Motions should be forced on against the general wish of the House.

Mr. BENTINCK said, he wished to protest against the idea that the change was only to be an experiment, and to express his fear that if once sanctioned it would be established permanently. If independent Members were prepared tamely to submit to the arrangement proposed, they might as well put on their hats and leave the House.

Main Question, as amended, put.

The House *divided:*—Ayes 142; Noes 117: Majority 25.

Resolved,

"That upon Thursdays, after Easter and till Whitsuntide, Government Orders of the Day have precedence of Notices of Motions, and that Notices of Motions have precedence of Orders of the Day upon Fridays."

Mr. DISRAELI:—In consequence of the vote to which the House has just arrived, considerable changes must take place in the conduct of public business. In the course of a few hours the House will adjourn, and it would be convenient if the noble Lord could give us some information as to the mode in which the public business will be conducted after Easter. I would remind the House that there are two subjects of great importance—of great interest to the House generally, but particularly important to the great Liberal party—namely, the measure for the abolition of church rates and the measure for the reform of the House of Commons. Now, it so happens that by the change which has taken place in the order of conducting the public business it is impossible for the church-rates question, which is a notice of Motion, to come on on Thursday, which has now become an Order Day, and the notice given by the noble Lord the Secretary of State for Foreign Affairs for the resumption of the debate on the Reform Bill cannot now come on on Friday, the 20th, because that Order Day has been transformed into a Notice Day. Now, it would be very much to our convenience if the noble Lord would inform us when the resumption of the debate on the second reading of the Reform Bill will be taken, and also if the hon. Baronet the Member for Tavistock (Sir J. Trelawny)—if he is in the House—will favour us by stating what are his intentions with regard to the third reading of the Church Rates Abolition Bill?

Viscount PALMERSTON: Sir, the arrangements proposed are, that we should take the Navy Estimates on Monday after the re-assembling of the House; on Thursday the finance; and on the Monday following the second reading of the Reform Bill.

Mr. MALINS said, that there was a Bill of extraordinary length, consisting of 570 clauses before the House—the new Bankruptcy Bill—he begged to know when that would be taken?

Viscount PALMERSTON said, he could not then answer the Question.

Colonel KNOX asked whether it would be army or Navy Estimates on the Monday?

Viscount PALMERSTON said, they proposed to take the Navy Estimates.

Colonel HERBERT said, that with regard to the Army Estimates the House had been informed that they had been delayed in consequence of the return of several regiments from India. As this must necessarily occasion great delay, he begged to ask upon what day they would be presented again?

Mr. SIDNEY HERBERT said, that a considerable portion of these Estimates had to be reprinted, and the immense mass of figures in them took time. He would, however, lay them on the table on the first day the House met after the recess.

SARDINIA AND THE DUCHIES.

QUESTION.

Mr. HENNESSY said, he wished to ask the Secretary of State for Foreign Affairs, Whether the Government have advised Her Majesty to recognize the annexation of Bologna, Tuscany, Modena, and Parma to the kingdom of Sardinia; and, if so, whether he is prepared to state the reasons which have induced the Government to tender such advice to Her Majesty?

Lord JOHN RUSSELL: Sir, in reply to the question of the hon. Gentleman, I beg to state that the King of Sardinia has not taken any new title, but his dominions have been enlarged by the annexation of Lombardy; and I have no hesitation in saying that we have advised Her Majesty to consider the new part of the King's dominions as forming part of his kingdom of Sardinia. The hon. Gentleman probably knows that as soon as the Austrian troops left Bologna, the Papal authorities left it likewise, and the country was left without any Government. In Tuscany, as soon as the Grand Duke left Florence, the grand-ducal authorities also left. At Modena the same thing occurred. The Duchess of Parma showed more courage and determination, but still she was obliged to leave her dominions. These different states have re-constituted themselves of their own accord, and annexed themselves to the dominions of the King of Sardinia. If the hon. Gentleman wishes to go further into the matter and inquire into the causes which induced the people of those states to leave their former sovereigns, and their motives for so doing, he will have to give notice of a Motion on the subject.

Mr. BAILLIE COCHRANE asked whether the noble Lord had any objection to produce any recent correspondence between the Government and Her Majesty's Chargé d'Affaires at Rome, Mr. Russell?

Lord JOHN RUSSELL said, there was no Chargé d'Affaires at Rome. Mr. Russell was only an Attaché to the Ministry at Florence. He had laid on the table from time to time some letters from Mr. Russell to the Home Government, and he did not think there were any more which it was necessary to produce.

CUSTOMS ACTS.—COMMITTEE.

House in Committee according to Order; Mr. Massey in the Chair.

(In the Committee.)

Resolution 20,

"That in aid of the Charges of Customs' Establishments incident to the conduct of Trade and to the statistical accounts thereof there shall be charged as follows upon all articles, except Corn, Grain, or Flour, and Timber and Wood goods, upon the importation thereof,—

	s. d.
Per package or parcel . . .	0 1
Animals, per head . . .	
Goods in bulk, for each unit of entry	

With power to the Lords of the Treasury to frame regulations for adjusting the amount of such payments in certain cases by altering the unit of entry, or quantity, or number of goods which is to form the unit of entry for the purpose of this charge, so that the charge shall, as little as may be, exceed one quarter per cent on the goods of the lowest value usually imported under the denomination; and every person entering goods for exportation at the Custom House shall be required to present to the proper Officer of Customs a copy of his bill of lading in respect of such goods, with a correct endorsement thereon of the particulars and value of the goods comprised in such bill of lading, and that such copy of the bill of lading so presented shall be deemed the entry outwards for such goods, and be charged with a duty of . . . 1 6"

The CHANCELLOR of the EXCHEQUER said, there was no necessity to trouble the Committee with any lengthened details, but merely to explain the relation in which this Resolution stood to the original Resolution No. 11. At that time it was proposed to make a charge of 1*d.* upon all articles of import and export alike, with certain adjustments, so as to keep it within a certain proportion of the value of the goods. It was also proposed to levy charges on articles removed in bond and on operations in warehouses. The total proceeds of these charges as originally proposed were calculated at £420,000—namely, £300,000 from the penny charge; £60,000 from the charge on goods removed; and £60,000 from the charge on operations in warehouses. But there were various points, particularly in respect to the charges on goods removed and on operations in warehouses, which were received with a great deal of doubt, distrust, and even disapproval by those classes in the mercantile world immediately affected by them; and he was bound to say that, as originally framed, they would probably have tended to restrict the application of the warehousing system, which was so highly beneficial to the country. There was some difficulty in the application of the penny registration to the trade, particularly the export trade, which for revenue purposes was not so easily managed as the import trade. The export trade had entailed the principal sacrifice which he was about to make. At one time he was disposed to get rid of the difficulty felt in the adjustment of the penny rate, by reverting to a charge *ad valorem* of 2*s.* 6*d.* per cent. Doubtless that charge would have had some great recommendation. It would have been levied in a very simple manner, and it would have had the effect of establishing that immediate relation between the statistical accounts of the country and the value of the goods which would have made it, to a certain extent, the duty of the Custom-house officers to check the value of the goods, and in that manner would have enabled us probably to attain what he had always looked upon as a most important public object apart from the fiscal operation of the Resolution—namely, a much greater correctness of the statistical accounts of goods of export. The accounts of the exports on which we so much relied, on which we founded such important arguments, and which formed the basis of a considerable part of our political policy, were in many of their details exceedingly inaccurate. [Mr. NEWDEGATE: Hear, hear!] The objection to the *ad valorem* duty was that it offered—not to merchants, but to the smaller agents—perpetual temptation to petty fraud, therefore he entertained with great willingness a proposition on behalf of the mercantile community to substitute a fixed sum, to be levied by way of stamp on bills of lading outwards, and the Government were disposed to regard this proposition the more favourably because it tended to increase the accuracy of the statistics. The usage at present was for three bills of lading to be drawn and given to the parties concerned. These were countersigned by the different persons who were responsible, and they were liable to bear a stamp of 6*d.* each. The proposal had been that in all cases a fourth bill of lading should be given similarly countersigned, and certifying to contain an accurate account of the goods. That would supply, according to the estimates of the proposers, from £100,000 to £120,000 to the Exchequer. Taking, however, the bill of lading as they now proposed to do, with the stamp of 1*s.* 6*d.*, they did not estimate that it would yield more than £60,000. As the plan was originally suggested to Parliament he should have expected to raise a considerably greater sum than that from the penny charge on exports. They had reckoned on obtaining nearly £300,000. As the plan now stood it would produce on imports about £170,000, and on the stamp on bills of lading outwards £60,000, making together £230,000; thus involving a sacrifice of some £70,000. Nor was that the whole amount of reduction as the other Resolutions would yield considerably less, even if they stood as they now did, than under the original estimate. The second Resolution related to goods removed under bond, and would produce somewhat less than it would have done under its original form. The Estimate at first stood at between £50,000 and £60,000; now it was about £50,000. The third Resolution dealt with charges on operations in warehouse. The rate on those operations had been so much reduced that instead of producing from £60,000 to £70,000, the Resolution in its present shape would produce only £30,000. There was still an indisposition on the part of many Gentlemen connected with the trade to see this principle of charge for operations in warehouse adopted. They did not dispute its justice but its policy in respect to the convenience of commerce. He was not prepared to abandon the Resolution, but as those who were opposed to it were still engaged in considering what substitute less open to objection they could suggest, he was quite willing to let the question stand over till after the Easter recess. On the whole, then, there would be a surrender of revenue, as compared with the original Estimate, of from £100,000 to £120,000, even assuming the third Resolution to be either passed or replaced by one equally productive. That surrender they might safely venture to make. The state of the revenue was good, and the changes of arrangement that had been made in the course of their discussions had been favourable to the Exchequer rather than otherwise. The sacrifice he had mentioned would, therefore, not impair the stability of the calculations for the year, especially as they would still attain the objects of policy which they originally had in view. Effectual precaution had now been taken under the first Resolution against the oppressive operation of the penny charge on packages. As regarded certain imports that simple impost would prove very onerous, the most conspicuous illustration of this being the case of boxes of fruit imported from the East, and which were used for filling up irregular spaces in cargoes called "broken stowage."

MR. NEWDEGATE said, he wished to put a question to the right hon. Gentleman. Some time since he (Mr. Newdegate) had brought under the consideration of the House the fact that the exports from the port of Liverpool were grossly over valued. There were now no duties on exports, and no one could anticipate that the exporter would undervalue his goods, because he could gain no advantage by undervaluation, which would be used against him in the market to which his goods were being sent. He wished to ask the right hon. Gentleman whether he would take any additional steps to provide that the declared value should be more accurately given than heretofore. The trader was not likely to cry down his own goods before they reached their market, and he believed that the declared value had been considerably exaggerated. During a laborious course of examination, the actual value of the imports and exports of this country, for seven years, he discovered that the declared value of goods exported was generally above the real value, very considerably above the real value of the goods. Then with regard to the imports, he was afraid that notwithstanding the right hon. Gentleman's statistical arrangements increased accuracy, a greater accuracy, or even equal accuracy with that which had been obtained under the system that had hitherto prevailed, could not be hoped for. When there was an *ad valorem* duty it was the business of the Custom-house to ascertain the value of the imports. They, therefore, became cognizant of their value ; and the statistical department of the Board of Trade was furnished with information which now they had lost; for when all duty upon the great bulk of the articles imported was abolished, the inducement to accurate examination ceased. It appeared to him that they would have the quantities given of the exports and imports, but nothing more, under the proposed arrangement. He asked the right hon. Gentleman whether he thought it possible, or whether he intended, to adopt means to ensure increased accuracy with regard to the declared value of our exports?

THE CHANCELLOR OF THE EXCHEQUER did not think that the hon. Gentleman was accurate in his impression that the value of the exports was systematically overstated. On the contrary, the exports were often not entered at all, not unfrequently they were entered twice over, sometimes they were entered too low ; sometimes too high ; but he did not think there was reason to believe that they were systematically overstated. On the contrary, he would be inclined to think that they were understated. He did not think there were adequate motives for overstating the value, and, speaking in the presence of many hon. Gentlemen who were well informed on the subject, he judged by this reason, that up to the year 1845 they had an *ad valorem* tax of 10*s*. per cent. When that tax was levied upon the exports there was a motive for understating the value. Trade at that time was growing rapidly ; still that 10*s*. could have hardly had any material effect on an undervaluing of the return, and this the figures showed. When that tax ceased there was no sudden start, no great increase in the returns immediately, although an increase occurred some years afterwards. He thought, therefore, it was unnecessary to check the import returns upon this ground. But the values were delivered to the Customs at present by junior clerks of mercantile establishments, and they were not attested by responsible persons upon a bill of lading. It were desirable that this attestation should be secured ; but as regarded the imports he thought no additional security would be necessary. He did not think any additional security was required.

MR. LINDSAY said, that he doubted very much whether the right hon. Gentleman would obtain all he expected from his proposals. At present there was a large class of goods imported in small packages, known amongst shippers as "broken stowage," and which were taken for half freight by shipowners, because they could be conveniently used for filling up small spaces. The result of this tax of 1*d*. on packages would be that a number of small ones would be put into one large one, and not then being useful as broken stowage, they would be charged full freight, and thus the consumer would pay double what he paid before. Again, the great bulk of our imports were now free of duty, but a charge would be created on all by this penny tax. At the Custom-house journal and ledger entries would be required for every penny or sixpence that was charged, so that in many cases the cost of collection would be greater than the revenue obtained. The additional 1*s*. 6*d*. on the fourth bill of lading he understood was merely for the purpose of securing correct statistical returns to the Custom-house, not for raising an additional revenue. But its operation would be extremely unjust. If a bill of lading represented goods not worth more than 5*s*., it would be taxed 1*s*. 6*d*. ; while one representing £10,000 would only pay the same. To carry out the system would entail an immense amount of labour, much more than the Chancellor of the Exchequer supposed. He hoped that this Resolution also would be deferred until after Easter.

MR. T. BARING said, that though the

amended Resolutions were preferable to those originally proposed by the Chancellor of the Exchequer, the grave objection remained that they introduced fresh complications into the operations of trade—subjected those engaged in trade to petty and vexatious payments—and introduced a system which it had been the object of past legislation to put an end to by simplifying as much as possible the process of buying and selling. No doubt after the sanction given by the House to the removal of duties upon a variety of articles which he believed ought to have been maintained—a removal which would neither benefit the revenue nor the consumer—he admitted that some substitute must be found. A more regular substitute, however, might have been found than this 1*d.* charge upon every package — especially when the right hon. Gentleman was obliged to leave a regulating power to the Lords of the Treasury. He thought that the penny system was an erroneous one. It had succeeded remarkably well in the Post Office; but there the rate had been reduced to a penny from a much higher amount; here a penny was imposed where nothing had been paid before. It would make the operations of trade and shipping a constant series of taxes from beginning to end, and when they began to add pence to pence on every small transaction throughout successive stages on the same articles, it was clear that, in the aggregate, it must produce a monstrous effect. If England was to be the emporium of foreign trade, the imposition of such charges as these must be most damaging. Competition was already smart enough, and the moment when a heavy income tax was being put on Schedule D, which included traders, was most inopportune for inventing a new tax of this character. At present statistical returns were obtained from the Custom-house clerks without any additional expense, and there was no need to levy a new penny tax for that purpose. They were taking off indirect taxation which really affected hardly anybody, and putting direct taxes on traders and merchants. The tax on dock warrants affected London peculiarly. The tax on bills of lading had been suggested by the mercantile body to the Chancellor of the Exchequer as a substitute for all those obnoxious pence; but having got the suggestion he adopted it, and retained all the other taxes.

THE CHANCELLOR OF THE EXCHEQUER—No, no. As the Resolution stood originally it was a penny upon imports and exports as well. Now it is a penny upon imports; and instead of putting it on exports, we tax the bill of lading.

MR. T. BARING said, that the exporter ought to pay as well as the importer. Though the charge on bills of lading was objectionable, it might have been admitted as a substitute for the other little vexatious charges. There was no use in testing the opinion of the Committee, and the sufferers from the right hon. Gentleman's plan must bear it.

MR. CRAWFORD said, he did not share in the general objection to those charges; but if at any time they produced more than was anticipated from them, the mercantile interest would have a fair claim for their reduction. He thought that the penny tax on packages would be collected without much trouble, and would produce much more than was expected. As to the unit of entry he saw no great difficulty in carrying out the arrangements proposed by the Resolution. Nor did he think that the duty on packages would have the effect of diminishing the quantity of goods brought in under the denomination of "broken stowage." There would be no difficulty in so arranging the unit of duty in all cases that shippers of goods in all parts of the world would know perfectly well what peculiar circumstances they had to meet. The proposed tax on bills of lading would lead to great advantage in ascertaining the quantity of our exports. The bill of lading was in effect a contract between the shipper of the goods and the owner of the ship, and was not likely to be far wrong on either side. The fourth copy of the bill of lading would answer all the purposes of a declaration of value, and afford a very satisfactory means of arriving at the quantity and value of the exports of this country.

SIR HUGH CAIRNS said, he wished to call the attention of the right hon. Chancellor of the Exchequer to the manner in which the cross-Channel trade might be affected by the Resolutions. Hitherto the trade from Ireland to England, even although the goods were intended to be re-shipped in England, had not been considered export trade, nor had goods crossing from England to Ireland been regarded as import trade. It appeared, however, according to the wording of these Resolutions, that goods sent from Ireland to Liverpool to be re-shipped, would be subjected to a double charge. He therefore asked the Chancellor of the Exchequer if he would be good enough to see that such precautions were taken as would prevent that from being the case. Then, with regard to the statistical returns of the Irish trade, it was a singular fact that though Ireland exported many millions' worth of goods per annum, yet as they were re-shipped from this country, no notice whatever was taken of them in the returns as forming part of the export trade of Ireland. From one port alone, Belfast, many millions' worth of linen were exported every year; but in the returns its exports were only stated at a few hundred thousand pounds. It would be desirable to have a correct record established, and this he thought might be done by adding the name of the place at which the goods were manufactured and from which they were sent to the particulars of value already proposed to be required in the bill of lading. This would show the place that *bonâ fide* exported the goods. In reference to the power of adjusting the amount of payments required by these Resolutions, he presumed that the Treasury, in whom that power was to be vested, would not be able to exceed the amount proposed by the Resolution, but would simply be able to fix any sum below that amount. The words of the Resolution "so that the charge shall as little as may be exceed ¼ per cent on the goods of the lowest value usually imported under the denomination" were vague and would seem to give the Treasury the power of fixing an amount higher than the *maximum* named in the Resolution. He would suggest they should run "shall in no case exceed ¼ per cent" and so on. Then with respect to the mode of ascertaining the value of the goods, it was proposed that the shipper should give that information. It would, however, be impossible to depend for accuracy upon the shipper, beyond which disputes and mistakes might occur, which would be completely avoided if the invoice price of the goods were on all occasions adopted. One serious objection to the proposed tax on bills of lading was its inequality, seeing that one bill of lading might be for £10 and another for £10,000. He thought it was a charge not justified by the motives assigned for its imposition, besides which it would have a tendency to hamper trade, and when imposed the pressure against it would lead to its removal.

Mr. HANKEY said, his objection to the charge on bills of lading was that they had not heard any satisfactory account from the Chancellor of the Exchequer respecting what it was to be a substitute for. It was not one of the original proposals of the Chancellor of the Exchequer, and was made after strong objections had been urged against many of the minor details and charges originally proposed for adoption. He (Mr. Hankey) had no objection to a tax being imposed upon both outward and inward bills of lading, but before he agreed to it he should like to have an assurance that the tax on packages would be given up. The Chancellor of the Exchequer had invited an expression of opinion from the City of London on this subject, and he (Mr. Hankey) had presided at a meeting where the utmost unanimity prevailed, and the opinion of that meeting was decidedly averse to this tax, but they had consented to it on the understanding that it was to be in substitution of the proposed charge on packages. Now it seemed that they were to be saddled with both.

Mr. CAVE said, he did not agree with what his hon. Friend opposite had said. He preferred the present measure to that which had been indicated in the opening statement of the Chancellor of the Exchequer; not that he gave his approval to the measure; on the contrary, he considered the collection of statistics a mere pretence. It might be a subject of question whether the cost of collecting statistics for the benefit of the community should be saddled on the commercial classes. At present, however, it actually fell upon those classes, because the servants of the dock companies collected the information at the expense of the importers, and the Custom-house officers took it at second hand without further inquiry. To lay a tax on bills of lading for the same purpose would be to imitate the conduct of the Russian officers, who, before quitting a village where they had been living at free quarters, presented a bill for the wear and tear of their teeth in eating dinners provided for nothing. The measure was most unwelcome to the commercial classes, as being a mere revival of numerous small charges, which had long ago been abandoned, as most embarrassing and inconvenient. The extra amount of account keeping such charges rendered necessary was most serious. Besides which the delay occasioned by them in clearing a ship might lead to the loss of a wind and of a voyage. He had known instances of fifty tons of goods stopped in consequence of an error of a few shillings, and carts and vans sent away empty from a considerable distance, and every extra charge increased the chance of such mistakes. The most serious objection to the proposed tax was that it would lead to embezzlement. There was no greater source of embezzlement than that of entrusting clerks and carmen with small sums of money to pay these charges. To say that the proposed tax was a relief to the commercial classes was absurd. It was something like a highwayman stopping a traveller and stripping him, and then giving him his own shirt and trowsers to go away with. He (Mr. Cave) was glad to hear the right hon. Gentleman was going to reconsider his proposition with respect to charges in bond. The real effect of the scheme, as originally proposed, would have been to drive away to foreign countries many of the operations now carried on in this country, especially in respect to articles on which the duties were low. Thus the bonding system would be injured, for the importer would naturally prefer to pay the duty and perform the operations out of bond. He thought the general effect of the whole measure would disappoint the expectation of its framer, and that it would turn out that a scheme which professed to open up new channels of commerce would be found, on the contrary, to choke up those which already existed.

Mr. MITCHELL said, he felt bound to support the fresh taxation now proposed by the right hon. Gentleman, having given his support to the general principle of his scheme. But he wished to say a few words as to the way in which this tax would operate. The right hon. Gentleman, wisely in his opinion, reduced the duty on exports to a much lower point than the duty on imports. The charge on the exports was calculated to bring in only £60,000: while the charge upon imports would bring in £190,000 a year; and as the exports were rather larger in amount, it was quite clear that the charge upon imports would be at least double that upon exports. The charge looked small upon paper, and it was so small that the importing merchant would not be able to charge it on the consumer. It was too small a charge, amounting only to 6*d*. per ton, and the whole of it would fall upon the unfortunate merchant, and would in many cases increase from 25 to 50 per cent the income tax which he paid, under Schedule D, to the Government. So that this was, in fact, a special tax imposed on the mercantile classes.

Mr. HORSFALL said, the question was not whether they would have any of these small taxes, but what was the best form in which they could be levied. He accepted the proposition of the Chancellor of the Exchequer as a compromise, and not because he agreed with its principle. The Chancellor of the Exchequer, he was bound to say, had most courteously received every representation that had been made to him. He (Mr. Horsfall) had himself introduced a deputation which had proposed a tax on both outward and inward bills of lading, but that was found objectionable, and therefore the Chancellor of the Exchequer proposed the present tax, which he (Mr. Horsfall) was prepared to accept as a compromise. Nevertheless he should like to hear from the right hon. Gentleman that he was willing to abandon the tax altogether. If passed this Session, he had no doubt that a tax of that kind could not be of long continuance. With regard to the over valuing of goods sent from Liverpool, he was at a loss to assign any reason for so doing; but there was sometimes carelessness on the part of the Custom-house clerks, and they were sometimes obliged to guess at the value, owing to the invoices not having come forward at the time of shipment.

Mr. CHILDERS said, he thought that the Committee was bound to admit the two propositions of the Chancellor of the Exchequer—the one that a certain portion of the deficiency created by the repeal of taxes must now be made up; and the other that it must be made up by taxes incident upon trade. But in the actual proposition before the Committee he would suggest some modification. It was a question whether the charges proposed by the Resolution were properly speaking Customs' charges at all. Duties of Customs were invariably raised either according to weight, quantity, or value; but these were rather in the nature of landing or wharf. Again, he had another objection. The Chancellor of the Exchequer proposed to raise under this Resolution £230,000, and it was to be raised "for defraying the cost of that part of the Customs' establishments which was incident to the conduct of trade." But so far from £230,000 being necessary, £50,000 would be as much as would be required for that purpose. He thought the country would be entitled to complain, if £230,000 a year was spent on establishments used only for the conduct of trade and collecting statististical returns. The hon. Member for Sunderland had very correctly stated that this charge would add very much to the cost of the Customs' establishments. The great mass of the expenses of the Custom-house was caused by the collection of the duties on duty-charged goods, the operations with respect to free goods being exceedingly simple. He wished, then, to know whether these charges or fees were to be treated as duties on duty-charged goods, or whether some other mode of dealing with them would be devised. In the latter case the objection he had stated would fall to the ground. He thought he could suggest a substitute not obnoxious to the objections to which the proposed charge was liable, and yet capable of raising the required revenue. The House was aware that all operations between the Custom-house and merchants were carried on by entries which were put into the Custom-house by clerks of the merchants, either simple in duplicate or triplicate. Now, instead of putting on a charge such as was proposed in the Resolution, and which would be a varying charge, he would propose to the right hon. Gentleman to put on a uniform stamp of one penny on all entries. If the Chancellor of the Exchequer were to require that all entries, documents, shipping bills, or whatever else they might be, should be subject to a uniform stamp of one penny, he would be able to collect, if not as much as this Resolution would produce, at least sufficient to defray the charges for which this revenue was to be raised. With respect to the second part of the Resolution, which imposed 1*s*. 6*d*. on every bill of lading, it was to be recollected that already bills of lading were subject to a charge of 6*d*. each; but that charge might be accepted as the means of collecting more satisfactory statistics than could at present be obtained.

The CHANCELLOR of the EXCHEQUER said, he thought that the complaint of the hon. Member for Peterborough (Mr. Hankey), that he had adopted the suggestion with respect to the taxing of the bill of lading and giving nothing in return, was rather hard; because the duties which he surrendered would be very much larger than anything which he would get from the bill of lading. The bill of lading would not yield more than £60,000 a year upon a sanguine estimate, while the 1*s*. 6*d*. per cent which he had given up would have yielded upwards of £150,000. The hon. Member for Shoreham (Mr. Cave), seemed to think that the stamp duty of 1*d*. under this Resolution was imposed in respect merely of the statistical department; the charge was of a more general character incident to the conduct of trade. It might be true with respect to the great dock establishments in London, which were so admirably organized that they stood in lieu of the services required from the Custom-house; but that was not the case with respect to other ports, where the returns made by Customs' officers were taken as the very best authority by the merchants themselves. With respect to the observations made by the hon. Gentleman who spoke last, he must observe that he did not think the hon. Member correctly understood the practice of the Customs in reference to the service rendered by that dedepartment. The hon. Gentleman proposed as a substitute the charge of 1*d*. upon every entry and paper of whatever description passed by the Customs affecting commerce and trade. Now, in the first place, he had no means of estimating what would be the produce of such a tax, and the hon. Gentleman did not say what he calculated it would yield; but, so far as it was a valid objection to this Resolution, that it would multiply small charges and give complication to accounts, it applied with tenfold force to this substitute. There was not a single act of any kind that was done by the proprietors of goods in warehouse, for instance, whether of removal, re-packing, or otherwise, to which it would not apply, and he confessed he thought it would not be expedient to adopt it. The sum proposed to be levied would require to be paid when the first entry was passed through the Custom-house. It would all be collected at once, and there would be no complication of accounts whatever. In conclusion, he desired to express his opinion of the perfect fairness of the admission that a Resolution of this kind should be considered part of the measures to which the House had already expressed its assent.

Mr. CHILDERS inquired whether these charges would pass through the Customs' books in the same way as the ordinary duties?

Mr. CRAWFORD said, he apprehended that there could be no difficulty in instructing the Customs' department to keep a separate account of this duty, so that if it were subsequently found that the amount of duty was out of proportion to the cost of collection the mercantile community might have the benefit which might naturally be expected under these circumstances.

THE CHANCELLOR OF THE EXCHEQUER said, a separate account would be kept of all these charges, and the fullest means given to ascertain what was their produce, with a view to any proposal that might afterwards be made respecting them. As regards the collection of them, that would be conducted as far as possible by stamps prepared for the purpose, and which, no doubt, would be very extensively used for the convenience of parties. His right hon. Friend at the head of the Customs assured him that the whole operation would be a matter of the greatest simplicity, and would not interfere with the extensive reduction of the establishment which he promised.

MR. AYRTON said, he wished to impress on the right hon. Chancellor of the Exchequer the propriety of reconsidering this charge of one penny. He was anxious that, if it was not necessary to amend the Resolution, the Government, in bringing in the Bill, should have a complete schedule of charges to which the merchant could refer. He also wished to ask whether the penalties would still be applicable as before? [The CHANCELLOR of the EXCHEQUER: Yes.] He was going to suggest that the penalties would be exceedingly heavy in proportion to the proposed rates, and he hoped the subject would engage the attention of the Government.

Resolution *agreed to.*

Resolution 21:—

"That in aid of the charge of the Customs' Establishment incident to the Warehousing and Removal of Goods under Bond, there shall be charged (irrespective of any duties of Customs, or other charges payable by law, and in addition thereto), a Customs' duty at the rate of 10*s.* per £100 on the amount of Customs' duty payable on such goods as shall be warehoused, and removed under bond from any warehouse in any port or place to any warehouse in any other port or place, and at the rate of 5*s.* per £100 on the amount of Customs duty payable on such goods warehoused but not removed, to be paid in each case on taking such goods out of bond for home consumption; provided that tobacco shall only be chargeable with half the above rates, and that no more than the sum of 5*s.*, in addition to the sum of 5*s.* per centum, shall be chargeable upon a single delivery of sugars for refineries when removed under bond."

THE CHANCELLOR OF THE EXCHEQUER said, the charges upon warehouse operations of all kinds, including the removal, were estimated at about £120,000 a year, and it was proposed in lieu of that to have a fee taken upon all warehoused goods when delivered at the warehouse, irrespective of their being removed, to the amount of 10*s.* per cent. But no sooner had that proposal been made than considerable opposition arose from some classes of Gentlemen engaged in trade, who observed that the cost to which the country was put by the warehoused goods was extremely different, and expressed a great preference for the principle of the Resolution in comparison with the new and uniform proposal. When the Resolution was proposed to the Committee originally, he ventured to state that it had in view an important object of policy—namely, to provide some self-acting regulator of the warehousing system. By degrees that system —speaking now only with regard to ports —had received an extension which was very costly to the country, for the convenience, in many instances, of very small communities, and without any compensating advantages to the Exchequer. It was needless to go into details or names of places, but it was within the knowledge of those who heard him, that a number of very small places enjoyed warehousing privileges at the cost of the Crown, which was the cost of the public, simply because they were ports of importation. They enjoyed the privilege, not with respect to the goods which they imported, in regard to which, it might be natural enough to grant it; but in regard to goods which they did not import at all, and only received from importing places. The consequence was that large towns in the interior became desirous of having warehousing privileges extended to them. Manchester very naturally, and very fairly took the lead in the movement, and obtained, on condition of bearing the necessary charge, the concession of warehousing privileges. But as it was subjected to the condition that the town should in one form or another bear the charge, Manchester complained of having to bear the cost where the deliveries amounted to hundreds of thousands a year, when little, insignificant places, because they happened to be ports, enjoyed warehousing privileges, and had warehousing establishments maintained at the cost of the public, and goods removed to them without any charge, and without at the same time being called upon to contribute one farthing to the cost of the Customs' establishment. A desire spread in the country, as a natural consequence, for the extension and multiplication of warehousing privileges at the cost of the public. He did not see where the demand was to stop, unless the places themselves were in some degree or some manner made to contribute. On grounds, therefore, both of policy and of justice, he thought the proposal of the Government sound and wise. He would also submit to the Committee that there ought to be some difference made in the charge when the goods were removed in bond. However small that difference might be, yet it would operate in the nature of a regulating charge. It would make the inhabitants contribute something towards the cost of the warehousing establishment, and would operate powerfully in preventing undue demands for the extension of the system inwards throughout the country, while on the other hand it would enable the Government to give fair scope to the extension, where the cost of the Crown was not likely to be very great. The charge was not a Customs' duty, but a fee upon goods which had gone into the warehouses and were delivered from it. The parties upon whom the charges fell in the first instance would not be the importers of the goods, but the retail dealers in the country. The charge would be paid upon the delivery of goods, and by the persons to whom they were delivered. Great objections had been made to a charge of ½ per cent, but he was happy to understand that the tea trade were now perfectly satisfied with the charge as it now stood, of ¼ per cent. There was an exception in the case of tobacco, because the charge was levied not on the value of the goods, but on the amount of duty, and the duty on tobacco was higher out of all proportion than any other duty. It was therefore proposed that the charge on tobacco should be mitigated by one moiety. The charge upon goods removed had been also fixed at ¼ per cent, and if the principle were sound that there should be a contribution towards the cost of these warehousing privileges, then he submitted to the Committee that the charge imposed was a fair one. The charge would be 5*s.* per cent, and if they took the rate at which money could be obtained at 4 per cent per annum, the 5*s.* would represent 21 days' interest upon the money payable for the goods. It was not fair to call upon the public for the charge of these warehousing establishments. These were the grounds on which the second 5*s.* was imposed. The only way of regulating the extension of the system was to call on the parties themselves to make a moderate contribution towards the cost of the establishments, and there was no way of doing this more fairly than by a small charge on the goods when removed. A special provision, however, was to be made for the particular case of sugar. Sugar cost in removal comparatively little to the Customs, for it was delivered from bond in very large quantities, and it was therefore proposed that for 5*s.* any single quantity of sugar should be delivered for refineries out of bond. The effect of this would be to substitute instead of 5*s.* per cent, a charge almost inappreciably small. The produce of the whole Resolution would be about £50,000—a considerable reduction of revenue as compared with that which would have accrued under the original proposition.

Motion made, and Question proposed,—

"That the words, 'That in aid of the charge of the Customs' Establishment incident to the Warehousing and Removal,' stand part of the proposed Resolution."

Mr. DALGLISH said, the Resolution, as it stood, was calculated to confer unfair advantages on the larger over the smaller ports, and to have the effect of giving the tea trade an advantage of the quarter per cent. He should, therefore, move the following Amendment:

"Resolution 21, line 2, leave out 'and removal.' Line 4 to line 7, leave out '10*s.* per £100 on the amount of Customs' duty payable on such goods as shall be warehoused, and removed under bond from any warehouse in any port or place, to any warehouse in any other port or place, and at the rate of.' Lines 8 and 9, leave out 'but not removed,' and 'in such case.' Line 11, leave out 'and that no more than the sum of 5*s.*, in addition to the sum of 5*s.* per centum, shall be chargeable upon any single delivery of sugars for refineries when removed under bond.'"

Amendment, proposed, to leave out the words "and Removal."

Question put, "That those words stand part of the proposed Resolution."

The Committee *divided:*—Ayes 64; Noes 50: Majority 14.

Original Question put, and *agreed to.*

Mr. CHILDERS suggested that a much more equitable plan, and one by which the revenue might be more easily collected, was to impose a small annual fee upon the warehouses themselves. As he was aware that he could not move this as an Amendment, he would ask the House to reject the Resolution, so that, if rejected, the Chancellor of the Exchequer might consider the propriety of coming to such an arrangement as he had suggested.

Mr. W. MILLER said, he begged to second the proposition of his hon. Friend (Mr. Childers), as he entertained great objections to the proposed charge upon removals.

Mr. VANCE said, the inhabitants of the city he had the honour to represent (Dublin) contributed very largely to the Customs of the country, and this charge would fall on them particularly heavy. By false legislation they had been deprived of their foreign trade, and were obliged to import, for instance, their teas from Liverpool or London. They laboured under various charges for entering goods in bond. They had to pay 1*s*. for every entry, either of goods coming into or going out of bond, and 2*s*. on every Customs' entry for warehousing goods imported from foreign ports. The result was, they would have to pay the charges already imposed, as well as the extra charges proposed to be placed on them by the Resolution. If these new imposts were placed upon them they ought to be relieved of the old; and he believed the merchants of Dublin had made very strong representations to the right hon. Gentleman on the subject. He quite agreed with the hon. and learned Gentleman the Member for Belfast (Sir H. Cairns), that it would be most desirable to have some statistics of Ireland, with regard to its exports, and also of the coast Channel trade, because it was stated that Ireland contributed only a certain amount to the revenue. That amount was merely taken from the sum obtained by the dues paid in the Custom-house; but it should be remembered that they paid the duty upon tea, and many other articles in Liverpool, of which no record whatever was made; and Ireland was taken to contribute much less to the taxation of the country than it really did. He must enter his strong protest against those charges on account of warehousing.

The CHANCELLOR of the EXCHEQUER said, the question of the statistics of Irish taxation had already been under discussion that evening, and the Government intended to make inquiries with a view to ascertain whether those statistics could be improved. With respect to the Motion for rejecting the Resolution the seconder had based his support of that Motion upon his objection to the charge upon removals. That charge was only a matter of £8,000 or £10,000, but the whole Resolution involved a sum of £50,000, and surely the hon. Member would not deprive the revenue of that amount simply because he objected to the smaller sum, especially as there would be other opportunities for explaining his objections to the charge upon the removal of goods. The suggestion of the hon. Member for Pontefract (Mr. Childers) to impose an annual tax upon each bonded warehouse was most startling, and one that he did not think the House would agree to. There were 1,200 bonded warehouses in the country, and to call upon the proprietors of those warehouses to pay £50,000 a year, at a time when Parliament by remitting duties was excluding from them a large class of goods, and thus, to some extent, taking the bread out of their mouths, was too violent a proposition. The £40,000 upon warehousing was generally recognized as a fair charge by the retail dealers who would have to pay it, and he thought the Committee would not deprive the revenue of that amount because of any objection to a lesser amount for removals.

Mr. CHILDERS remarked, that the principle had always been laid down by the Chancellor of the Exchequer that it was the consumer who paid the taxes upon all articles.

Mr. CRUM-EWING said, he objected to the favour shown to sugar for refineries.

The CHANCELLOR of the EXCHEQUER observed, he was willing to omit the words "for refineries."

Mr. CRUM-EWING: And rum?

The CHANCELLOR of the EXCHEQUER said, rum had, by an accident of legislation, actually obtained a protecting duty, and therefore he would recommend the hon. Member not to enter upon any discussion upon that subject.

Mr. T. BARING said, he wished to ask whether the right hon. Gentleman the Chancellor of the Exchequer proposed to pass the Resolution as it now stood, or whether it was to undergo any modification?

The CHANCELLOR of the EXCHEQUER replied, that the only modification would be that in the place of the word "duties" would be substituted "dues," or "charges," and he also proposed to strike out the words "for refineries."

Sir HUGH CAIRNS said, he would appeal to the Chancellor of the Exchequer as to whether it would be desirable for so small a sum as £12,000 to incur such dissatisfaction at the outports, and occasion such an amount of inconvenience to retail dealers at those outports, as would follow from the charge. He objected to the principle of taxing large outports, which amply paid for their Customs establishments, in order to cover the deficiency in small ones which did not pay. Let them apply that principle to the Post Office revenue, and they would be obliged to put a large impost on towns which paid for their postal establishments, in order to compensate the Post Office for the expenditure in small places whose letter traffic did not pay. He would venture to ask whether it would not be better for the Chancellor of the Exchequer to reconsider the Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, that unfortunately the hon. and learned Gentleman was not in the House when he made his statement upon this subject, and fully explained the object of the Resolution. The charge on removals was not for purposes of revenue, but to provide a self-acting regulation instead of having a great warehousing system throughout the country. He would not, however, preclude himself from reconsidering the principle suggested by the hon. Member for Glasgow (Mr. Dalglish) in a modified form.

SIR EDWARD COLEBROOKE said, he thought the small places should be required to pay their own expenses, and hoped the Chancellor of the Exchequer would not insist on such a petty tax as that now proposed.

MR. CRAWFORD said, he thought that the small trader would not only have to pay for the accommodation in his own town, but he would have to pay for the accommodation in London; in other words, he would not only have to pay the proposed 5*s.* in his own town, but an extra charge in large towns. He did not think they ought to endorse any legislation which would impose a differential duty, and place the traders and consumers in small towns at a disadvantage with those of the larger towns. The result would be to produce a differential price of ¼ per cent on tea and other articles. He hoped, when they went into Committee on the Bill, the Chancellor of the Exchequer would yield to the very strong expression of opinion in regard to this matter, because the Resolution had been carried only by a small majority.

Motion made, and Question,—

"That the words 'of Goods under Bond, there shall be charged (irrespective of any Duties of Customs, or other charges payable by law, and in addition thereto), a Customs due or charge at the rate of Ten Shillings per £100 on the amount of Customs Duty payable on such goods, as shall be warehoused and removed under bond from any warehouse in any port or place to any warehouse in any other port or place, and at the rate of Five Shillings per £100 on the amount of Customs Duty payable on such goods warehoused but not removed, to be paid in each case on taking such goods out of bond for home consumption; provided that Tobacco shall only be chargeable with half the above rates, and likewise that no more than the sum of Five Shillings, in addition to the sum of Five Shillings per centum, shall be chargeable upon any single delivery of Sugars when removed under bond,' stand part of the proposed Resolution,"

put, and *agreed to.*

Resolutions to be reported *To-morrow.*

House *resumed.*

Committee report Progress; to sit again on *Thursday* 19th April.

REFRESHMENT HOUSES AND WINE LICENSES BILL.—SECOND READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [26th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. CROOK said, he rose to move that the Bill be read a second time that day six months. The right hon. Gentleman the Chancellor of the Exchequer had stated that there were two parties who objected to this Bill. He rose to advocate the claims of one of these parties. With the licensed victuallers he had no sympathy or desire to contribute to their objects. He appeared before the House simply as the advocate of the opinions which the temperance societies of this country had expressed in their petitions, and which petitions had been largely signed by persons who were not members of temperance societies. He desired not to be understood on the present occasion as advocating any prohibitory system or a Maine law. The temperance reformers had not come before the House for such a purpose, but simply in the interest of general sobriety. They waived their peculiar views at this time, and took issue with the Chancellor of the Exchequer on his own conditions. The right hon. Gentleman had recommended the Bill to the House as a wise and good measure, calculated to promote sobriety, although he confessed that, while he expected it would lead to a large increase in the consumption of foreign wine, he did not anticipate any sensible diminution of the sale of spirits and beer. The question, then, for the House to consider was the effect this measure would have on the sobriety of the country. The petitions presented to the House by those who disapproved of the Bill contained 120,000 signatures. In the borough he represented (Bolton) there had been two large public meetings, which had pronounced unanimously against the Bill. Thirty out of forty-eight of the members of the Town Council had recorded their opinions in petition against it, although not more than five or six of them were connected with temperance societies. There were also twenty-one Christian ministers of Bolton who had expressed in writing their deprecation of the Bill; and he was not aware that there had proceeded from that town a single petition in favour of the Bill. Indeed, he was not aware that so much as one petition from any part of the country had been presented in support of the Bill. He could not put his finger on any person who wanted the Bill. The temperance advocates, at all events, sympathised with the Chancellor of the Exchequer in the shudder to which he confessed in the contemplation of the multitude of people who were already licensed by the Legislature to distribute intoxicating drinks. At the present moment 105,000 individuals were specially set up by law to administer to the comforts or to corrupt and demoralize and debase the people; and it was considered that they were amply sufficient to distribute any further importation of foreign wine. This Bill would immensely increase the facilities for the consumption of intoxicating drinks, and in the same proportion increase the facilities for intemperance. In the borough of Bolton there were 120 public-houses and 240 beerhouses, which was quite enough for a population of 60,000 persons. It was estimated that an equal number of shops would take out wine licences under this Bill. Would that be at all calculated to promote sobriety? On the other hand, would not such increased facilities tend greatly to augment the consumption of intoxicating drinks? Wine being constantly on the counters of general shops would be very dangerous to young people and servants, and they would frequently be disposed to give a preference to those shops which offered the temptation. He believed that the houses of the licensed victuallers and the beershops were nothing like so dangerous as those places would be. He might remark, further, that the provisions of the Bill were in direct opposition to the Report of the Committee of Inquiry which sat in 1854, of which the right hon. Member for Wolverhampton, the now President of the Poor Law Board, was Chairman. In short, the Bill rendered the labours of the Committee quite useless, and would prevent the House acting upon their Report at any future time; and he wondered why the right hon. Gentleman had not proposed to allow ardent spirits to be sold by every shop. The Committee of 1854, in the most emphatic manner, decided that no intoxicating drink should be sold without a licence, and that in no case should it be less than £6 a year; but under this Bill licences could be had for three guineas a year; so that for 2*d.* a day any shopkeeper might have a licence to sell wine, and if he only had a little bread and cheese, he might possess the power of selling it to be drunk on the premises. The main point of the Committee's Report was, that the facilities for the distribution of intoxicating drinks should be largely reduced; while this measure of the Chancellor of the Exchequer would have a totally contrary effect. He would appeal to hon. Members who were fathers of families, or commissioners of the peace, whether they could, in the face of such facts, conscientiously support the measure? Again, he would ask the Chancellor of the Exchequer if he had the approval of the clergy or of dissenting ministers, the heads of police, chaplains of gaols, or boards of guardians in his favour? Had there been one public meeting in favour of the Bill? Nay, more; was there any friend of the Bill who dare call a public meeting? If this was so, surely the Bill ought not to be passed by the House. If, however, it should unhappily be imposed upon the country, he did trust that the local authorities, representing the people, would have given to them a discretionary power to prevent, suspend, or annul all licences under the Bill, in any district where two-thirds of the ratepayers were opposed to it. He trusted, however, that they would reject it altogether.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. DIGBY SEYMOUR said, that he did not rise to second the Amendment, for all the reasons advanced by the hon. Mover. He was not there as the representative of any society, or of any body of men whatever; but he desired to give his testimony as the Recorder of a large town in the North of England, that no one in the habit of attending the criminal courts could resist the conviction that three-fourths—he might say five-sixths—of the crime of the country was directly referrible to the demoralizing influences of the low public-houses and beershops. He did trust, therefore, that this Bill would not become law. The Chancellor of the Exchequer had more than once declared to deputations which had waited upon him, that he did not bring this Bill forward simply as a fiscal measure, but more especially as a social and moral question. It stood before the House, recommended on fiscal, sanatory, and moral grounds, and he thought he should be able to show that it ought not to be accepted on any of those grounds. Look at it first in a fiscal light. He owned he did not look forward to any great increase of refreshment houses from the operation of the Bill, and therefore he thought the fiscal benefits anticipated from it by the right hon. Gentleman were greatly exaggerated. Light French wines were not suitable to a northern climate, and it was stated by Mr. M'Culloch that the only effect of a reduction of duty would be a reduction of revenue, and that even if there was no duty on such wines as it was now proposed to introduce, beer would still continue to be the chief drink of the people. Another great authority, the right hon. Gentleman himself, in 1856, declared that light wines would never be very largely drunk in this country. What then became of the argument of the right hon. Gentleman that a pure and wholesome wine would now be supplied at a cheap rate. The cloven foot was revealed by *The Economist*, in which paper he observed it stated that French wines might be easily strengthened for the British palate by the introduction of a little brandy. It was patent to every one that the advantage which the French expected was not a better market for good wine, but a market where they could get rid of their bad vintages. In the words of Horace—

> "Vile potabis modicis Sabinum
> "Cantharis,"

which he might familiarly translate, "They were to drink wretched claret out of pewter pots." Then as to the moral and social aspects of the question. There had been no demand for this Bill by the public; and although there had been hundreds of petitions from persons, independent of publicans and teetotallers, against it, he had not heard of a single petition in its favour. It was a fallacy to suppose that in wine-growing countries the population were more sober. He believed that the consumption of alcohol was more than double per head in France that which it was in England, and he was supported in that opinion by the observations of such men as Horace Greely and Fenimore Cooper. The inducements to drink in England were abundantly sufficient, and the Legislature ought to pause before they thrust upon the people greater facilities and temptations. The process of reasoning appeared to be that because there must be a treaty with France wine must be freely admitted, the revenue must suffer, and to recover the loss this Bill must be passed; but that was a line of argument against which he protested. Besides the objections which he entertained against the principle of the measure, he must say that in the form in which it now appeared it was the most clumsy piece of legislation he had ever seen in his life. Every shopkeeper, whether a tailor or tobacconist, might take out a licence, and every customer might be exposed to the temptation of this wine being recommended by the shopkeeper. Every oysterman and every orangewoman would be obliged to take out a licence, and the evil which would follow was that, with French wine they would introduce a French police. It was not at the dictation of the temperance societies, but by his own instinct, as a lover of constitutional freedom, that he implored the House not to sanction such an inquisitorial system as would allow the police to come into honest mens' houses, whether they sold wine or not, simply because they were obliged to take out an eating-house licence. In the neighbourhood of Southampton there were many beautiful spots to which picnic parties resorted in the summer months, and any one who allowed the use of a room wherein they might consume their own refreshments would have to take out a licence and be subjected to the supervision of the police. The evil, however, was not in the licence, but in what followed the granting of the licence. It was a monstrous provision that the police should have the power to enter houses under these licences at their own discretion, and he implored the House not to sanction the placing of this inquisitorial power, in so unguarded a manner, in such hands. Clause 12 of the Bill gave most extraordinary powers to magistrates. Notice of every application was to be sent to the clerk of the magistrates, and if within thirty days an objection was sent from the magistrates to the Excise Office that the house was disorderly, or was not a *bonâ fide* eating-house the licence was not to be granted. There certainly was no precedent of such extraordinary powers being given to the magistrates without any inquiry. It was in reality worse than the French system. Then, again, there was no definition in the Bill of a *bonâ fide* eating-house. The Chancellor of the Exchequer had entered into a philosophical disquisition of the connection between eating and drinking; but his argument proved too much. It proved that a man ought to have liberty to drink beer with his victuals if he liked it better than wine. [The CHANCELLOR of the EXCHEQUER: So he may.] That certainly was not the effect of the Bill. Foreign wine was all that was provided for. There was a clause against adulteration in the Bill; but it only struck at the small retailer; the wholesale importing adulterator was left entirely untouched. He (Mr. D. Seymour) protested against the foreign element which characterized that measure from first to last. He opposed it on fiscal grounds, and he opposed it still more on social and moral grounds. When the Beer Bill was passed the cry was "Cheap ale for the million." Now the cry was "cheap wine for the million;" but there was not a magistrate throughout the country, not a single person who had to do with the administration of justice, who did not feel that the Beer Bill was an utter failure, and that its evil effects were every day growing worse. He hoped, therefore, that the Chancellor of the Exchequer would be warned by the experience of that Bill not to persevere with a measure which would have the effect of offering cheaper temptations and cheaper inducements to crime.

MR. KER SEYMER said, he was not surprised at the opposition offered to this Bill. He had not been very favourably impressed with the financial scheme as a whole; but when the Chancellor of the Exchequer came to this part, he remarked to the hon. Member who sat next to him, "That's the best part of the Budget, and will be the hardest to carry." The right hon. Gentleman had to deal with two most important and well-organized bodies, differing in everything but opposition to this Bill—the licensed victuallers and the teetotallers. The opposition of the first, he was afraid, would be most formidable; for a moral opposition was rarely so powerful as a selfish opposition. The teetotallers, however, who conscientiously believed that every man who drank a glass of light wine was an incipient drunkard, and that every fermented liquor was poisonous, and that its sale ought to be prohibited like the sale of arsenic, were not fair judges of such a proposal as this. They were banded together, as the title of their association stated, for "the total suppression of the liquor traffic," and they were, of course, opposed to a proposal for extending that traffic. The proposal had been quite a God-send to the United Kingdom Total Abstinence Alliance. For some years they had had their paraphernalia of agitation so well understood and so well paid in this country, their processions, their meetings, their testimonials, their cheap publications, and so on; but as yet they had never got into Parliament. On this occasion, however, they were represented by the hon. Member for Bolton (Mr. Crook), and they boasted to have presented 1,200 petitions against this Bill, all of which, it would be seen, concluded with a prayer for the establishment of what was called the Permissive Maine Law, which meant that in any town or village where there happened to be a majority of water-drinkers, nobody should be allowed to drink a glass of beer. Such an enactment as that would never do for England; and the people who entertained such views were not fair judges of this proposal. There were also many other persons — ably represented there by the hon. Member for Leominster (Mr. Hardy) —who, not holding extreme views, and not wishing to "rob the poor man of his beer," yet looked with alarm on this proposition. But he would ask them, had any man, with a couple of shillings in his pocket, the slightest difficulty, under the present system, in getting drunk on spirits? However well intended, the present restrictive system did not operate as a check on drunkenness. Having, therefore, made a sacrifice to introduce French wines, was it not reasonable that the Chancellor of the Exchequer should endeavour to give their consumption a fair chance? The great body of the labouring classes would doubtless still drink their beer, the favourite beverage of Englishmen; but those who wished for wine should be allowed to have it. The question which the Chancellor of the Exchequer had really had to ask himself was, "Should the only path to wine be through the ginshop?" In this city of anomalies no anomaly struck the intelligent foreigner half so forcibly as to find that in numerous refreshment houses where barons of beef, fish, and poultry were displayed in the windows, he could obtain nothing to drink with his dinner but water. The Chancellor of the Exchequer wished, therefore, to bring eating and drinking together; and nothing could be more conducive to temperance. True, he did not allow persons to drink beer as well as wine; but in this he had made a concession to the licensed victuallers, who now turned round and reproached him for it. As far, however, as the proposal went, it proceeded in the right direction, though he (Mr. K. Seymer) confessed that he was for a system of free licences to sell all spirituous liquors. The points reserved by the Bill for the discretion of the magistrates were the right points; although the measure required to be made a little more stringent. It avoided granting to magistrates the objectionable power of deciding on what were the wants of particular districts—a power which many magistrates would far rather not be called upon to exercise. They were, however, to have authority to inquire into the character of the house as well as into that of the persons frequenting it. But it would be desirable that their power of inquiry should also extend to the character of the occupant of the house. By the Bill the justices were to have a veto on the granting of the licence from the Excise, but no mode of appeal was provided to some superior authority. This omission might, however, be corrected in Committee. Many magistrates would shrink from being entrusted with a power, a mistake in their exercise of which was not open to some remedy. The proposed provisions for punishing contraventions of the rules were mainly taken from the Beer Bill, and were sufficiently stringent; but the greatest safeguard in this respect would consist in the power of the magistrates to refuse the renewal of the licence. The great evil of the Beer Bill was that the justices had no control of that kind. The signatures of householders were perfectly valueless as a guarantee for the character of the keeper of the house, many respectable persons signing their names to applications for licences from mere good-nature, or as a matter of course. As far, then, as legislation could secure the good conduct of these houses the Chancellor of the Exchequer had provided for it. The recommendations of the Select Committee had been carried out as regarded putting these refreshment houses under the authority of the police. It was well known that in many of these places spirits were illegally sold, and great tippling went on in them. In his own neighbourhood the officers of Inland Revenue had not shown themselves as active as they ought to have been in detecting persons who sold spirits without a licence, thereby injuring the fair trader. In this matter the licensed victuallers had a just ground of complaint; but, in their strange infatuation, they had wholly omitted it from their catalogue of grievances. At present wine licences had not a fair chance, as the foundation of the present licensing system was beer. The magistrates granted a certificate for an alehouse. Then the alehouse keeper went to the Excise and got a beer licence. Having obtained that, he might afterwards obtain a spirit licence also; but he could not get the spirit licence without first having a beer licence. Now, it was notorious that many of the public-houses in this country had fallen into the hands of the brewers, although they had no return showing to what extent that had taken place. When, however, by some great catastrophe the veil was withdrawn, the public got a peep behind the scenes, and saw how the brewers were mixed up with the licensing system. In the case of Calvert's bankruptcy, it was found that out of £750,000 invested in the business the sum of £468,000 was not invested in the proper business of brewing, but in public-house property,—that was to say, either in buying up public-houses, or in lending money to publicans, over whom they thereby obtained the greatest influence. The publican derived a very small profit from the sale of beer, and looked to the sale of spirits for his compensation. That could hardly be called a system promotive of temperance. No connection like that between the brewer and the publican existed between the wholesale grocer and the retail grocer, by which the latter was compelled to take all his tea and sugar from the former. If such a connection were really to be established, the retail grocer would not be able to serve his customers so well, and he would soon find a rival shop opening, and taking away all his trade. The licensing system, however, deprived the public of this wholesome check of competition in regard to liquor. If a great brewer bought up fifty public-houses in a particular locality, he knew that the magistrates would not license fifty more, and he therefore felt himself quite safe. He was sure of his investment, and knew that the houses would remain to take his beer to any extent. The brewers, doubtless, sent out perfectly good beer to the publicans, but the latter were tempted, by the low price at which they had to retail it, "to pump," as it was said, "the New River into it." That fact had been established before the Select Committee. To give it a fictitious strength they sometimes, but not to any very great extent, added noxious drugs to the liquor. The Beer Bill had not been very successful, but in his opinion the beer-seller never had a fair chance. Having to compete with the licensed victualler, who made his great profit on spirits, he had to resort to all sorts of shifts for a living. The first thing which such a person did was to make an effort to rise in the world by becoming a licensed victualler. But though nothing could be said against his character, though there was no ground for complaint in the manner in which he had conducted his shop, or in the accommodation which he afforded to the public, his application was almost invariably refused at the instigation of counsel on behalf of the licensed victuallers, on the ground that there were already sufficient houses in the neighbourhood. No arguments, therefore, ought to be drawn from the case of the beershop-keeper in illustration of the probable result of an extension of the licensing system. Now, a beershop-keeper who, under this Bill, kept an eating-house might take out a refreshment licence, and having obtained that, he would be entitled to a wine licence. The measure, however, did not provide for the hours his house might be kept open. For the sale of beer the hours were fixed—but what was the hour he would be allowed to keep open for the sale of wine?

THE CHANCELLOR OF THE EXCHEQUER: We propose to assimilate the hours precisely to those of the beershops.

MR. KER SEYMER said this was the very point he was anxious to come to, but he would even go further, and say that in large towns, containing a population exceeding 50,000, beershop-keepers who had obtained wine licences should be allowed to sell beer equally with wine as late as 12 o'clock at night; because if the two things were kept separate, and the shop was allowed to remain open for the sale of wine but not for that of beer, the temptation to sell the prohibited article would be so strong that the rule would certainly be infringed, and the House had no right to place men in such a position. He now came to the case of the real and powerful opponents of the Bill. The Chancellor of the Exchequer, he believed, had done the wisest thing in his power in laying on the table the memorial of the licensed victuallers, which could not be too widely circulated. He (Mr. K. Seymer) had given notice of a proposition in relation to this subject, which, however, he should not propose in a Committee of Ways and Means, but should reserve for some future occasion, when he should submit it as a distinct question to the consideration of the House. The memorial to which he referred commenced by stating that it was proposed to give to every person applying for a licence the power of selling wine for consumption on the premises. This was not true; a licence would by no means be granted unless the applicant had complied with certain requisites. The house for which licence was sought must be *bonâ fide* rated at £20; it must not have been of a disorderly character, or frequented by disorderly persons. Then the petition of the body complained that their business was perpetually threatened with change. He was their truest friend when he told them openly that they would always be threatened with change until they consented to carry on their business on the same principle as every other was conducted—that of free competition. The licensed victuallers had received fair warning by the Report of the Select Committee, and they ought to have looked the matter in the face and have adopted that principle, subject only to such regulations as were inseparable from the nature of their business. They now complained that they were the victims of irksome restrictions. He was not aware of any to which they were subject which did not arise from their peculiar calling; if there were any of an unjust or vexatious nature, by all means let them be abolished, but let not these rules be made the pretext for continuing a monopoly which on no reasonable grounds could ever be tolerated. They also alleged that restrictions as to hours were imposed on them which did not exist with regard to any other class. This likewise was a misrepresentation. The beershop-keepers were confined to certain hours, while the licensed victuallers, save on Saturday and Sunday, were not restrained within any limits. On his way home from the House of Commons, which kept very bad hours, he constantly saw ginshops full of drunken men and women, at a time when the beerhouses were by law closed, and when those establishments which it was proposed by the present measure to create would likewise be closed for the night. Another of the liabilities which the victuallers, according to their own statement, incurred was the burden of collecting the greater portion of the vast revenue derived from beer, spirits, and wine. The money, doubtless, was drawn from the public, but he had been under the impression that it was the Excise Commissioners who collected the revenue; and if they once admitted the principle of exceptional legislation in favour of those who dealt in articles paying revenue indirectly to the Crown, they would have grocers and others coming forward to claim exclusive privileges. Another of these arguments was that the victuallers were the victims of a system of morality which had forced protection upon them, though they had not sought it. They might not have sought protection, but he must say they had taken very kindly to it, and they had carried out the principle to the utmost of their power. Last week thirty applicants for licences in Finsbury were refused, and in no case was there any objection to the character of the applicants. On Saturday nineteen others were refused in Wandsworth alone, to all of whom the same remark might apply, and in every case the licensed victuallers had been legally represented. They tried to frighten the House by an enormous claim for compensation — something approaching the sum of £50,000,000. Having already drawn that sum from the country, they now sought to establish a claim for a like sum, which would amount to £100,000,000 in all. That was a strong proposition which the Chancellor of the Exchequer would do well to look to. But they seemed to forget that there was such a thing as the good-will of a business, whether it was free or restricted; and those gentlemen did not state how much of the £50,000,000 was to be given for the good-will and how much for the monopoly. In support of their demand they referred to the compensation granted to lawyers and proctors. For his part he was of opinion that the compensation granted in the latter case was far too large, and the country certainly was not prepared to repeat the step which it had been induced to take. But in the one case there was some reason why Parliament should act liberally, for it had destroyed the occupation of an entire class; in the other, unless the Maine Liquor Law were carried, the business of the publicans could never be done away with. They tried to persuade them that hotels would become infamous; and all those stories with which in childhood they were familiar, about beds sinking down into charnel-houses and travellers being attacked by banditti were revived; but it was too much to expect that men in the 19th century would believe that these things would come to pass because persons with refreshment licences were allowed to sell a glass of wine. Some ill-natured people said that there was no need for innkeepers to be in league with robbers; that they already did all the robbery themselves by their exorbitant charges. But, without going so far as that, he must say it was absurd to talk as if in England, in the middle of the 19th century, the same scenes happen as in Terracina and other parts of Italy, where every man looked like a brigand, and probably was one. Then they said that they were the only persons who paid for licences to carry on their trade. This, again, was a great mistake. The wholesale wine and spirit merchant paid twenty guineas a year to carry on his trade at the same time that he was subjected to unrestricted competition. Then they turned round, having already persuaded the Chancellor of the Exchequer to give up his intentions with regard to the beer licences, and they said this was not free trade. But it would not do for them to attempt to mystify the public with questions of free trade in this way. This was not a question of free trade at all. The question of free trade was only involved in this matter as far as the restriction of the number of persons engaging in it was concerned, and no one could doubt that the numbers were restricted. But then they were told that this was a proposition for the extension of drinking. Now, were the publicans really opposed to the extension of drinking? Of course not: drinking was that by which they all made their living. It was not drinking in itself that was objected to, but the places where the drinking took place. Drinking in a wineshop was frightful, drinking in a beer-shop abominable; but drinking in a ginshop was all that was moral and proper. Then they tried to catch a few Conservative votes by the statement that the wineshops would be frequented by Radical politicians. He had no doubt that wherever Englishmen met they would talk politics; but were they never talked in public-houses? Was not the phrase "a pot-house politician" proverbial? Conservative as he was, and not over favourable to the ministerial mode of extending the franchise, he was not at all alarmed that these wineshops would be turned into political clubs. Then they were told that this measure would sap the morality of our female population. Women, they were told, were ashamed now to appear at the bar of a public-house. But if these public-houses were the temples of virtue their occupiers described them to be he could not understand why women should be ashamed to be seen there; but here he must protest against the gross libel that had been thrown on the women of the middle classes, that they would go to these houses for the sake of tippling. Every one would recollect the abominable insinuation made by the daily organ of the publicans, that a respectable man going into one of these houses after this Bill was passed to eat a bun might find his wife lying dead drunk in the back parlour, and his daughter still more disgracefully employed in the attic. That was a gross libel on the middle classes, which was only worthy of the quarter in which it appeared. Then the publicans said that the sums they paid for their licensed houses were guarantees for good conduct. Now, that sounded very well in theory, but in practice it was all moonshine. From the Returns which he had moved for on a former occasion, it appeared that no house ever was, in fact, shut up, however badly conducted it might be. When matters became very bad, the occupier transferred his licence to another, of course receiving what he gave for it. The new man went on for a time, till he was complained of, and then the house was transferred again, but the house was never shut up, and it was carried on on the same principle, and that was what they called a safeguard for the public morals. Now this was the case for the publicans as stated by themselves. He had endeavoured to show that the teetotallers were not fair judges upon this question, that those who were anxious to promote temperance were needlessly alarmed at this measure, and that the opposition of the licensed victuallers to it was purely a selfish opposition. He, therefore, hoped that Parliament would sanction the Bill of his right hon. Friend.

MR. HARDY said, the course he had formerly taken on the licensing question must be his apology for now addressing the House. He did not impute to the Chancellor of the Exchequer any intention wilfully to corrupt the morals of the country, or any other object than that of increasing the revenue of the country, which he no doubt believed could be effected without injuring the public morals. The course taken by the hon. Member for Dorsetshire (Mr. Ker Seymer) was one which it was always easy to take, but it did not go to the real question at issue. It might or it might not be true that the brewers possessed a great number of public-houses; it might or it might not be true that the licensed victuallers were pursuing only their own selfish ends; it might or it might not be true that the United Kingdom Alliance was utterly mistaken in its course. But these were all beside the real question, which was whether or not it was necessary or advisable to increase the facilities for the sale of intoxicating liquors in this country, and whether the course taken by the Chancellor of the Exchequer was calculated to increase the revenue without injuring the morals or disturbing the social order of the country. With respect to the brewers and the licensed victuallers and the United Kingdom Alliance, he stood clear of them all. There were no brewers with whom he was intimately acquainted, or in whose prosperity he was at all interested any more than as every man must take an interest in the prosperity of an enterprising class of men in the country. He might, however, say that he did not believe in the cry that was raised against the brewers. It was admitted on all hands that they sent out good and pure articles, and if they were mixed and adulterated afterwards, the brewers were not to blame. He ventured to say, with respect to the brewers, that if perfect free trade were established to-morrow, still, with their capital and the number of houses they possessed, they would be able to hold their own, and would always be found at the head of the trade. With respect to the vested interests of the licensed victuallers, it was perfectly true that they were placed in a system which they found established long before they entered the trade, and under which all their interests had grown up. But he was far from imagining that their interests would suffer to the extent of £50,000,000, as by some was alleged, or, indeed, that they would be injuriously affected at all for the present. What might follow afterwards was another question. He was not called upon, nor, indeed, was he prepared to defend in its entirety the present system of licensing. He admitted that there were many points in which it might be improved. But, in his opinion, it was just and right that those who had charge of social order in the country—the justices of the peace—should, as far as possible, have full control over places where numbers of people assembled, and where by the consumption of intoxicating liquors they were led into the commission of offences, and it was desirable that the magistrates should have the initiative as to pronouncing upon the fitness of the persons by whom, and the places where such liquors might be publicly consumed; but he was not altogether satisfied with the appeal, which at present existed in the manner of licences. In most parts of the country it had become a mere matter of form, because the Quarter Sessions seldom or never interfered with the decision of the Petty Sessions. In such cases it would be better that there should be no appeal, and that the responsibility should rest with the magistrates who really decided the case. In other instances, however, benches of magistrates at Quarter Sessions acted upon the principle of allowing free trade, and granted licences without any reference to the decision of the justices below. That was an equally objectionable course; and rather than have this he would abolish the power of appeal altogether; but he thought it was not impossible that in the course of these discussions something might be struck out which would satisfy the public, and at the same time check the undue increase of drinking houses and their establishment in unfit situations. Before proceeding further, he must say one word with respect to the United Kingdom Alliance, whose representative had moved the rejection of this Bill. For his own part he had not intended to object to the second reading, though now the question was raised he would vote with the hon. Member; but as the Chancellor of the Exchequer had expressed his willingness to make alterations in Committee, he had intended to move certain Amendments there if the Bill should reach that stage. He felt justified in voting against a Bill which he disapproved with the hon. Member who represented the United Kingdom Alliance, although he could not agree in the principle of that body in making practically no distinction between the use and abuse of strong liquor. He could not agree with the Alliance in proscribing or prohibiting, even by a permissive Bill, the sale and use of liquors, merely because their abuse was dangerous, and he did not recognize the right even of a majority to interfere with the rights of others. Suppose the majority in any place were of opinion that the practice of allopathy was injurious to the health of the community, were they to prevent the minority from resorting to that mode of cure, and insist upon putting down all practice in the place except that of homœopathy or hydropathy. If he was to have a divorce he would rather it should be at his own suing than at the instance of other parties and without his own consent. So much then for the two parties opposing, and untruly said to be the only opponents of the measure. He came, now, to the primary object of the Bill in the eyes of the Chancellor of the Exchequer, which was revenue. He was disposed to agree with the hon. Member for Southampton, that the revenue would not be materially increased by this Bill; that the Bill would be a failure so far as it referred to the introduction of French light wines into this country. The Chancellor of the Exchequer, however, anticipated a considerable increase of revenue. In arguing the question he was bound to assume that the Estimate would be realized, and that there would be a large consumption of the stimulants to be imported. The present consumption of intoxicating liquors in this country, including all kinds, was put down at 684,000,000 gallons; and as the Chancellor of the Exchequer told them the other night that the further introduction of wine would make little difference in the consumption of spirits and malt liquors, they must add to the present consumption of spirits and malt liquors an unlimited number of gallons of light wines. But comparing the number of the population with the quantity of liquors already consumed, he could not think that any increase in these "nervous stimulants" as the Secretary to the Treasury called them, could be made with advantage. It was said that free trade in drink should be encouraged, not only with reference to the Revenue, but in order to get rid of the existing restrictive system, to introduce competition, and to put down adulteration. Those who said so seemed to suppose that nothing of the kind had ever been tried before. Why, up to 1496, there was perfect freedom of trade with respect to ale, and the first power given to Justices was something like the negative power which the Chancellor of the Exchequer now proposed to place in their hands. They had the right "to reject common selling of ale." It proved a complete failure, and in the reign of James I.—that happy period, to which we had been referred, when French wines were largely consumed in this country—further restrictive measures were adopted in order to put a stop to the "odious and loathsome sin of drunkenness, the source of every crime," which then prevailed. Those measures, however, were ineffectual and Defoe said that drunkenness at the Restoration; began its reign, and for forty years continued without diminution. Yet, in the reign of Charles II., the people of England followed the French habit of drinking light wines. At one time claret was largely consumed in Scotland. A jug of it, as Lord Cockburn states, was sold for 6*d.* in the streets of Leith; but they would see from the *Memorials of Lord Cockburn's Life and Times*, that people got drunk on that which was now put forward as a certain means of stopping intoxication, and it is very questionable whether in Scotland it was not always qualified by a dram of usquebaugh. In the reign of George II. there was a great deal of legislation with respect to gin, which was then a comparatively new liquor, the introduction of which was fraught with the most pernicious results. One Act after another was passed with the view of stopping its sale, but in vain. It was at that period that a statute was passed prohibiting it to be carried about in barrows and sold in the streets, and confining the sale to dwelling-houses. It is recorded that at that time signs were publicly set up "drunk for 1*d.*, dead drunk for 2*d.*, clean straw for nothing." An enormous duty was put on gin, as well as a large licensing fee in the hope of checking the sale, but the distillers then took wine licences, and gin was sold under various names—such as spiced cordial, "Sangree," &c., and the consumption increased until the evils became intolerable. For two years licences were altogether refused in the City of London. Then came in the licensing system, properly so called, which lasted up to the passing of the Beer Act, introduced for the purpose of removing restrictions on the sale of beer. The Beer Act was recommended on the ground that if beer was sold freely it would "increase the comforts of the people—it would give them a more wholesome beverage"—it would improve the morals of the working classes by drawing them away from the temptations to be met with in common public-houses, and introduce them to houses of a better order. Those were the promises held out by the Chancellor of the Exchequer of that time. He asked had one of them been fulfilled? Had it not been found that the establishment of beerhouses had been one of the greatest curses of the country? Had they added to the comforts of the poor? Had they improved the morals of the peasantry? Some years ago, when he had charge of a Beer Bill, a brewer who largely supplied beershops, told him in a letter "that the whole system was rotten, and atrociously demoralizing, and that, though in the trade, he would willingly see the Beer Bill entirely repealed, although a very heavy sum had been laid out by his concern in that trade." He added "I trust you will not falter or yield up your Bill to any party." In a Committee which sat some time ago the system of beershops was most fully considered, and it was shown that they had failed altogether—that, so far from checking, they increased drunkenness; and that the multiplication of such places was in itself an evil of the first magnitude. The hon. Member for Dorset was a Member of that Committee, and he signed its Report, and yet he was now calling on the House to increase the number of these drinking places under a new name. For what was the proposal of the Chancellor of the Exchequer? Why it was to perpetuate the evil and to increase it by giving wine licences to beershops. The right hon. Gentleman did not touch upon this subject in his address to the House in introducing the measure, but an hon. Friend had discovered the blot. The clause in the statute, which prohibited beershops from selling wines of every description, was repealed by the fifth section of the proposed Bill; and if, therefore, a beershop should become an eating-house, from that moment the keeper would be enabled to go to the Excise and, subject to the conditions mentioned in the Bill, to take out a wine in addition to his beer licence. Thus by simply registering the houses as eating-houses, and taking out a refreshment licence they would be enabled to take out a wine licence, and sell wines to any extent. It was put forward strongly by the Committee to which he referred, that the increase of the houses for the sale of intoxicating liquors was an evil of the first magnitude "not only by increasing the temptations to excess which are thus presented at every step, but by driving houses, even those under the direct control of the magistrates, and others originally respectable, to practices which are degrading to their own character and most injurious to morality and order." It was clear, therefore, that excessive competition led to improper practices in order to make public-houses and beershops attractive and alluring to the peasantry and the poorer classes, and the appetite so grew by what it fed on that the creation of the beershop system had proved nothing more or less than the creation of a system to encourage drunkenness. But it was still said that the chief thing wanted was competition. At present, in spite of monopoly, so attractive was this trade, so growing the habit which it supplied, that there were about 121,336 of these houses. In 1856 their proportion to the whole population was 1 to 176, to the males of all ages as 1 to 87. In 1841 they were to the males over 20 years of age as 1 to 42; to males and females as 1 to 88. But in 1856 they had so increased that they were to the males over 20 years of age as 1 to 38; to males and females as 1 to 80. He thought he had good ground for asking the House to pause before they increased the number of houses which supplied these nervous stimulants to the people. The Chancellor of the Exchequer said that the magistrates had an impossible duty to perform, the Legislature making them judges of the quantity of liquor to be consumed. That argument was unworthy of the ingenuity and logical mind of the Chancellor of the Exchequer. On what principle could it be said, if the number of houses for the supply of drink was as 1 house to 80 persons, that there was any difficulty in procuring any quantity of liquor? If it was meant to be said that by diminishing the number of drinking-houses the quantity of liquor consumed would probably be diminished, he would agree to the proposition, for he thought that the multiplication of these houses was an evil, and in itself a temptation to the drunken man. He appealed to the experience of hon. Gentlemen whether when cases of assault, or other criminal cases arising from drunkenness, came before them—whether it was not the fact that the men had not got drunk at one house, but had, after staggering out of one at a comparatively early period of the evening, met on their way home with fifty other temptations, by giving way to which they had been rendered in the end hopelessly drunk and so became easy victims to plunderers on the look out for such prey, and he could mention a case which lately came before him where, after two men had been drinking together at different places all the evening, the landlord at the last sold one of them a bottle of gin, by drinking which in the street he got nearly dead drunk and while in that condition was robbed by his companion. Whenever it was found in respect to any of these houses that there was such a disobedience of the law, the licences ought to be swept away, without regard to the proprietor, or what were called "vested interests." It then became a question of public order, and public order ought to be supported. The hon. Member for Dorsetshire (Mr. K. Seymer) stated that he had observed drinking houses open at every hour of the day and night, and after that statement could any man contend that either in this great metropolis, or in any town in the country, there was not an ample supply of public-houses? The hon. Member was fond of free trade, but would he carry out his principles so far as to allow every tenant on his property to have a licence? There was not a proprietor of land who did not stipulate that beershops and public-houses should not be opened on his property without his consent; and therefore let them not legislate in that House on false pretences, but, with the honest feeling which actuated them in their own private capacity, when checking drunkenness in their villages, check it in like manner throughout the country. But this system of free trade was to cause the sale of pure wine and wine only, and this was said in the face of the Report of the Committee of 1854, from which it appeared, on the evidence of Sir R. Mayne, that the free vintners who had the free sale of wine in this city, instead of selling wine only sold spirits under the cover of wine. If the present Bill should pass into law, what security would there be that the same thing would not be done in the beershops? And, indeed, if allowed to sell wine, why on principle should those shops not be allowed to sell spirits under the system of free trade? The Chancellor of the Exchequer said a man ought to drink where he ate. But if he preferred brandy or gin with his meals, why was he not to have it as well as wine? The Bill was founded on a principle that went further than the Bill itself; it put in the thin end of the wedge, which the hon. Member for Dorsetshire was anxious to drive home, and opened the door for free trade in articles to which the principle to free trade ought never to be applied. It was said that eating and drinking, now separated, would be combined under the operation of the present Bill; but it struck him that in the class for which these places were intended more was drunk after dinner than at dinner. [" No!"] At least that used to be the case. He wished to know for whom these eating-houses were intended. He found that in 40 towns in Scotland every 149 persons supported a dram shop, while it took 981 to keep a baker, 1,061 a butcher, and 2,281 a bookseller. In Newcastle it was stated that there were 21 eating-houses to 55 spirit merchants, 425 public-houses and 76 beershops. How could they be sure, when people went to an eating-house, that they went there to eat? In fact the licensed victuallers, as their name shows, were established as eating-houses. Many now are so, with the exception of those abominable ginshops of which no one can speak in terms of too great detestation. There were many provocatives to drink, and those who liked it never wanted an excuse. As Dr. Aldrich said:—

> " Good wine, a friend, or being dry,
> Or lest you should be by and by,
> Or any other reason why."

In fact any person wanting drink would find it, and it was not expedient to over-multiply his facilities, for the supply created more demand. But for whom were these eating-houses intended? Not for those who had families. No one wished to entice them there. Then they must be for the unmarried men, or, at all events, men away from their homes. They would go to the eating-houses only during the short dinner hours. Having, however, found drink in these houses they would repeat their visits. Not that they would go altogether for the drink; men went to such places for company. The appetite for eating was soon satisfied; the appetite for drink was increased by gratification. Licensed victuallers found comparatively little profit in supplying food; their profit came from drink, and it was, consequently, for drinking and not for eating, that they made their main provision. So it would be in the winehouses. The sale of that which brought most profit would be pressed. Then, to come to the question, did free trade apply to this subject? It was admitted that with respect to the houses licensed under the Bill, stringent regulations would be required, and that the police must have free access to them. Were these things consistent with free trade? Was the object of the Report of the Committee, over which the President of the Poor Law Board presided, free trade? Free trade favoured the development of trade, but the purpose of all these regulations was the restriction of trade. The object of that Committee was to get rid of a great number of the public-houses. As the right hon. Chairman of that Committee had said in a letter to Mr. Caudelat, "it was hoped by the changes they proposed that the character of the public-houses generally would be raised and their number limited." But, the right hon. the Chancellor of the Exchequer the other night referred to the case of Liverpool and Manchester as illustrating his doctrine. A relative of the right hon. Gentleman, a magistrate of Liverpool, took it into his head that free trade was a good thing in the matter of public-house licences; by a majority of one the magistrates carried a Resolution to that effect. What was the consequence? In every instance applicants got licences, and soon there were 1,520 public-houses in Liverpool. At the same time Manchester, with as large a population, had only 450. According to the doctrine of the right hon. Gentleman, the effect of this should have been to bring things to their natural level and to check drunkenness. But the fact was that every one of these houses was reduced to an insane competition. Mr. Robertson Gladstone stated in his evidence that the parties who kept them were going through the Bankruptcy Court, and yet crowds were pressing into the trade. The effect of this state of things was thus indicated:—

> " From the returns furnished to the Committee it was proved that the average number of committals for drunkenness in eight of the largest towns in England under the operation of the licensing system was 1 in 393; while Liverpool, the theatre of the experiment of the system recommended by the Committee for universal adoption, was 1 in 20, or about 20 times the amount of drunkenness that exists in the towns regulated by the present licensing system. In free trade Scotland the average per town was 1 in 40, or, in round numbers, 10 times the amount of the towns in England. In free trade Ireland, 1 in 34, or 11 times the amount of the English towns."

This might not be a strictly accurate statement, for he found that in Liverpool they took up more readily for drunkenness; while in other places they took up only those who were both drunk and disorderly; but, at all events, the numbers were very remarkable, and showed what had been the effect of free trade in licensing public-houses in Liverpool, and when the Chancellor of the Exchequer referred to the number of public-houses in Liverpool which were the resort of thieves, he should remember that it was under a system of free licensing that they existed. In Manchester the magistrates put on the rein, keeping the public-houses very much on the same level as they had been for many years before. It was not for him to say whether they had not carried restriction too far; but their restrictive system could not be fairly tried, for they were check-mated by the Beer Acts, and in spite of them, in consequence of the Excise licences, 1,400 or 1,500 beer-shops sprang up in that city. Beer, however, was not so deleterious as spirits; and in Manchester, as he had shown, drunkenness was far less prevalent than in Liverpool. Again, some years ago there was free trade in public-houses in Dublin. And what happened there? In the year 1841 there were taken before the magistrates 23,443 persons. Out of these, 23,014 were more or less affected by drink. Free trade in drink, then, it was clear, produced drunkenness. Was there, then, any call for this Bill on the part of the public? He ventured to say that the national feeling was strong against it, meetings had been held in the West Riding of Yorkshire against it, and many magistrates and others from that part of the country had been in communication with the Chancellor of the Exchequer on this subject, and he believed some of their Amendments had been embodied in the Bill. But the right hon. Gentleman said he was about to remedy all the evils of the system by imposing new restrictions. And now he came to the important question, could they pass this Bill without injuring social order and public morality? By the stringent veto which he gave to the magistrates the right hon. Gentleman thought to provide an irrefragable guard against these houses becoming instruments of immorality. What was the check which the magistrates had under this Bill? They might, in the first place, say that a house was not an eating-house. and then the Excise would not grant a licence. Then it was important that they should know what an eating-house was. The Chancellor of the Exchequer said there would be no difficulty in the magistrate's ascertaining what was a *bonâ fide* eating-house. But he said, also, there was an immense difficulty in a magistrate ascertaining the requirements of the neighbourhood. And he gave them a question which was very much more difficult to solve. A confectioner, he said, should be entitled to a wine licence. Well, what was a confectioner? Many persons in the House and out of the House said it would be perfectly innocent for a person to get a glass of light French wine with his biscuit. And if this could be confined to a high class of confectioners, he (Mr. Hardy) should have no objection. But as to light French wine with a biscuit, whoever asked for it? There could be no better test than in the precincts of the House. There were Members of Parliament constantly going to the counters in the lobby. But did they ask for a glass of claret with their biscuit? Had there ever been there a demand for that kind of wine. But to go further. The high-class confectioner might have his sherry on the counter. But would the low-class confectioner? Suppose a man painted confectioner over his door, and sold buns and sponge-cakes, was he a confectioner? If such men were to be entitled to a licence, every immoral house in the metropolis would only have to stick up a few cannisters full of biscuits into their windows to enable them to get a licence for the sale of wine. Then with regard to the eating-house, the definition given of an eating-house by the Bill was most remarkable. It was any house where animal food was sold, or other food, with which fermented liquors were usually drunk. He was sorry to say that he knew of no food with which it was not usual to drink these liquors. It was throwing a duty too difficult and delicate upon magistrates to determine what were eating-houses under such a definition. What justice of the peace, if he were called upon to say whether a man who had pork pies for sale, which certainly contained animal food, or mutton pies, biscuits, gingerbread, cakes of all kinds, kept an eating-house or not—could safely tell the Excise that such a place was not an eating-house. No man could perform such a duty conscientiously; for it would be impossible for him to arrive at a just judgment. Then again the proposal would open the door to every sort of house to get these licences How, in that case, were beershops to be checked? They perhaps could not represent them as disorderly houses; there might be no means of fixing upon them that opprobrium. A beershop-keeper might have had a disorderly house; but he might shift his residence to a few doors off, and that house could not be called disorderly.

The right hon. Gentleman had provided no check in respect of the character of a man. He refused to put the character of the applicant in question, or the fitness of the particular premises, so that houses might be provided with back entrances and other contrivances to prevent the inspection of the police. He refused to take notice of the question of locality of the houses, so that they might be opened in out-of-the-way places and be frequented by people who wished to keep out of the way of the police. The Bill therefore did not provide any sufficient check as to the nature of the house itself, or as to who was a confectioner. There was no effectual check upon disorderly houses, and anybody might get a licence if he so wished. Then the Bill gave no power to the magistrates where the locality or the premises were unsuitable, or where the character of the occupant was bad. But even supposing the Bill did all that was pretended and professed, did it do them in a way which Englishmen would stand? What was the mode? Was it in harmony with the other legislation of the country? They proposed to put into the hands of the magistrates a secret and irresponsible power, which would render them odious in the eyes of all Englishmen, because they were to exercise their veto in secrecy. But was it only the magistrates who received this power? From whom would they receive their information? What enormous power did this Bill practically place in the hands of the police? They were the persons who informed the magistrates of all that was going on in the neighbourhood. They would say to the magistrates—this is a man of bad character; the house he is about to open is not a real eating-house; he affects to sell provisions, but it is really a house of another description;" and thus a house might be condemned as disorderly before it was opened. The licence would be refused in secret, and the man would be unheard. These questions at present came before the magistrates at Special Sessions, where they were watched by the reporters of the public press. Thus a check was placed upon the magistrates, and he ventured to say, that if the Government were to put forth a little of their pressure upon the magistrates, and make the licensing system a reality and not a sham, they would find the magistrates ready to put down the disreputable houses, and would have decent and respectable places of entertainment throughout the country. He knew that at every Special Sessions the police came forward with the list of places, and said whether they had or had not heard a report against any of those places during the year. And this was a most important check. But the plan proposed by this Bill was to give a secret arbitrary power, for the exercise of which the magistrates would not be responsible to any man. Thus, in the case of an honest magistrate, they were putting a burden upon him such as no gentleman in England ought to bear. At present magistrates acted freely and honestly, because they acted openly. But by this Bill they led them into temptation—and so odious would the system become in a twelvemonth, or even less time, that it would break down the whole of the guards provided by this Bill, throw every thing into confusion, and sweep away the licensing system, without the Legislature having duly considered what they were to substitute in its place. In the early part of the Session he (Mr. Hardy) had asked for the Report of the Commission on the Forbes Mackenzie Act. A Commission had been sent into Scotland to inquire into the operation of that Act. It was an Act restricting the sale of wine and spirits, and the houses which supplied wine and spirits. The preamble of that Act contrasted in a most remarkable manner with the provisions of the present Bill. It recited that great evils had arisen from certificates granted, and enacted that, for the sale of wine and spirits in Scotland, no confectioner or dealer in provisions or eatables of any kind shall receive a licence to sell wine or spirits to be consumed on the premises. A Commission, as he had said, was appointed to inquire into the operation of the Act; and, whilst waiting for the Report, the Legislature of this country was called upon to pass an Act for England and Wales upon totally different principles. That Commission was composed of several eminent and enlightened men, and Sir G. Clerk's name was sufficient to guarantee an impartial and disinterested inquiry. Was it not important that the House should know what the Report of these Commissioners said? He hoped he was not detaining the House; but this was a subject on which he felt a deep interest, and he hoped the House would pardon him. Then it was said that this Bill by promoting free trade would prevent adulteration. But only a few days since the hon. Member for Birmingham introduced a Bill to stop the adulteration of articles of food and drink.

But the House well knew that the statutes relating to publicans and beer-sellers contained restrictions of the most severe character against the adulteration of beer and spirits, yet the attempt to put down adulteration had entirely failed. The hon. Member for Stafford had informed the House that bread was often made of plaster of Paris, and that cayenne was nothing but brickdust; so that a man after eating this adulterated bread, and then endeavouring to rectify his digestive organs by the stimulant of cayenne pepper, ran a chance of having his internal economy entirely walled up. In all these articles free trade prevailed. Under the most perfect system of free trade, therefore, adulteration still prevailed; and did the right hon. Gentleman seriously hope to put a stop to it by this new piece of legislation, and with that object did he really mean to give these licences at random? The permission to sell wine in single bottles was a matter of minor importance. Yet there was a great deal in what had been said by the hon. Member for Southampton. One of the chief evils that had been put down in Scotland was the presenting servants who came to make purchases for their masters and mistresses at shops with wine or spirits over the counter, and therefore grocers had been prohibited from selling or giving spirits or wine to be consumed on the premises. Was there no danger of this system extending itself, and was it so certain that tradesmen would not change the Christmas boxes given to servants from money to wine, and so introduce disorder into houses where it had never existed before? He thought that subject was worthy of considerable attention. He had already treated of some of the social features of the measure; but there was another question which he would wish to put. Was it likely that this Bill would succeed as a matter of revenue? He confessed he thought not. By this time it was pretty well seen which way the taste of the mass of the people was extending. It was not to be supposed that a supply of milder stimulants would stop the sale of stronger liquors. The case might be compared to that of the newspapers which were vigorously written, but might in politics or other respects be objectionable. People asked one another, why do you not take in a good respectable family paper? The light wines might represent the *Family Journal*. They were what would be considered harmless, and to those who had been in the habit of drinking stronger liquors insipid. And as the "family papers" disappeared from circulation before the more spirited and racy journals, so people would not for French wines abandon the more exciting stimulants for which they had a greater affection. The right hon. Gentleman said that in countries where light wines were consumed drunkenness did not prevail. Upon this point he (Mr. Hardy) had not been able to obtain distinct information, but Fennimore Cooper, the American novelist, declared that in Paris he saw more drunken people by going into the right quarters than ever he saw in London. There were no fewer than 360,000 of these wine-shops in France, and it was ascertained also that out of 1,100 homicides 400 were committed in these places. With respect to Sweden, the Chancellor of the Exchequer had given some information which he was glad to hear. Some time ago he had occasion to comment upon the case of Sweden, and he should be delighted to hear that she had rescued herself from the reproach to which she then seemed open. In Sweden there had been an unlimited right to distil, enjoyed by every peasant; and in Alison's *History* it was stated that under that system, notwithstanding the thinness of the population, there were 150,000 distilleries, the consequence being a degree of immorality in some of the towns unparalleled in any European capital. It was stated by Dr. Wald of Konigsberg that, in the conscription of 1852 for a district of Western Prussia (in the very neighbourhood of the German wine country) out of 174 young men examined for the army only four were declared admissible by the surgeons, the remaining 170 being physically incapacitated by dram-drinking. In the face of such facts as these he could not accept for Gospel the general assertion that wine-drinking countries were free from the evils which in this country arose from drunkenness. He was happy to observe here a gradual decrease in the consumption of strong liquors, which was due partly to the efforts of temperance societies, to the improved education and increased facilities for information and amusement possessed by the masses, and, more than all, to the better houses which had been, and which he trusted were being built, in various parts of the country for the labouring classes. This want was at the root of many evils, for if men had comfortable homes, they would not seek in the well-lighted, warm, and sanded rooms of beer houses enjoyments which they did not find under their own roofs. The right hon. Gentleman the Chancellor of the Exchequer, however, anticipated a considerable revenue from the operation of the present Bill; but was such an increase desirable, was it not, he would ask, the fact that a steady decrease in the consumption of spirituous liquors had taken place of late years in proportion as the consumption of tea, coffee, and cocoa became more widely spread? Was the House prepared to put a stop to such a state of things? Did hon. Members seek to supply the place of the articles which he had just mentioned by the introduction of wine? If so, did they expect that the light wines of France were to form the staple products of consumption? Was it the fact that the taste for such wines would be found to exist, except among the higher classes? He was told that a large quantity of wine was imported into France from Spain, which admitted of being mixed with alcohol to a great extent to suit the English market, so that if it were introduced into this country we should only have spirit-drinking in another shape, and upon what principle could they stop short of actual spirits when this act was once in operation? The right hon. Gentleman had told us that the year 1860 was to be a memorable year. The noble Lord (Lord John Russell) was to make it memorable for a political revolution, and the right hon. Gentleman for a fiscal revolution. But the Chancellor of the Exchequer wished to add a Social Revolution. And the right hon. Gentleman enthroned on his grand measures of 1860, and resting there upon his fame says, like Jack Cade on London Stone, "I charge and command, that the conduit run nothing but claret wine this first year of our reign." He (Mr. Hardy) believed that it would not be claret, but the old established liquors of the country, which would find their way through the conduits which the right hon. Gentleman was opening. He warned the Chancellor of the Exchequer against attempting to raise a revenue which it was desirable should fail him in the end. The more the people improved, the more he would lose; the more the people ceased to drink, the more loss there would be to the revenue—never more wanted than at the present moment. He warned him, therefore, to build his reputation on something better than establishing houses for increased intoxication, as he believed would be the effect of the Bill, which would produce increased competition amongst those who already could not live fairly out of this trade, but only by low and debasing incitements to bring men to drink in their houses. He said that if the right hon. Gentlemen added a new class to the 121,000 houses which already existed, he would be doing his best, against his own intention, against the will of his constituents, and against the will of the moral part of the community—and against, he trusted, the sound sense of that House—to demoralize the people of this country.

MR. AYRTON moved the adjournment of the debate.

THE CHANCELLOR OF THE EXCHEQUER said, it was with regret that he acceded to the adjournment, but as there were many Gentlemen who wished to speak, who had not spoken, he could not resist the Motion.

Debate *adjourned* till *Thursday*, the 19th April.

House adjourned at a quarter-after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 3, 1860.

MINUTES.] PUBLIC BILLS.—1ª Bankrupt Law (Scotland) Amendment.
Royal Assent.—Stamp Duties; Income Tax.

Their Lordships met; and having gone through the business on the paper,

House adjourned at half-past Five o'clock, to Tuesday the 17th instant.

HOUSE OF COMMONS,

Tuesday, April 3, 1860.

MINUTES.] PUBLIC BILLS.—1° Land Improvement (Ireland); Land Improvement (Ireland).

STAMPS ON NEWSPAPERS.

QUESTION.

MR. W. EWART said, he rose to ask the Secretary of the Treasury (in the absence of Mr. Chancellor of the Exchequer), Whether any decision has been come to respecting the maintenance or discontinuance of the Impressed Stamp on Newspapers?

GENERAL BUCKLEY said, he would beg to ask, Whether any allowance will be made to Newspaper Proprietors on the Stamps they consume as Cheque and Receipt Stamps, placing them on equal terms with Bankers, who now receive an allowance of 7½ per cent ?

Mr. LAING said, there was no alteration in the intention of the Government, as it had been announced by his right hon. Friend the Chancellor of the Exchequer, to discontinue the privilege of re-transmitting newspapers bearing the impressed stamp. It was proposed to continue the option of using the impressed stamp for purposes of convenience, so as not to cause a loss of time in attaching adhesive stamps to newspapers before they were posted. But, as regarded other details, it would be more convenient to postpone any questions respecting them until the Bill was introduced.

GOVERNMENT OF INDIA.

QUESTION.

Lord STANLEY said, he rose to ask the Secretary of State for India, Whether it is his intention to bring in a Bill in the course of the present Session for the reconstruction of the Council of the Governor General of India; and whether it is his intention to bring in a Bill for the amendment of the Law relating to the Civil Service of India?

Sir CHARLES WOOD said, that both of these subjects had been under his consideration since he acceded to his present office, and it was his intention to introduce a Bill dealing with them, and also another Bill for the amalgamation of the Supreme and Sudder Courts, after Easter. He should have been glad to bring in the Bills before the vacation, if the state of business had offered any prospect of making progress with them; but, unfortunately, such a step would have been utterly useless.

ADJOURNMENT FOR EASTER RECESS.

Viscount PALMERSTON moved that the House at its rising should adjourn till Monday, the 16th instant—a Motion to which he imagined there would be no opposition.

REPRESENTATION OF THE PEOPLE BILL.—QUESTION.

Sir JOHN PAKINGTON said, he had no intention of dividing the House upon the Motion of the noble Lord, but he wished to ask the President of the Poor Law Board in what manner the number of houses at various amounts of "gross estimated rental" in the cities and boroughs of England as given in the Return upon the Table of the House were ascertained, and he begged to introduce the question with a few words explaining his reasons for asking it. He thought it was desirable before they broke up for the Easter holidays to know how far the Government Returns were really reliable as an indication of the number of voters which would be added to the cities and boroughs of England under the new Reform Bill. When he addressed the House on the second reading of the Bill, he stated his opinion that these Returns were not only delusive, but that they had actually deluded every Member who had addressed the House, including the noble Lord the Secretary of State for Foreign Affairs himself, and he also stated the grounds of that belief. No doubt the noble Lord intended that the figures shown on the statistical Returns should be a *bonâ fide* indication of the number of voters who would be added to the constituency under the new measure; but he believed that the mode of proceeding was this—not that the number of tenements in each city or borough which were actually rented at the amount stated was shown, but that the Return was founded upon a statement of the number of houses in different places which had been estimated by local valuers at different amounts for the purpose of rating. The difference was very material, because it was notorious that the rateable value was always put at a much lower figure than the actual rent of the premises. He thought it most desirable that they should have this point cleared up. He was followed in debate by the right hon. Gentleman the Chancellor of the Duchy of Lancaster, who said that he believed that he (Sir John Pakington) was mistaken, and gave as his reason that although the Returns showed the numbers of freemen in each place, they did not show the scot-and-lot voters. In support of his opinion he (Sir John Pakington) had named the towns of Pomfret and Newark, for this reason, that they showed more strongly than almost any other the great anomaly, that the number of £10 voters on the register were actually more numerous than the £10 houses returned. At first he did not understand that anomaly, but he believed that the explanation was that which had been given, that they did not represent the actual letting value but the rating value. The right hon. Gentleman had told him that the explanation was to be found in the admission of the scot-and-lot voters; and as in those two towns there were a number of scot-and-lot voters, he was not prepared to dispute that he had good reasons for making that statement. He knew nothing about those two places, but he thought it was a great pity that the Returns professing to give information, and which were supposed to be correct, should show the freemen and not the scot-and-lot voters. The right hon. Gentleman was probably not aware of the fact that there were no less than forty-four boroughs in those Returns which all presented the same anomaly—namely, that the numbers of £10 registered voters was greater than the number of £10 houses in the borough. There were no scot-and-lot voters in the borough of Droitwich, which he had the honour of representing; and yet hon. Gentlemen would find that the number of £10 registered voters at Droitwich was 392, while the number of £10 houses was only 327. It was therefore but reasonable to entertain alarm on account of the large number of voters of one class which could be added to the register beyond those shown by the Returns; because his observation did not apply to the forty-four boroughs only, but to every place in the list—because no doubt everywhere, in a varying ratio, the custom had been to estimate property for rating purposes at a lower amount than the actual rental. He believed also that in cases in which an owner compounded for the rates of a number of houses, small tenements, the person so compounding was entered as a unit instead of the number of houses for which he was rated being entered. He wished to know whether this was so, because that would make a still greater addition to the estimated number of voters.

Mr. C. P. VILLIERS said, he believed he was in a position to allay the alarm of the right hon. Baronet, and to assure him that the Returns were not incorrect in the points to which he had referred. He believed they were the most complete and accurate Returns which had ever been presented to the House upon a similar subject. So far as he understood the observations of the right hon. Baronet, they had reference to two grounds of error. One he inferred from discrepancies in the electoral lists with reference to £10 householders, and the other from an assumption that the property had been taken as the means of ascertaining the number of persons to be entitled to vote. It was very likely to be the case, as the right hon. Baronet had observed, that in a great number of boroughs there was a larger number of persons on the electoral list than there were £10 occupiers. It depended upon the revision of the electoral list in what state the list was left in the possession of the overseer, and that state would determine the return he made. There were many places in which, owing to there having been no contested election, the register had not been properly revized for many years, and therefore there would remain upon it the names of persons who were dead or disqualified, or who had ceased to live within the borough. The Return which was called for, and usually presented, was a £10 occupation, a £10 tenement return; but many persons got upon the list whose qualifications were made up partly of land and partly of houses, and who, therefore, would not appear in the £10 occupation list; and there would be in addition in some places the scot-and-lot voters. That would account in a great measure for the discrepancies. The right hon. Baronet supposed that the Returns to which he referred merely represented the property, and therefore gave no idea of the persons who would be entitled to vote. That, however, was foreseen when the Returns were ordered; and therefore a special circular was sent to the clerk of every union to institute the most careful inquiries in all cities and boroughs within his union as to the persons who would be entitled to vote under the particular qualification referred to; and the Returns had been made on that principle. The right hon. Baronet was aware that under the Reform Act the overseer was the person who was directed to make out the electors' list. He made out that list from a column in his book entitled "Gross estimated rental." The overseer was directed under the Act of Parliament as to the form in which to make his entries. He had two columns "Gross estimated rental," and "Rateable value," and he made out his list from the former. The Returns, therefore, were made from the very lists which were now submitted to the Revising Barristers, and upon which the present House of Commons was returned; and they were drawn up also, as he had stated, with special reference to the persons who would be entitled to vote. With respect to the Compounding Act, the right hon. Baronet seemed to be under the impression that where a landlord compounded for several places they were all entered as a unit, and the occupiers of those houses were not put down as entitled to vote. There certainly had been considerable difficulty in obtaining the Returns of all the occupiers of houses, because in some cases only the name of the owner who had compounded appeared in the rate-book; but great pains were taken in those Returns to procure the names of all occupiers; and he believed that when the House resumed the consideration of the Reform Bill there would not be any fact, required to give information on the subject, of which they would not be in possession.

Sir JOHN PAKINGTON said, he had not got a distinct answer to his question, which was—What the figures in the various columns of the Returns really represented? Did they represent the number of tenements actually let at a certain rate in those places, or did they represent the number of tenements which appeared upon the rate-books as estimated for the purpose of rating?

Mr. C. P. VILLIERS: That is precisely how I understood the question, and I have answered it. I stated that the Returns represent the persons, and not only the property which is available to the charge for rates. Care was taken that they should not merely represent the property which is entered on the overseer's book, but also the persons who would be entitled to vote having the property.

Mr. EDWIN JAMES did not think there would be the least blame due to the Government if it should turn out that the Returns were fallacious, because the difficulty of obtaining correct returns must be known. But at the same time the House ought to know to some extent the increase of voters which would be added by the Reform Bill. When the noble Lord (Lord J. Russell) stated that the Bill would not add more than 210,000 new electors to the existing constituencies, he (Mr. James) believed him to be in error by at least 200,000 or 250,000. Every effort was used, no doubt, to get the actual occupiers; but the great difficulty arose from the owners compounding and being rated instead of the occupiers, who, consequently, were not included in the Returns. A foot-note to the Return itself stated that in Norwich alone there were 12,162 tenements rated to the owners instead of the occupiers, which were not included in the Return, as the rate-book did not afford the means of distributing them under the several heads of Returns. In the metropolitan borough which he represented, the return showed that somewhere about 500 would be added, but he believed the addition would be from 5,000 to 6,000 persons, none of whose names appeared on the rate-books. In Finsbury, the returns of the parishes of Islington and St. Luke's, which formed part of that borough, did not contain the numbers of persons occupying tenements rated to the owners instead of the occupiers; but he was told that there they would have between 8,000 and 10,000 occupiers entitled to the £6 franchise. A landlord might have a whole street of houses, each sub-divided into two or three lettings. If the landlord did not himself live in it, there might be four or five voters in each house. It had been decided that it was immaterial what amount of rate the tenant paid—that if he paid but 2*s.*, and that was all the rate assessed upon his tenement, he paid all the rate assessible, and therefore was entitled to the franchise. He was convinced that when the Returns were narrowly examined, it would be found that a £6 franchise would extend the right of voting to between 200,000 and 300,000 persons in addition to the number stated by the noble Lord the Secretary for Foreign Affairs.

Sir GEORGE GREY said, that the future occasion referred to would be the proper time to examine the validity of the proofs which the hon. and learned Gentleman had brought forward, and to state the reasons for the conclusions at which the Government had arrived. At present he would only say that he believed the hon. and learned Gentleman's statement was very much exaggerated. It proceeded on the assumption that every man who was included in a composition would be entitled to vote under the Reform Bill. But that measure would enfranchise only those tenants who occupied houses of a certain value, and who should not only become liable to the payment of rates but should actually tender the payment of them. As to the observations of the right hon. Member for Droitwich, the Return itself called attention to the facts referred to by the right hon. Gentleman, and showed that the point to which the right hon. Gentleman had referred had not been overlooked by his noble Friend. There was another Return to which he would call the right hon. Gentleman's notice, presented on the 5th March, of the number of registered electors on the register in each county and borough in England and Wales for the year 1860, in proportion to the population, showing the number of scot-and-lot voters, and according to that Return it appeared that in about fifty boroughs there were scot-and-lot voters, the number being in some very few, but in many very large, and he was inclined to think that in most of the forty-four boroughs to which he alluded the number of scot-and-lot voters was large enough to account for the apparent anomaly to which the right hon. Gentleman had referred.

MR. BENTINCK said, it was impossible to overrate the importance of this matter, and he did not think that any satisfactory information had been given to the House by the Government. He had submitted the Return on the table to a good authority, who stated that the Returns showed that the numbers rated between £10 and £6 were much less than the numbers whose estimated rental was between £10 and £6; but as the franchise was to be fixed on a £6 rental, the Return stopped short at a point where it was most desirable it should be continued; and the question was raised whether the £6 rental franchise would not give the right of voting to a large number who were not rated at £6, and perhaps not at £5; so that it would be desirable to know how many were rated between £4 and £6, and how many who inhabited tenements of £6 rental were entitled to vote under the new Reform Bill. As far as he was able to understand the Returns presented to the House, he believed that the noble Lord the Member for London was wrong in his calculation about 100 per cent. It was indispensable that the House, before coming to a decision on the Reform Bill, should have in its possession reliable Returns, so that the House might know what it was doing, and not legislate in the dark.

SIR GEORGE LEWIS said, that it was perfectly certain, from the extract which the hon. Gentleman (Mr. Bentinck) had read, that his correspondent either did not understand the subject of rating, or had not carefully examined this Return, inasmuch as his criticism was wholly inapplicable to it. The Government did not desire to take credit for doing that which was their manifest duty; but he wished the House to observe that the Return which was now on the table was the first attempt which had ever been made to lay before the House a complete statistical account of the basis upon which it was proposed to found the new extension of the franchise. The Return had been prepared with the greatest care and he hoped the House would understand that the efforts made by the Government to obtain accurate information were honest and sincere. The House would certainly not believe that they had any sinister object in seeking for this information. The Return which had been laid upon the table, unquestionably, as he believed, exhibited an accurate abstract of the poor-rate books in the different towns to which it related, and that was all which in the nature of things could be obtained. He wished the House clearly to understand what was the nature of that information—because it was certainly not understood by the correspondent of the hon. Gentleman. According to the existing law the rate-books contained two columns, and one was the gross estimated rental. That column showed, or ought to show, the rent really paid by the tenant. ["No, no!"] That was the supposition, and his belief was that in the great majority of instances it did fairly exhibit the real rental. Perhaps the right hon. Baronet had confounded two different things. In the first branch of this Return would be found abstracts of that column of the rate-book. The second column of the rate-book contained the rateable value—the amount upon which the rate was actually assessed. That column, in the first place, was liable to certain legal deductions; it was considerably reduced from the gross estimated rental, and sometimes it was further reduced by improper deductions made by the overseers. Therefore, he quite admitted that the rateable value did not exhibit the rental; but what he said was that the first column of the rate-book in the great majority of cases did accurately represent the gross rental. The second branch of this Return showed the rateable value. The hon. Gentleman (Mr. Bentinck) said that this Return did not go low enough, and that they did not know the total number of persons whose rental was £6, because, he said, the rateable value was lower than the rental. Undoubtedly, the rateable value was lower than the rent; but the rateable value here was given distinct from the gross estimate of rental, and it was only by comparing the two, that Gentlemen could see the difference between the number of persons at the rateable value of £6 and the number of persons at the gross estimated rental of £6. He could not but think it would turn out upon investigation that the figures contained in this

Return for the gross estimated rental of £6—with the exception, no doubt, of tenants compounding for their rents—would accurately represent the total number of occupiers at that amount, subject, of course, to the further reduction which would have to be made for various causes connected with the occupation. He thought it would be found that the column, £6 rental, in those cases in which there was no composition for small tenements, accurately represented the *maximum* number of persons enfranchised under the new Bill. With regard to those cases adverted to by the right hon. Baronet (Sir J. Pakington), in which he said the number on the register was greater than the number of £10 householders exhibited on the Return, he would find that explained, in the great majority of instances, by the addition of scot-and-lot voters. If the scot-and-lot voters were deducted the discrepancy would disappear. The excess in other cases might be owing to the causes which had been already suggested.

Lord STANLEY stated that in the borough which returned him to Parliament the increase of the constituency, as calculated in the Return before the House, would be 50 per cent; but the result of careful local inquiry showed that the increase would be from 90 to 100 per cent upon the existing constituency.

Mr. MALINS thought it quite evident that the Returns were made on a principle calculated to be very fallacious. The hon. and learned Member for Marylebone stated that after careful examination the proposed Bill would add 450,000 electors, instead of 220,000 to the borough constituencies; his right hon Friend, (Sir J. Pakington) had received letters from various boroughs informing him that the number of electors under the Bill would be much larger than that stated in the Return; and the noble Lord (Lord Stanley) had declared that, instead of 50 per cent, the number of electors in his borough would be increased from 90 to 100 per cent. When by the side of these statements it was remembered that the Foreign Secretary had made a strong impression on the House by affirming that his Bill would only add 220,000 to the borough constituencies, he asked whether the point now under discussion did not raise considerations of the highest possible importance in connection with the subject of Reform. Could any hon. Gentleman say that under such circumstances they could take such a step as that of reducing the county franchise from £20 to £10, and that of boroughs from £50 to £6 without apprehension? The Government were making an experiment upon the constitution of the country which, as men of all parties acknowledged, was fraught with the greatest peril. ["No!"] The hon. Member for Birmingham, and those who agreed with him, might think that there was no danger in intrusting the representation to mere numbers, without regard to education or property; but it was impossible to go into society or to converse with hon. Members generally without finding a widespread apprehension of the consequences which would follow from the admission of such a horde of voters. If, then, there was danger in giving the franchise to 220,000 additional voters, what was the peril when they found that the total number enfranchised in boroughs would be nearer 500,000? The Government had, no doubt, acted with fairness in making these Returns, but the fact that it was the first attempt to obtain accurate information on the subject afforded conclusive evidence that the Returns could not be depended upon. He hoped the House would not be induced to take this leap in the dark on a subject in comparison with which all others that could come before them sank into insignificance.

Mr. AYRTON thought that much of the difference of opinion which had been expressed arose from confusing two things which were really quite distinct. One question was as to the number of persons in the towns of England who occupied houses of £6 value. Now, in point of fact, every working man in the least degree skilled in his calling paid a rent of 2*s.* 6*d.* a week, or over £6 a year. Theoretically, therefore, all these persons would be entitled to vote, but in point of fact, none of them would. Take the Tower Hamlets as an example. In that borough there were 84,000 houses, and theoretically there were now 60,000 persons entitled to vote, but in reality under 30,000 were on the register. This was owing to the difficulties which the Bill of 1832 threw in the way of a vote, and which the present measure perpetuated; the result being that while, if you adopted the theoretical view of the case, you would find 500,000 or 600,000 persons entitled to vote in boroughs, practically that number was restricted to one-fifth or one-sixth. Under the existing law no man who lived in a compounded house could get a vote unless his landlord chose; and altogether a very large number of persons were and would be unable to get the votes nominally conceded to them by the Act of 1832 and the present measure. It was a mere matter of speculation how many persons, more or less, would be entitled to vote under the present Bill.

MR. BONHAM-CARTER believed, from inquiries he had instituted, that the Returns in question had been prepared with greater care, and were distinguished by greater accuracy, than any before made on this question; but they could only be Returns of the first column of the rate-book, which in different parishes necessarily varied much, according to the construction of the person who levied the rate. There was no doubt a discrepancy in some of the Returns, but that arose in a great measure from persons who occupied houses also occupying land. In some of the smaller boroughs the difference was striking. Thus in Wallingford there were 369 persons on the register, but only 357 occupiers of £10 houses. At Cricklade there were 470 persons on the register, but only 385 £10 occupiers. The subject of compounding was an important matter, and he hoped the House would obtain full information.

MR. JOHN LOCKE wished to know when a Return upon this subject which he had moved for some weeks since would be produced. It was most important that the House should know the real number of persons occupying houses the rates for which were compounded for by the landlord, because every one of them could claim to be on the register. With regard to another point, he should like to know how the Government made up their calculations. As regarded the borough of Southwark, the Government Returns were tolerably accurate, except that they had taken the register of 1858 as their guide, instead of the register of 1859. The number of electors in 1858 was 10,600; but in 1859 it was upwards of 11,000. In the column showing the number of houses rated at £10 and upwards, 16,000 was inserted, leaving a difference of 6,000 between the number of electors and the number of qualifying houses. The expected addition to the constituency by extending the franchise to £6 occupiers was 3,000; so that the real addition to the constituency might be about 9,000. He wished to know whether the 200,000 increase spoken of by the noble Lord was expected to arise only from the new £6 voters, or whether on the calculation of the number of those who were at the present time entitled to be upon the register but were not there? The compound householders seemed to be entirely left out of the calculation; yet in the borough of Southwark there were whole streets occupied by compound householders. He hoped that the Government, during the recess, would turn their attention to providing a proper machinery for the working of a new Reform Bill. There were several Corrupt Practices Bills introduced by private Members before a Committee, and it was absolutely necessary that a Reform Bill should be accompanied by something of that kind to make it work. It would be impossible to add so many electors to the constituencies and leave them without any assistance to enable them to vote. In the Reform Bill of the late Government there was a provision for additional polling places; but in the present Bill there was nothing of the kind.

MR. SPEAKER intimated that as the Corrupt Practices Bill and the Reform Bill were measures before the House to be discussed upon a future occasion, the hon. Member was irregular in commenting upon them at present.

MR. JOHN LOCKE said, he was not aware he was out of order; and it appeared to him that the observations he was making were in some way pertinent to these Returns. He was only following the example of other hon. Members. The hon. and learned Member for Wallingford not only made a long speech of his own on the subject, but repeated the speech of everybody else.

MR. NEWDEGATE observed, that the Returns before the House were extremely vague. The hon. and learned Member for Southwark had pointed out some of their manifest absurdities, so that he (Mr. Newdegate) would not go further into that matter. He rose for the purpose of calling the attention of the Government to the fact, that the House had no information at all as to the numbers which might be added to the county constituencies by the Reform Bill, with the exception of a Return which he had moved for in 1854, which was of rather old date now. He had intended to move for a further Return; but he believed his hon. Friend the Member for Northamptonshire had given a notice on the subject, and that the Poor-Law Board were at present preparing a Return in consequence of the Motion of his hon. Friend. He (Mr. Newdegate), however, hoped the House would not find themselves in this position — that when they were asked to proceed with the Reform Bill after Easter they should be told that the Returns were not prepared. He objected to their proceeding to pass an important measure without being in a position to judge of the effects of it; and he therefore asked an assurance that the House should not be asked to consider the important change in the county constituencies proposed by the Reform Bill of the Government without further information. The House wanted the bases of the calculations made by the Government, and for this they ought to have Returns of the numbers rated at £10, £20, £30, and £50 respectively. Indeed, they ought to have a Return of even those rated so low as £6, inasmuch as the rating valuation was much below the rental. He hoped the House would receive the reasonable assurance which he now begged to ask for.

LORD-LIEUTENANCY OF LONDONDERRY COUNTY.—QUESTION.

Colonel FRENCH said, the noble Lord at the head of the Government was aware of the statement which had been made, that the Lord Lieutenant of Ireland, in defiance of precedent and custom, had chosen to appoint a legal functionary to the office of Lord Lieutenant of the county of Londonderry. It had been stated that this legal functionary did not possess property in the county beyond a small leasehold of 100 acres, while the qualification was £200 a year in fee. He wished to know whether during the recess the noble Lord would direct inquiries to be made whether the gentleman to whom he had referred possessed the amount of property necessary to qualify him for the office to which he had been appointed?

DISFRANCHISEMENT OF BOROUGHS.

QUESTION.

Sir MINTO FARQUHAR wished to put a question to the noble Lord which had reference to the boroughs proposed to be partially disfranchised. The House was aware that in 1831 the Government took the test of population for their disfranchising clauses; but that test was objected to and abandoned, and they resolved in the Reform Bill, which became law in 1832, to adopt the test of the number of houses and of the amount of direct taxation in considering the question of disfranchisement. Lord Melbourne at that time directed Lieutenant Drummond to make such a return on this principle as would show the relative importance of the boroughs, and on that return the Government of the day proceeded in their disqualifications. He wished to know whether, seeing the present Government had reverted to the test of 1831, instead of taking that of 1832, they would direct a Return to be made, on the same principle as that made by order of Lord Melbourne, of all boroughs returning two Members to Parliament, and containing less than 10,000 inhabitants? Such a Return would be of the greatest possible interest, as showing the relative importance of the various boroughs.

Mr. DEEDES suggested that the Reform Bill should be postponed until after the next Census, which would be taken next year. They could then take the Reform Bill with more justice to all parties. He wished to know what business would be taken immediately after they met again? He understood the noble Lord to say that on the 16th the Naval Estimates would be taken. Upon referring to the Notice-book in the Library, the first Order of the Day for the 16th was the second reading of the Ecclesiastical Commission Bill, and the third Order was the second reading of the Highways Bill. As these measures were immediately in the hands of the Secretary of State for the Home Department, it would be a matter of convenience to Gentlemen interested in both those measures if the right hon. Gentleman would state when he thought it would be in his power to proceed with those measures.

Sir GEORGE LEWIS said, that neither of these Bills would be proceeded with in the first week after Easter.

Viscount PALMERSTON was understood to assent to the inquiry suggested by the hon. Member for Roscommon. With respect to the Return referred to by the hon. and learned Gentleman who spoke last, it was very difficult for the Government to call for Returns at the suggestion of other persons. If any hon. Member chose to move for a Return which was likely to throw useful light on any subject that would come under the discussion of the House, the Government would, of course, offer no objection to its production.

Motion *agreed to.*

House, at rising, to adjourn till *Monday*, 16th April.

LAND IMPROVEMENT (IRELAND) BILL.

LEAVE.—FIRST READING.

Mr. HENNESSY moved for leave to bring in a Bill to facilitate the improvement of land in Ireland, but said in the absence of a great many Irish Members he forbore to enter into any details.

Mr. CARDWELL thought it was desirable that those hon. Members who objected to the measure which he proposed should have an opportunity of introducing one themselves. He was therefore glad that the hon. Member for the King's County had given notice on this subject. He should offer no objection to the introduction of his Bill.

Leave *given*.

"Bill to facilitate the improvement of Land in Ireland, *ordered* to be brought in by Mr. Hennessy, Mr. Pollard-Urquhart, and Sir Richard Levinge."

Bill *presented* and read 1°.

ECCLESIASTICAL COURTS JURISDICTION.—LEAVE.

Mr. E. P. BOUVERIE asked leave to bring in a Bill to abolish the jurisdiction of the Ecclesiastical Courts in Ireland in cases of defamation, and in England, Wales, and Ireland in cases of brawling. He said he ought perhaps to apologise to the Irish Members for interfering in this matter, but having already introduced a Bill to abolish those Courts in England and Wales, he was requested by persons connected with Ireland to introduce a similar measure for that country. He proposed to place the jurisdiction of the Irish Ecclesiastical Courts on the same footing as the English Courts in cases of defamation, and to abolish the jurisdiction of the Courts altogether in cases of brawling in England and Ireland.

Sir GEORGE LEWIS wished to make one remark as to the proposed abolition of any proceeding in the Ecclesiastical Courts against brawling. His attention had lately been directed to that subject. As he understood the matter, at present brawling in church was purely an ecclesiastical offence. Unless there was a breach of the peace there was no power of maintaining order in a church except by a suit in the Ecclesiastical Courts. His right hon. Friend proposed by this Bill to repeal that remedy without substituting any civil remedy. Doubtless a suit in the Ecclesiastical Courts was a very costly and cumbrous proceeding; but a civil remedy ought to be substituted if the law were to remain in its integrity.

Colonel FRENCH could not understand what induced the right hon. Member for Kilmarnock to attempt legislation on this subject. He (Colonel French) had never heard of any complaints of brawling in churches being made in Ireland. If such an offence existed, he thought that Irish Members would be fully competent to deal with it. He objected to all such amateur statesmen trying their 'prentice hand on Ireland.

Mr. E. P. BOUVERIE reminded the hon. and gallant Gentleman that the general complaint of Irish Members was that the law of England was not extended to Ireland. He could assure the hon. and gallant Gentleman that he had been informed that the offence of brawling in churches did exist in Ireland, and that he had been requested by some Irish gentlemen to introduce a measure for that country similar to the one he had introduced for England and Wales. In reply to the observations of the right hon. Gentleman the Secretary for the Home Department, he believed that there was a statute of Queen Mary which provided a civil remedy in civil courts for this offence of brawling.

Leave *given*.

"Bill to abolish the Jurisdiction of the Ecclesiastical Courts in Ireland in cases of defamation, and in England and Wales and Ireland in cases of brawling, *ordered* to be brought in by Mr. Edward Pleydell Bouverie and Mr. Mellor."

LIBERATION OF MR. TARRANT.

QUESTION.

In reply to Mr. Edwin James,

Mr. CHICHESTER FORTESCUE said, that on the receipt of a despatch from the Secretary of State for the Colonies, the Governor of Hong Kong, in conformity with that despatch, put an end to the imprisonment of Mr. Tarrant, the editor of *The Friend of China*. Mr. Tarrant was now and had been for some weeks at liberty.

AUSTRALIAN ELECTIONS.

QUESTION.

Mr. WYLD said, he wished to ask the Under-Secretary of State for the Colonies if any communication has been received respecting corruption, intimidation, and bribery at the recent Australian Elections, and whether there is any objection to lay these Communications before the House?

Mr. CHICHESTER FORTESCUE said, that in the self-governing colonies of Canada and Australia no official reports were sent to the Colonial Office relative to the domestic and internal affairs of those colonies, such as the conduct of elections. There were, therefore, no official reports on the late Australian elections that it would be possible to bring before the House.

House adjourned at a quarter before Six o'clock, till Monday, 16th April.

HOUSE OF COMMONS,

Monday, April 16, 1860.

Minutes.]—New Writ Issued.—For Harwich, in the room of the hon. William Frederick Campbell, now Lord Stratheden.

New Member Sworn.—For Londonderry City. William M'Cormick, esquire.

Public Bills.—1° Census (England).

SUPPLY.

Order for Committee read.

On Motion that the Speaker do leave the Chair,

STATE OF THE NAVY.

OBSERVATIONS.

Sir CHARLES NAPIER said, that before the right hon. Gentleman left the Chair he wished to make some remarks upon the Navy, which was not in such a healthy state as he should wish to see. It would be remembered that, in a previous Session, the noble Lord now Secretary to the Admiralty called attention to the great discrepancies in the accounts of the dockyard expenditure for some years past, under the management of several successive Boards of Admiralty. The noble Lord then stated that these discrepancies amounted to a deficit of no less than five millions; and that much of the public money had been thrown away in the constant alterations and extensions made in the form and length of ships. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) had since called on the Surveyor General of the Navy to account for these unnecessary and expensive changes. But it appeared on reference to the facts, with regard to the *Lyra*, the *Racer*, and the *Immortalité*, the vessels which had been specified, that the Surveyor General was not to blame. Still the complaint was in many respects too well founded, for the *Orlando* and the *Mersey* were the only ships laid down in 1856 that were completed in strict conformity with the original drawings without any alteration. He confessed he was astounded when he saw the sweeping accusations that were made against the Surveyor of the Navy, for if that officer had been guilty of the enormous extravagance which the charges against him alleged, the matter ought not to be slightly passed over by that House, while if the Secretary to the Admiralty had been mistaken in his calculations, he (Sir Charles Napier) was sure the noble Lord would be the first to make the *amende honorable* to the Surveyor General, for otherwise an accusation of this sort made against an officer, if not answered or withdrawn, would be handed down in *Hansard* for ever afterwards. The fact was, that between 1830 and 1845, as appeared from some Returns for which he (Sir Charles Napier) had moved, about £50,000 had been expended in altering ships' sterns, and during the eleven years that Sir Baldwin Walker had been Surveyor General, there had only been £550 spent on such alterations. The expenditure for altering sailing ships to screw ships was quite a different matter from that of laying a ship down on the stocks, and then capriciously pulling her to pieces. The progress of science had such an effect upon the whole system of the navy as to render sailing ships almost useless; and both the late and the present Lords of the Admiralty were right in turning all the sailing vessels into screw ships fit for service. They had at last a steam navy of 23 screw ships of the line, 19 frigates, 9 block-ships, 4 mortar ships, 15 corvettes and sloops, 26 gun-vessels, 161 gunboats, 4 troop-ships, and some other classes, making a total of 319 screw ships, besides 112 paddle ships, and 32 building; altogether, 463. By the alteration which had been lately made, and which the House, no doubt, approved, the country had at last got a very large and powerful steam fleet, though the getting it had cost a great deal of money. Successive Governments of late had allowed the French to go ahead, and therefore it became necessary to expend enormous sums of money to enable the navy of this country to recover its proper position. The whole of the alterations had been effected with green timber; nd this did not agree with the old timber, which the ships were originally made of, so that by the time when the whole of the navy should be converted into screw vessels it would be requisite to begin to repair the ships over again. Consequently the country need not expect a diminution in the Navy Estimates next year. The country had likewise got, after a long struggle, a Channel Fleet, consisting of ten sail of the line, but the difficulty which still existed was how to man that fleet. So far as he had been able to understand, the Channel Fleet was but indifferently manned, and it was not yet complete. There was a great want of petty officers; they were chiefly pensioners, and this ought not to be, for as everybody who had ever been to sea must know, the petty officers were the backbone of a fleet. This was owing to the Channel Fleet being paid off in 1857, when the petty officers were turned adrift to get other employment how they could. Many of them went to America, and it would take years to bring back the fleet to the condition in which it was in 1857. Another defect was the want of midshipmen, though some years ago the Government put in such a number of young cadets that they did not know what to do with them, and Lieutenants were promoted to make room above. Just let the House consider the position we should be in supposing a war were to break out, because of the want of these officers. There was hardly a ship with more than two midshipmen, and there was a great deficiency of mates. He would advise, therefore, that mates should be borrowed from the merchant service till the youngsters now under training should be fitted for the vacant posts. He had often complained, and felt bound to do so again, that no encouragement was given to the lower classes to rise in the navy. The importance of this as an aid to effective discipline had been recognized by the Admiralty in their circular with regard to the promotion of shipwrights in the dockyards. The distinction in the navy between common seamen and petty officers was not sufficient to give the petty officers due command over the men. The pay of the first class petty officer was £41 1*s*. 3*d*.; the second class, £36 10*s*.; and below that, £33 9*s*. 2*d*.; whilst the seaman's pay was £26 or £27. It depended chiefly on the petty officers to keep up discipline among the men. Since the present Board of Admiralty had been formed they had heard a good deal about mutinies, as for instance on board the *Princess Royal* and the *Edgar*. He thought the Admiralty was much to blame, for if they had taken rigid and proper steps he did not think these mutinies would have taken place. Mutiny used to be considered a serious offence, but now it seemed to be treated very lightly, but unless decisive steps were taken it could not be known where these mutinies would stop. The warrant officers indeed were placed on a better footing. Their pay was £122 8*s*. for the first class, £103, and then £86 13*s*., so that there was an immense difference between warrant officers and petty officers; and the Government allowed a warrant officer to become a commissioned officer, and gave him £100 for outfit; and he understood that if a petty officer became a warrant officer he would be allowed something for outfit also. But it should be remembered that the position of warrant officer was now almost the highest one that was open to the ordinary seaman to obtain, though formerly the seaman could sometimes rise to be a mate or lieutenant. The neglect of the warrant officers' widows had been a most objectionable feature of our system. The widows of captains or lieutenants had been allowed pensions, though they would probably be in less need of them than those of warrant officers. The Government, however, had at length, and very properly, allowed the warrant officers' widows to claim a pension; but they had done so in a very shabby way. If a man was made a warrant officer in December, and died in January, his widow received a pension; but, if having been a petty officer ten or fifteen years, and having gone through ever so much hard service, he died in 1859, his widow was left to starve. On this account much discontent was felt. He trusted the Government would correct themselves and reward the warrant officers as they deserved. He had said they had a Channel fleet, but they did not make the use of it they ought to do. The Channel fleet was now ten sail of the line; but in the position the country was in at the present moment, they ought to have the means of increasing it; and he thought they might increase it without putting the country to great expense. The Commission had recommended that there ought to be more Marines in the garrison towns. They ought to have them, and if fewer Marines and more seamen were on board ship, they might, on an emergency, by shifting the seamen too ther vessels, and supplying their place with Marines, soon double the fleet. This had been impressed on the Government over and over again, but without effect. It was said, "Oh, we can't get seamen." Why, then, had the Admiralty cut down the bounty from £10 to £2 or £3? The fleet was not yet complete, and from what he had heard, it was not manned as a British fleet ought to be. He was not one of those who thought that corporal punishment could at once be remitted, as he was of opinion that it would be impossible to maintain discipline if that system were at once abolished. As he was upon that subject, he would read from a return of the punishments that had been ordered and inflicted during a period of five years. He found that in 1854 there were throughout the whole fleet 1,214 men punished, and that the number of lashes inflicted was 35,479; but only 196 were inflicted by order of a court-martial. In 1855 the number of men punished was 1333, and the lashes inflicted 14,226; in 1856 the number of men punished was 8,397, and the number of lashes inflicted 44,492; but only 476 were inflicted by a court-martial; and in 1857 the number of men punished was 1,087, and the lashes inflicted were 35,000. He was much surprised that the Commission for Manning the Navy had not taken into consideration whether there were not some means of diminishing corporal punishment. There was a plan, and a simple one, by which that might be effected. Petty officers should be placed on a more respectable footing, and their pay should be increased. If that course were taken, they would obtain a better class of men for the service, whom there would be no necessity for visiting with corporal punishment. He did not approve of the manner in which the men were punished. The captain had the power of disrating petty officers, and then of punishing them through another tribunal. That was too great a power to place in the hands of the captain. He, for one, would not allow such a power to be conferred upon him, but would have the men tried solemnly by court-martial, which tribunal should have the power of dismissing them—a sentence by which they would lose their pay and the value of their past services. That would be considered a very severe punishment by the men; but, if that punishment were not severe enough, they could add imprisonment. Then with regard to the sailors. They must remember that a sailor worked very hard to get a pension of sixpence a day for ten years, and that he worked still harder and longer to get a shilling a day. If he conducted himself improperly therefore he should be tried by court-martial; and the knowledge that he was liable to be dismissed from the service, would have a considerable effect in deterring him from the commission of offences. Looking at the few instances in which, according to Parliamentary returns, corporal punishment had been inflicted by sentence of court-martial, as compared with the number of cases in which it had been inflicted by order of the captains, he thought that this power should be taken away from the latter. If that man was tried by court-martial, and was liable to lose his pension, he held that the knowledge of that fact would have a great tendency to diminish offences. He thought it would have a great effect if the power of inflicting corporal punishment were taken away from the captain. Seeing that societies were being formed all over the country to abolish corporal punishment, he belived it would be impossible to maintain it long, and they ought to consider what would be the best substitute. The Government had better immediately stare the matter in the face, and endeavour to reform the bloodthirsty code which at present existed. Almost every one of the Articles of War prescribed death, or some other severe punishment, and how could they expect men to enter the service, when they knew they were subject to death? Death was awarded for the offence of sleeping in the watch; yet it was notorious that the law was a perfect farce, for a man was often ordered down to sleep by his superior officer. He trusted the Government would be prepared to take some step in reference to this matter, in the course of the present Session. If not, he should feel it his duty to bring forward a Motion on the subject himself. There was one other matter of complaint, and that was with regard to the discomfort of the hulks. He knew them to be most uncomfortable, and it was impossible to maintain discipline on board them. He thought he should be able to show that there was no necessity for hulks. Ships were now ready at the different ports to receive the men, except as regarded perishable stores. A ship should be ready to receive her crew on the first day of being put into commission. With reference to paying off, he had observed with regret that the Admiralty had reiterated the order which had been so much complained of. He perfectly agreed with Admiral Bowles that it was not necessary, and was not wise, after men had been abroad two or three years, to keep them on board without seeing their wives and families. It was most unreasonable and unwise to do so. If a ship came home, and was to be paid off, the whole of the crew, officers and all, ought to be turned over into one of those ships which he had shown were ready to receive them, and the men would then have an opportunity of taking off all their clothes, and all the other little things that they had accumulated. It was bad economy too. They all knew that when ships were going to be paid off, the captain was impatient and the men were impatient, and the remaining stores were turned over in a slovenly manner. He was sorry to say he had done it himself. It was only the other day that he saw at Portsmouth bran-new cables, which had never been used, and which were cut. If the ships which were to be paid off were carefully unrigged, under the supervision of the superintendent of the dockyard, a great saving would be effected. The Admiralty had made a great blunder in the matter of the *Princess Royal*, and the mutiny which arose on board that ship was entirely their own fault. Their mode of proceeding was extraordinary and unjustifiable, for they had 180 men tried in block by court martial, under circumstances which rendered it impossible to ascertain who were innocent and who were guilty. He hoped they would hear no more of cases of that kind. He had shown that, instead of ten sail of the line for their Channel fleet, they might easily have twenty. He would now show how without a single halfpenny additional expense they might have eight more. They had in their different ports eight block-ships, but he would have a line-of-battle ship at each of the different large ports. The Admiralty had at last managed to place a real ship at Liverpool, and to withdraw the block-ship, which was an object of derision to all the sailors visiting that port. At present there were eight block-ships, which, if an emergency arose, would be compelled to remain in port and run great risk of capture by the enemy. Yet those block-ships were considered as our reserve in case of war, to be manned by the Coastguard, assisted by the Coast Volunteers. Now the House had been very much misled with regard to the Coastguard, and he was sorry to say that he had unintentionally assisted to mislead it. He stated last year that the Coastguard consisted of 8,200 men. The Manning Commission recommended that they should be increased to 12,000. Now Admiral Martin, who had been in the Admiralty himself, had published a clear and sensible pamphlet, in which he showed that the only reliable number of the Coastguard was 3,200. That was the amount of their reserve, if the statement of Admiral Martin was correct, and he was just hot from the Admiralty, and the Admiralty must have known it, although they put down the number of 8,200 in the Estimate. As to the Coast Volunteers, the Commission themselves described them not exactly as sailors, but still as men upon whom they could depend. What ought they to do with the Coast Volunteers? He would tell them. He dared to say that the noble Lord at the head of the Admiralty had looked back to the sea fencibles of former days. He (Sir C. Napier) thought that they ought to return to the sea fencibles; but if not let them take the Coast Volunteers for what they were worth. Only a few of them could go aloft as they were trained mostly to work the guns. He would place those men on board the block-ships, for no other purpose than to remain in their ports. Those vessels had had their steam power reduced to 200 horse, and their masts and yards had been also reduced; so that they could not sail or steam. They were only fit to remain in port; and he should propose that the Coast Volunteers should be placed in them; and he would get rid of all the men in the Coastguard who were not seamen. If that were done they would be able to send eight additional sail of the line to sea at a moment's warning. There were six vessels ready to replace the block-ships, namely, the *Mars*, the *Cressy*, the *Colossus*, the *Marie*, the *Lion*, and the *Goliath*; and the sooner the exchange was made the better. Now he came to the question of the reserve. The last time he made inquiry about it, he found that the number of men on the reserve list was only between 600 and 700; so that, adding those to the Coastguard force, estimated at 3,200, we could not count on more than 4,000 men, if so many, coming within the description of a reserve. They had been told, both by the Secretary to the Admiralty and the Member for Halifax (Sir C. Wood) that France could man the whole of her fleet whenever she pleased. The men destined to serve in the French navy were all regularly organized and could be promptly drafted on board ship. On the other hand, the men we had enlisted on the reserve were far from being efficient. They were not even so good as those who served in the Baltic. He was not blaming the Admiralty for that, they were doing their best; but he blamed the Government for reducing the bounty from £6 to £2 or £3. The Commissioners of last year recommended an increase of Seamen Gunners, and for that purpose suggested that their pay should be augmented, and that five years' service should count as six in reckoning for pensions. He was not aware whether the Government was resolved on carrying out that proposal. The Commissioners also recommended an increase in the allowance of provisions, and that suggestion had been adopted; but what the Government gave with one hand they took away with the other. They had decreased the savings, and he (Sir C. Napier) believed that nine-tenths of the seamen in Her Majesty's service would have preferred the old arrangement. The recommendation of the Commission with regard to clothing, bedding, and mess traps had been agreed to, and a very great boon it had proved to the navy. The allotment system had likewise been established; but it took nearly six weeks before an allotment could be paid. Now, he would ask the House, how in God's name was a seaman's wife to subsist in the meantime? He considered that the arrangements ought to be such that the wages might be paid over the day after the allotment was made. In 1852 a Commission, composed of excellent officers, recommended that besides the Channel fleet, there should be a reserve of 10,000 men always in the home ports; but what was the good of going to the expense of a Commission if its suggestions were not attended to? Seeing the way in which the Report of 1852 had been neglected, he (Sir C. Napier) moved for another Commission to go over the ground again; and that Commission had reduced the number of the reserve to 4,000, in addition to the Channel fleet and the guard-ships. He (Sir C. Napier) did not complain of that reduction; but had the other suggestions of the Commissioners been carried out? They recommended, for instance, that a large ship like the *Britannia* should be stationed at Plymouth, and that there should be four additional training vessels. Had either of these things been done? They also recommended the establishment of school ships. Had school ships been established? [Lord Clarence Paget: There is one preparing.] One preparing! The Commissioners recommended that the Merchant Seamen's Fund should be re-established. Had that been done? The noble Lord (Lord C. Paget) held his tongue, and he (Sir Charles Napier) took it for granted that it had not. They were told that the Coastguard would be entitled to admission into Greenwich Hospital; but did any one think that that offered any temptation to seamen to join the force? When the Report of the Commission which was now sitting on the hospital was published, the House would be thunderstruck to find how shamefully and disgracefully the institution had been managed for many years past; in fact, an admission into the hospital was hardly worth a man's acceptance. Another recommendation of the Commission was in favour of a better regulation for the payment of wages when a ship was fitting out. He believed the Admiralty were considering this point, but they always considered things so long that probably a year would elapse before the recommendation of the Committee could be carried out. The Commission on Manning the Navy further contemplated a reserve force consisting of 4,000 Marines in the home ports; 12,000 Coastguards, 6,000 Marines, 5,000 short-pension Marines, 3,000 short-pension Seamen, 20,000 Royal Naval Volunteers, and 10,000 Naval Coastguards and other forces, making a total of 70,000 men; but how many had the country really got? They had not got the 4,000 Marines in the home ports; the Coastguards numbered 3,200 men instead of 12,000; the Marines were of the full force of 6,000, but they had no short-service Marines; of short-service Seamen they had 190 instead of 3,000; of the Volunteers there were 700 instead of 20,000; and how many Naval Coastguards there might now be he was unable to say. Surely this was a matter that required to be looked into. If the Admiralty were to give the short-service pension men to understand that if they joined the reserve allowance would be made for past services, they might be induced to come forward; but at present they would not do so, especially as they were liable to be sent off immediately to distant parts of the world. The Commission wound up by expressing their opinion that the reliefs at the home ports should be speedily raised, but they all knew that they were not being speedily raised, and that a period of seven years might elapse before the reserve could be established under the present system. The Commissioners on National Defences recommended an expenditure of no less than £10,000,000 in fortifications, but he doubted the wisdom of such a course. There was, for instance, Alderney, on which £300,000 had been spent, and on which it was proposed to lay out another £100,000 this year. But what was the use of Alderney? It was not even a harbour of refuge. It was a mistake to say that it looked into Cherbourg. They could only keep four or five ships of the line in the harbour, and that part of the Channel was too dangerous to have a fleet cruising about in it. Again, they had just been building forts at Portsmouth and Cosham, and they had recently discovered that a few guns planted on Portsdown Hill would blow them and the harbour and dockyard at Portsmouth to pieces. It would be far better to spend the money on Armstrong's guns, by means of which they could attack any place. Yet he heard that there was not a single Armstrong gun on board a man-of-war. The other day he asked for a return of the number of Armstrong's guns, when the noble Lord at the head of the Government said the Secretary to the Admiralty was not in his place. The Secretary was now present, and, perhaps, he would answer the question. Having spoken of all these numerous defects with regard to the navy, he might be expected to state his own opinion of what was the proper course to be taken; and he would do so, although he knew he should not be popular. The only certain way of manning the navy in case of war breaking out was by calling the seamen out by a proclamation, imposing a penalty on all captains of merchant ships for detaining a man falling under the terms of the proclamation, and paying the men the high bounty. Calling them out by proclamation was a system of impressment; but if the Government expected men to come forward voluntarily at the present moment they would be deceived. If they wanted men in the navy they must resort to the same means as a mercantile man or a millowner—namely, offer a good market price for labour. If they wanted sailors they must offer pay sufficiently high to induce them to come forward and enter the service. To expect men to enter for low wages would only lead to disappointment; it would be found to be impossible to get them without high wages. That was the only fair and just way of obtaining them, but hitherto the House of Commons had refused to adopt it. They contented themselves with giving them a penny or twopence a day for good service, but that was not the way in which they would ever get the men to come forward. He had stated to the House the only way which, as he believed, they would ever get the navy thoroughly, efficiently, and immediately manned; and if the House refused to adopt it the responsibility would rest with themselves. At the present moment he did not believe there was an officer that would say our British fleet at the present moment was in a position to meet any well disciplined adversary. They ought to be morally certain that British sailors and British officers—such men as they had on board their ships—would be able to vanquish any enemy at sea in any part of the world. There ought not to be a chance of failure; there should hardly be a single doubt as to the power of a British fleet to drive a hostile fleet back into its ports, as used to be done forty years ago. This could only be secured by carrying out the recommendations of the Royal Commission. He hoped to see those recommendations more fully carried out by the Government; but if the Admiralty should refuse to do their duty in this matter, he (Sir Charles Napier) should think it his duty to bring forward a substantive Motion on the subject, in order to put the country into a proper state of defence.

Subject dropped.

POST-CAPTAINS ON THE RESERVED LIST.—OBSERVATIONS.

Sir JAMES ELPHINSTONE said, he rose, pursuant to notice, to call attention to the case of Post-Captains on the reserved list. He regretted that the advocacy of the claims of these gentlemen had not been undertaken by some officer belonging to the Royal Navy; but at least it could not have fallen into the hands of any one who was more thoroughly convinced of the hardship and injustice of their treatment, and he trusted that the short statement he was about to make would induce the Admiralty to reconsider the decision to which they had come with regard to them; to grant the prayer of those veterans; and to relieve them from the reproach of being refused, for the few remaining years they had to live, that small increase of pay which they believed to be their due. On the 25th of March, 1851, in consequence of the overcharged state of the Navy List, an Order in Council was issued, beginning a system of retirement; and, as an experiment, 50 commanders were selected for their eminent services as being proper to be placed on the reserved list, for the purpose of being promoted to the rank of post-captain, and to rise (as he should show) by seniority to the rank of admiral. The Order in Council stated that the number of commanders on the active list would be reduced to 450—firstly, by promoting 50 commanders to the rank of captain; secondly, by increasing to 100 the list of commanders promoted to the rank of retired captain under the Order in Council of 1840; and thirdly,

> "By placing on reserved half-pay all commanders who have not served afloat, or in the packet or revenue service, within 20 years, or who are physically incapable of service, and by continuing from time to time to remove such officers from the active list to reserved half-pay. Officers who may be thus placed on reserved half-pay will be allowed to retain all the advantages they now enjoy of rising in pay or rank, or of receiving the Greenwich out-pension."

[Lord C. PAGET.—"Read the next paragraph."] The next paragraph was as follows:—

> "The system of promoting by brevet will be abandoned. Fifty lieutenants, however, will be promoted by selection to the rank of commander, to be placed on reserved half-pay, in the same manner as specified in the case of commanders promoted to be captains."

The letter to the 50 commanders thus promoted to be captains, from the First Lord of the Admiralty, stated that in consideration of their services he offered them this promotion, and that if they accepted the offer it would not prevent them from being eligible for a commander's out-pension for Greenwich. In 1854 Captain Allen was appointed to a Greenwich out-pension, and subsequently two other captains on the reserved list received similar appointments. But another captain who applied in February, 1856, was refused the out-pension, on the pretext that by a recent regulation he was not eligible to be put upon the Greenwich out-pension. He held in his hand the commission issued to these officers, which in all respects resembled that issued to post-captains in active service, except that the words, "for rank only," were inserted in the corner of the document. An hon. and gallant Gentleman now no more (Captain L. Vernon)—to whom he could not allude without expressing the great loss which the House had suffered from his untimely fate—had recently read a letter from an officer high in the Admiralty, calling upon a gentleman (Mr. Churchward) to continue a series of graphic sketches of the services of these very officers, in order to satisfy the country that they were entitled to be placed on the reserved list. One of these officers, Captain Gordon, applied to be admitted to an out-pension at Greenwich, and he received an answer, signed by Mr. Phinn, stating that his name had been placed in the list of candidates, and that at the proper time his claims would be taken into consideration. At the same time he was informed that the object in granting these pensions was the relief of officers who might be old, wounded, or disabled, and that if the pension were granted he would be ineligible for further employment. It appeared, therefore, that his application had been entertained by the Admiralty, and that he had received intimation that it had been duly noted. When Captain Gordon rose to the grade of captain, which entitled him to have his pay increased to 12*s.* 6*d.* a day, he wrote to the Admiralty on the subject, and was informed by Mr. Romaine that being on the reserved list he was not entitled to any increase of half-pay. He renewed his application, but the Admiralty refused to enter further into the question. This, then, was the case as it stood. As all of their commissions were dated in 1851 none of those gentlemen could have risen to the grade which entitled them to an increase of pay till the past year; but the views of former Admiralties on this point might be gathered from the fact that three of these very officers, as he had stated, had obtained the captain's out-pension for Greenwich since their retirement; and he believed that if the views of the Admiralty which first granted the retirement had been still adhered to they would now have received their increase of pay without any difficulty. The whole case rested on the construction of the Order in Council, and he must leave that to be dealt with by hon. Gentlemen who were more accustomed to argue legal questions than he was. When he first took up the case of these officers, he heard from several quarters that their services did not entitle them to this consideration. He, therefore, applied to O'Byrne's "Naval Biography," with a view to extract the services of those gentlemen, going through their names alphabetically. But he confessed that by the time he came to the letter C he found such an amount of service as to convince him that it was quite unnecessary to go farther. There was only one name under the letter A. There were eight under the letter B, all men of high service, and amongst them was Captain Bevis, who, he did not hesitate to say—though he knew it was a bold word—was the worst-used man in the British navy. He was at Copenhagen; and first lieutenant of the *Galatea,* in the action off Madagascar, where three frigates and a brig, under Captain Schomberg, engaged three French frigates and took two of them. The action was fought in a calm, or nearly so, and the *Galatea* was most severely handled; notwithstanding this, Captain Bevis was allowed to remain a lieutenant for eighteen years after the date of that action. And now they refused to allow him more than 6*d.* a day higher than the pay he would have received had he continued a commander. These were the services of the men whose case he brought forward. He hoped, therefore, the Admiralty would reconsider their decision, and not allow these veterans—for most of them were above 70 years of years—to be deprived of their just rights by what he could not help designating as a quibble, and would save them from the reproach of feeling that their claims to the gratitude of the country were no longer acknowledged.

Mr. LINDSAY said, he agreed with the hon. Member for Portsmouth to a certain extent. He had no doubt that the gallant captains referred to deserved well of their country, and that the half-pay awarded to them fell far short of those deserts, but, on the other hand, he would ask the House to consider the enormous cost to the nation which the system of half-pay entailed. From the Estimates before the House for the current year he found that £690,000 was the amount voted for half-pay to officers of the Navy and Royal Marines, and that £488,000 additional was voted for pensions and allowances. This was really an enormous expenditure. The present system of retiring allowances could not but be unsatisfactory to the men who received these sums; it could not be otherwise than unsatisfactory to the Government who made the Estimates; and, most of all, was it unsatisfactory to the House, whose duty it was to provide the amount. He thought it was high time that the whole question of reserve and retired lists should be carefully looked into, because in consequence of it there was a large amount of dissatisfaction among the officers themselves, as there were a very large number of officers—more especially above the rank of lieutenant —who were knocking in vain at the door of the Admiralty for employment. They felt that there was no possibility of obtaining employment; and that if every ship in the British navy were commissioned to-morrow, there were still great numbers of officers who would not and could not be employed. The gallant Admiral (Sir Charles Napier) had complained that there was now only an average of two midshipmen to each ship of war, but would the gallant Admiral wish to go back to the times when the average was about eight—a state of things which eventually saddled the House with an enormous amount of half-pay. Instead of bringing more midshipmen into the service, his plan would be rather to bring the petty officers forward, to give them a higher grade, to make a greater distinction between them and the able-bodied seamen, and so giving the petty officers much of the duty to do that was done by midshipmen. In this way two good effects would follow. They would be spared the necessity of rearing up officers whom they could not afterwards employ, and they would encourage the able-bodied seamen in the merchant service to enter the Royal Navy, in the hope that they would reach the superior grade of petty officers. Without following the gallant Admiral through the whole of his speech, he might yet say a word respecting the Royal Commission, of which he had the honour to be a member, but from whose Report he had the misfortune to dissent. With all due respect to the gallant Admiral, he thought it would not be so very easy to follow out the recommendations of the Commission; but even if that were done, the object which the Commission had in view would, he believed, be still unattained. If they wanted to draw men from the merchant service, they must appeal to the officers of that service by giving them some honorary rank, some distinguishing badge which, without raising them to the same rank as naval officers, would raise their social position in this country, and more especially abroad, and constitute them officers of the reserve which had been recommended. But to do the Admiralty justice, he must say they had used every possible exertion to carry out the recommendations of the Commission. The hon. and gallant Admiral thought it might be ultimately found necessary to resort to impressment. He did not think so. If our shores were in danger of invasion, men would not be wanting to resist and overcome it. But if we were to fight other battles than our own, then we might find difficulty indeed in obtaining men from the merchant service. His main object, however, was to call attention to the enormous and constantly increasing expenditure on the navy. In 1852 it amounted to £5,800,000; in 1853 to £6,300,000; in 1858 to £8,800,000; in 1859 to £11,770,000; and this year the amount of the Vote was £12,800,000. And there was no expectation that the expenditure would stop at this point. He asked the House what was the meaning of it? What was this enormous outlay for? Against whom were they arming? Against the United States? Against Russia? Against Prussia? Every one had a feeling as to the Power against whom we were arming, but none cared to express it. It was best, however, to be honest, and to speak it out at once. We were arming against France, and France was increasing her expenditure as much as we were. Her annual expenditure was as great as ours—about £72,000,000. Why were these enormous charges kept up? It was because we were afraid of France, and France was afraid of us. It was monstrous that the two most intelligent and most highly civilized nations upon the earth should go on in this way; and he asked, whether something could not be done to prevent it. We had entered into a treaty of commerce with France, and great friendship was professed between the two countries; but what a mockery were such professions when, at the very time they were being made, both countries were heavily taxing their people to keep up these enormous armaments! He strongly recommended that some understanding be arrived at in order to prevent so much waste going on from year to year. Something might certainly be done if the right mode were adopted. France had no reason to be afraid of attack from England, and he felt that France had no intention of attacking England. The Emperor of the French was much too enlightened a man not to know that it was his interest, as well as the interest of Europe, to keep at peace with England. Many hon. Members might differ from him (Mr. Lindsay) upon that point, but that was his honest belief, and he felt convinced that those Members who might happen to entertain opinions from which a majority of the House dissented ought to express them frankly. But if they were to maintain those armaments, the question next arose whether they might not attain that object for a less sum than they were at present expending. That was a subject to which he was anxious to call the attention of the House. The late Government, feeling, as he took it for granted, that out naval expenditure, and more especially the expenditure in our dockyards, had risen to an enormous amount, had appointed a Commission to inquire into the outlay in the dockyards, especially with regard to the building and repairing of ships. Some of the charges contained in the Report of that Commission were exceedingly graver It was alleged, for example, that 20 per cent could be saved in the cost of new works alone; that great changes were required in the mode of superintendence e that additional machinery was required to save manual labour; that alterations were necessary in the mode of receiving timber and stores. Then, going into particulars, the Commissioners asserted that while at least 20 per cent could be saved in the construction of new vessels, the cost of building vessels was much higher in some yards than others. They mentioned, for example, that while a corvette of 1,400 tons, built at Devonport, cost for shipwrights' labour £6,450, or £4 8*s.* 3*d.* per ton; another, built at Woolwich, cost £10,065, or £6 17*s.* 8*d.* per ton; and another £10,119, or £6 18*s.* 5*d.* per ton. So that the cost of labour for the last was one-third more than that of the first. Then, a frigate, of 2,651 tons, built at Portsmouth, cost £14,033 in shipwrights' labour, or £5 5*s.* 10*d.* per ton; another, of 2,355 tons, built at Chatham, cost £9,357, or £3 19*s.* 7*d.* per ton. As to another class of ships, the *Mersey*, of 3,727 tons, cost for shipwrights' labour £3 19*s.* 7½*d.* per ton, while the *Orlando*, of the same burden, cost £5 4*s.* 8*d.* per ton. These were serious charges, and no satisfactory answer had been given to them either by Sir Baldwin Walker, Mr. Chatfield, or any other person. It was said that the cost of labour was higher in some dockyards than others; but this could not account for the difference, nor would it account for the different cost of material. In both there must be greater waste in one dockyard than in another. His noble Friend the Secretary to the Admiralty had told them, upon a former occasion, that he found it impossible to ascertain from the accounts how a certain sum of £5,000,000 had been expended, and that subject seemed to be still involved in mystery, although his noble Friend certainly appeared to have done his best to throw some light upon it, for he had recently laid on the table of the House an analysis showing the respective cost of different ships, and enabling them to trace more readily than they could formerly have done where the money went. A Royal Commission of Inquiry had been proposed. But his opinion was that, in the first instance, the allegations of the Report of the former Commission should be referred to a Committee of that House who should examine the Commissioners and also the officers who had sent in answers to the Report. If that Committee should be unable to arrive at a conclusion, then let a Royal Commission be appointed to inquire whether it was possible to reduce the expenditure upon the construction of new ships. This would be a definite object, and it would satisfy the just expectations of the country. There was another point to which he had called their attention in the course of the last Session, and upon which he had as yet been unable to obtain any satisfactory information. By a paper which he held in his hand he found that the average price actually paid by the Admiralty for anchors, according to the Estimates, was £3,434, while the market price was only £1,428, thus showing the Government was paying nearly three times as much as the same number could have been provided by the most eminent firms. He had moved for a copy of the contract and the price paid from 1841 to the present date, by which it appeared that the price paid was materially reduced in 1842, and again, and still more, in 1850. The prices for anchors in the table from 1842 to 1849 were £1 16*s.* per cwt. from 20 cwt. and under 30 cwt.; £2 8*s.* above 30 cwt. and under 50 cwt.; and £3 5*s.* above 70 cwt. and under 95 cwt. Now, it so happened that he held documents also from the Storekeeper of the Navy addressed to a City firm, which showed that the price paid by Government in 1845 was precisely the same as in 1841, and that no reduction had been made at all. He left it to the noble Lord to reconcile the discrepancy. One or the other must be wrong. There was no secret about the writer; it was Mr. Dundas, and there was no mistaking his signature; for no one who did not know what was meant would be able to understand it. Assuming its correctness, what was the country now paying for anchors? He had made a calculation of the cost of four anchors to the Admiralty at the present time, and found that the average cost to the country of the four anchors was 180*s.* per cwt., whereas the current price was much lower. The most eminent manufacturers of the country were willing to supply for 94*s.* 6*d.* the same class of anchors for which the Admiralty were paying 180*s.* to their contractor. However grave this charge, he was not surprised at it. He believed the dockyards were costing the country a great deal more than they ought. He believed that £9,000,000, or at most £10,000,000, would, under proper management, go as far as the £13,000,000 they were about to vote would go. Therefore, if they were to continue this heavy expenditure, which he did not believe to be at all necessary, they must have a further and a more searching inquiry into the management of Her Majesty's dockyards.

SIR MICHAEL SEYMOUR said, that the gallant officers whose case had been brought before the House by the hon. Member for Portsmouth (Sir J. Elphinstone), had been induced to remove from the active list, in the hope that as time passed their position would not materially differ from that of the officers remaining on the active list, and they felt themselves aggrieved because they had not shared in the awards which the other classes had received. The subject had been frequently brought under the notice of the Admiralty, and he trusted the noble Lord would be able to deal satisfactorily with their claim. A subject equally deserving attention was the case of the widows of warrant officers, which had been touched on by the gallant officer the Member for Southwark. A certain degree of consideration had been extended by the Admiralty and the Chancellor of the Exchequer to this class, an arrangement having been made by which from January, 1860, these widows were to receive their pensions. But it was in evidence that from the year 1830 till now a number of these widows with their children had been compelled to seek relief from the different unions, and he hoped some measure of relief would also be extended to them. The Navy Estimates were rightly held to be enormously large, but he did not believe the country would refuse the amount requisite to do justice to the widows of deserving officers. Several instances had come under his own observation, when serving in a distant part of the world, in which warrant officers had lost their lives by climate and exertion. The carpenter of his flagship, after performing his duties with great ability and assiduity, and with much care and economy in superintending repairs and the handling of stores, died on his passage home a few months prior to the period from which this order would take effect, and had left a widow and several children in great distress. Such cases ought to meet with the consideration of the Government. He agreed up to a certain point with what the gallant Member for Southwark had said in reference to the Channel fleet; he believed their rules were not as good as they might be, and that in certain ships the conduct of the men had not been so steady and satisfactory as all well-wishers of the Navy must desire. But it must be borne in mind that both officers and men on board those ships had been placed in a position of great temptation. In any previous period of our naval history ships with their full war complement had never been kept in the home ports during the entire winter season. In future a different arrangement would probably be made, and by an altered distribution of vessels in different quarters of the globe, a recurrence of such irregularities would be avoided, and a greater efficiency to the service would be secured. There was also a great deficiency in petty officers, which was a very important consideration, because the discipline of a ship to a great extent depended upon them. He thought hardly sufficient encouragement was given to petty officers in the shape of increased pay, and otherwise to create the necessary spirit of emulation among the men to attain the position of a petty officer. He quite agreed with the hon. Member that it was very unwise to have too great a number of midshipmen and cadets in the navy, which tended to clog the service and interfere with the course of promotion. He thought with the hon. Member for Sunderland that the national dockyards were not managed with all the economy possible; but many of the differences between the cost of the same class of ships which the hon. Member had been unable to reconcile were entirely owing to the various modes of keeping the accounts in different yards. He admitted that the expenditure of the naval dockyards was exceedingly heavy; but the work done in them was of the very best kind, and it was unfair to look at the cost alone without taking into consideration the quality of the work. If, however, an inquiry was to take place, it should be full, fair, and impartial. As to the important question of manning the navy, he was glad to hear that the Government intended to carry into effect the recommendations of the Manning Commission. He fully approved the proposal to keep 1,000 seamen gunners in the home ports as a reserve force, and the plan of a standing reserve of seamen. The Marines, too—a body of whom it was impossible to speak too highly—might well be increased by 5,000 or 6,000 men. The difficulty of manning the navy had always been great; the Admiralty had never been able to get a fleet together without considerable difficulty in manning it. A system of general impressment could never be resorted to again; it would not be desirable or justifiable, except, perhaps, to the extent of an impressment afloat. With an enemy at sea, and a sudden necessity for men, he did not suppose an admiral lying with an unmanned fleet at St. Helen's could allow a merchant ship to come up Channel without taking some of her sailors for the public service. The number of seamen in the mercantile marine had greatly increased; but their money value to the naval service had not yet been quite ascertained. The commercial marine of the United States was very large; but there was this curious fact connected with it. A Report to Congress a few years ago showed that of 150,000 men sailing from American ports only 9,000, or about 1 in 12, were Americans born. Of the crew of the *Ohio*, a ship of the line, consisting of 1,000 men, only 182 were native Americans. The rate of pay was a most important question, which the Admiralty would be compelled to take into serious consideration. Representing as he did a seaport, he had frequent opportunities of hearing various complaints. No one class were satisfied; all seemed to think their services of greater money value; and the moment certainly had arrived when a question of this sort should, in a comprehensive spirit, be investigated. The fact was, the cost of seamen had increased, and he believed the Secretary of the Admiralty would be compelled to take into consideration the pay of the men as well as that of the other classes who composed the naval service. The system of manning had been often spoken of as a money question, and it was so certainly; for there was a great difficulty in obtaining men to man the navy, and how that difficulty was to be got over had yet to be considered. We were in alliance with a great and powerful and friendly nation, but our position in relation to that country was most unsatisfactory, when the position of our relative navies was considered. He remembered that after the close of the long war in 1815 there was great difficulty in manning the fleet. At that period 140,000 men were paid off, and when the expedition to Algiers was undertaken nothing but the gratuity of two months' pay could get them together again. In the Russian war the House voted 30,000 seamen, but there never were in reality above 22,000 in the service. He regretted to say that, as regarded the mercantile seamen who had been referred to by the hon. Member for Sunderland (Mr. Lindsay), the Government had been unable during that war to obtain more than 1,000. With regard to the defences of the country, it struck him that there ought to be a force reserved for the manning of the navy, and he looked upon it as highly important that this country should have something like a volunteer force to fall back upon. He was of opinion that the disembodiment of the Militia was not a wise course, and that resort ought to be had to the ballot. In 1803 the total military force of the country—when neither her population nor her wealth reached half its present amount—was, including the Volunteers, 615,000 men. It was, quite evident, however, that the patriotism of the English people had since that period undergone no diminution, and it only rested with the Government to give the national feeling due effect.

Sir JOHN PAKINGTON said, he wished before the Speaker left the Chair to allude to the position of the officers on the captains' reserved list, and to express his belief that the claims which they put forward, and to which reference had been made by the hon. Member for Portsmouth, were not without foundation. Had he been aware that the subject would have been entered into that evening, he should have had the Order in Council which bore upon it at hand, in order to substantiate the view which he entertained; for, although that document was somewhat loosely worded, he could not help thinking the construction which was put upon it by the officers to whom he referred in their memorial was more reasonable than the interpretation of the Board of Admiralty. He under those circumstances, trusted that the Board would be able to take a generous view of the matter, and he might add that they would be enabled to do so with the less difficulty because of the fact that the list of officers in question must be regarded as an expiring list, and that the number of names on it was very limited—only about 100. This was one of those numerous lists which were the result of a succession of contrivances which had been resorted to for a long period as a substitute—and a miserably bad substitute they were—for a good system of retirement and promotion. He did hope that before this Session closed the noble Lord opposite would be enabled to announce that the Admiralty had adopted a system of retirement that would be satisfactory to the profession. Whenever that desirable end was attained there would be no more necessity for creating from time to time those little lists, which as he had said were mere substitutes, and very miserable substitutes, for what was due to the navy, and what the Admiralty were bound to provide—namely, a well regulated system of promotion and retirement. When his noble Friend (Lord C. Paget) brought forward the Navy Estimates he did intimate that the Admiralty were meditating a system of retirement which they intended to announce; such was the general understanding; he hoped his noble Friend would not now object to state that the Admiralty still entertained that intention, and that before the Estimates were concluded he would be able to inform Parliament what was the nature of the scheme they proposed to adopt. He had no desire to detain the House longer on this question, but he sincerely hoped the Admiralty would take a liberal and generous view of the claim which these gallant officers had made.

Sir FRANCIS BARING said, he was sorry he had not been present when the case of these officers were brought forward by his gallant Colleague. Indeed he only rose in consequence of some expressions which had dropt from the right hon. Baronet who had just sat down. It had been his fate to draw up the order on which this claim was founded, and he could therefore give evidence as to what the intention was. He should have no objection, on the contrary he should be glad to hear that the Admiralty took a favourable view of these claims; but, on the other hand, he was bound to say, what he had stated to the claimants themselves, that the order never was intended to bear the construction they put upon it. In neither the letter, which stated the intention of the Admiralty, nor in the Order in Council which carried that intention into effect, was there anything to sustain that construction. The letter was not loose, but perfectly clear, and drew a plain distinction between the two classes. What it did was this:—It placed on the redundant permanent half-pay list, officers who had not served for twenty-years or who were incapable, promising them they should rise and enjoy all the advantages they had on the active list; but to those who were promoted under the arrangement it made no such promise. It gave them promotion and not prospective advantages. It never was the intention to give them more. It did not even in words do so. He quite admitted the gallant services of these officers, many of whom he had himself placed on the list, and he should be very glad if the Admiralty, on a fair consideration of the case, could take any view that might be favourable to them; but he must say, as a witness, having himself drawn up the order and the letter of the Admiralty on which the vote in Parliament was given, that it was not the intention of that order to give these officers what they now asked.

Mr. HENLEY said, he thought the great amount of the Navy Estimates this year warranted every hon. Member in making almost any observations on them which came strongly before his mind. The hon. Member for Sunderland (Mr. Lindsay) had alluded to the Report on dockyard expenditure, its voluminous nature, and the various subjects with which it dealt. The gallant Admiral the Member for Southwark (Sir C. Napier) also alluded to the deficiency in the supply of timber in the dockyards. That deficiency was commented on by the Commissioners in very strong language. It was almost impossible to speak more decidedly than they did on this subject. The Report of that Commission, as had been stated, was, naturally enough, referred to the various officers of the dockyards and of the Admiralty. It was sustained by no less than twenty-two witnesses; eighteen of whom spoke in the most positive and general terms, four qualifying their statements by reference to the kind of timber. The Report was very strong—

> "The store of timber, thick staff plank, and deals is not sufficient to meet the ordinary demands of the service and ensure their being propertly seasoned before being converted."

They go on to say—

> "In all the yards the Commissioners have found a uniform want of large timber and deck deals."

To six superintendents and many of the officers under them this grave matter was referred. All the disputes which had taken place between the various parties who made this Report and counter Report—this blast and counter-blast, had been as to labour. They all agreed that the labour was costly and that it was well done. There was a difference as to whether it cost more than it ought to do. No one could for a moment doubt that just in proportion as the labour was costly they ought to be careful that the material on which it was expended was good and properly seasoned. A great deal was said by Government of work that was done cheaply being "scamped." They all knew that cheap work was apt to be scamped; but scamping in material was much worse than in labour. Scamping in labour was much more easily seen and more easily remedied if discovered; but scamping in the timber used in shipbuilding was most destructive. That made the ship rotten; it must then be opened, and it was very difficult to say what the cost of that might be. The Minute of the First Lord of the Admiralty on this subject was so full of sound sense that he could not forbear quoting it.

> "They (the Committee) observe the shipwright officers devote their attention too much to the quality and rapidity of the work, and too little to the cost."—(Par. 935.) "In this remark the Committee seem to have overlooked the essential difference between ships of war and merchant ships. Wherever the services of a ship of war are required it is indispensable that the ship should be in all respects efficient. The question of cost, however important, is insignificant compared with the efficiency, because the value of the ship's services cannot be estimated by a price in money. The detention of the ship for some necessary repairs may be a national calamity; its inferiority as a ship of war may be attended with national dishonour."

This was a great truth, and they did not often meet with one expressed in better language. But did not this apply equally to the timber of which a ship was made as to the labour expended on her? What was the use of applying such good labour to improper materials? One of the five gentlemen who had to make this Report dissented from his colleagues. What did he say as to timber? Mr. Chatfield, master shipwright, says, at page 118:—

> "It is a fact not generally known, perhaps, but which ought not to be overlooked, that the value of timber alone in building a ship is equal to the value of all the other stores and the labour added together."

In this grave matter of the deficiency of timber, on which the evidence was uncontradicted, not one of the six superintendents took any notice whether the Report was true or false. Was it wrong to call that a grave charge? The First Lord of the Admiralty himself, alluding to the allegation of the Committee, that the store of timber was insufficient to meet the ordinary demands of the service, said, and said very naturally, that, if that statement were correct, it conveyed " a grave censure upon the Board of Admiralty." Curiously enough, the Controller of the Navy did not condescend to notice that charge at all, although he made comments on the finding of the Committee on two other points. Mr. Chatfield also wholly passed it by. When therefore, men holding high official positions, while treating the Report as highly condemnatory of the system, remained silent upon a charge which they admitted to be grave, one was almost compelled to assume that they assented to its truth. What was the evidence on which the charge rested? The matter was not only serious in itself, but doubly serious because the Board of Admiralty had come to a decision upon it that was not founded on any evidence before the House. They might have good grounds for their conclusion, but they had not set them forth. The three master-shipwrights at Portsmouth, Devonport, and Chatham—gentlemen who must be supposed competent to give an opinion on this subject—had borne testimony to the same effect. Mr. Lang, master-shipwright, stated that the large English timber had always been deficient, and that there ought to be three years' stock. At Portsmouth, Mr. Abethell said, there ought to be a larger store than at present; it should be equal to four years' consumption. Mr. Eadie, another master-shipwright, said the stock ought to be doubled. Mr. Moore, foreman at Devonport, said that, as a rule, the large timber was not seasoned. Mr. Peake stated that they were very short of large timber at Devonport; that they were using this year's supply. The timber-inspector at Sheerness said they were so short that they were actually using "green timber." Mr. Rice, master-shipwright at Woolwich, said they had not sufficient store; that "some pieces were used as they came in." It was unnecessary to trouble the House with the opinions of the other gentlemen, but there was the concurring testimony of eighteen witnesses, all in Government employ, to the purport already described. It was, however, only fair to notice the evidence of the four gentlemen, also in the service of the Government, who made qualified statements on the same point. Mr. Brown, who had acted as foreman at Portsmouth, stated that he did not know how the store stood at present, but his impression was that the timber lately converted was dry and seasoned, except the sternposts of the large ships. That was not a very unimportant exception. Next, Mr. Laslett, timber-inspector, said, in his judgment, the timber ought to be two years in store, except "the large and compass timber." The storekeeper at Woolwich said they were pretty well off except in "sternposts and under-pieces." Mr. Watts, first assistant to the Surveyor-General, gave rather odd evidence. He thought they had between two and three years' average consumption in stock. The master-shipwright said it ought to be four years'; so that Mr. Watts's testimony was not very strong. But Mr. Watts went further, and added, "We want 60,000 loads this year;" and he expected to get only 30,000. That evidence was given in 1859. Now, the Storekeeper-General said that in 1859 the consumption would be 55,000 loads. The witnesses who made the qualified statements to which he had just referred did not therefore in any degree shake the immense mass of testimony on the other side. He now came to the mode in which the Admiralty had met this question. The First Lord had drawn up a memorandum on the subject, which was afterwards confirmed by the Board. The Board took no notice of the matter, except by passing—as was probably the ordinary course—a short Minute agreeing to what the First Lord said. The First Lord, in his memorandum, observed that the finding of the Committee as to the insufficiency of the stores, if correct, implied a grave censure on the Board of Admiralty; but he added that the Committee did not explain "what they considered to be the ordinary demands of the service." The First Lord continued—and this was a passage deserving the special attention of the House—"The Storekeeper-General has given a satisfactory answer to the statement." That was the only thing on which the First Lord founded himself. The Storekeeper-General showed that although the expenditure of timber during the last two years had been unprecedented, yet the stores had been in excess of the establishment; and he went on to say it was to be hoped that such a high rate of timber expenditure would not be necessary in future years, and therefore it was not expedient to increase the permanent establishment of ship-building timber. Strangely enough, the First Lord of the Admiralty, following, it was to be supposed, in the wake of the Storekeeper-General, made no allusion whatever to the question of the timber being seasoned; and, from the way in which the Storekeeper-General treated the matter, he did not seem to regard it at all the business of his department to express any opinion as to the seasoning or not seasoning of the timber. He merely answered all the claims made upon him, and if a man asked him for a stick of timber he gave him one, whether it was fit to use or not. That was a proceeding about as sensible as to give a pair of shoes to a man who wanted a pair without any regard to the size of his foot. It was to be doubted whether anybody, looking curiously at the Report of the Storekeeper-General, would agree with his Grace the First Lord, that it was satisfactory because in his (Mr. Henley's) opinion, that Report appeared entirely to confirm the statement of the Committee. The Storekeeper-General commenced his paragraph in answer to the Committee by setting out a long array of figures showing what had been the supply of timber in various years, and giving the actual consumption from 1830 down to 1858 inclusive. He then went on to say,

> "I need scarcely observe that the expenditure of shipbuilding timber since the year 1853, and still less within the last twelve months, cannot reasonably be regarded as meeting only the ordinary demands of the public service."

He did not notice that part of the Report which referred to the timber being seasoned and fit for consumption, but went on to say that the present consumption of shipbuilding timber, of large scantling, was unprecedented, that the consumption of timber during the years 1857 and 1858 was double that of the years 1837 and 1838, while the receipt of shipbuilding timber in those years was more than five times what it was in 1837 and 1838, and that the stock of timber on the 30th June last was in excess of the establishment by 6,500 loads. What did all this come to? Up to the beginning of the year 1858 what was called the establishment of timber was 53,000 loads; in that year it was raised to 60,000 loads. Had not the Storekeeper-General afterwards given the figures he should have thought that the reference to the years 1837 and 1838 was intended to mystify, and throw dust in the eyes of the House, because of all the evils which followed the Reform Bill, there was none which was greater, and none which more conduced to the removal of the Reformers from office, than their shameful neglect of the navy. He believed it was now admitted on all hands that these two years, 1837 and 1838, formed the crowning period of the deficiency of timber, and that during those years the store was so fabulously low that it was hardly possible to conceive how any one could have had—he was going to say—the impudence, but, at all events the face, so to have diminished the stock of materials for the Queen's navy. The Surveyor however had given the actual figures. He did not know whether the Returns which had been supplied to the House were worth the paper upon which they were printed, because in the answers as well as in the evidence, things peeped out which raised a doubt whether these accounts were very correct. For his own purpose, however, he was entitled to use them as figures supplied by the Government, and to treat them as correct. As he understood the Minute of the First Lord, the Admiralty had come to the conclusion that a store of 60,000 loads of timber was sufficient for the future. He had already shown by the evidence taken before the Committee, and he would endeavour to show by other figures, which would not easily be disputed, that whether they looked to the number of men in the navy, to the number of vessels, to their quality, or to the greater wear-and-tear in screw vessels, as compared with sailing ships, such a store was totally insufficient to meet the ordinary demands of the service, to say nothing of those extraordinary demands which might arise from losses by sea, or in time of war from damage if not loss by the enemy, and which did arise from the more rapid decay of the timbers of steam-vessels occasioned by the heat which was within them, and by the vibration occasioned by their machinery. The Storekeeper-General had furnished them with a return of the supply and consumption of timber in the navy from the year 1830 to the present time; and they also possessed information from other papers as to the number of ships and men in the navy during the same period. From these facts, which furnished the only elements for coming to a sound conclusion upon this subject, it was demonstrable that a store of only 60,000 loads was not sufficient to keep up a supply of timber properly seasoned and fit for conversion. In the period from 1830 to 1844—which included three of the periods of five years into which the Storekeeper-General had chosen to divide the consumption—the greatest number of ships in the navy, at any one time, was 620, the average number 589, the grestest number of steam-vessels 112, the average number of men 33,000 (omitting the odd figures). The permanent establishment of timber at the same period was 53,000 loads, and the average yearly consumption 16,200; so that the establishment contained rather more than a supply for three years; and he would presently show that the stock kept was always more than the establishment. Between 1845 and 1854 the greatest number of vessels in the navy at any one time was 690; the greatest number of steamers 205; the average number of vessels of all kinds 655. The number of seamen had increased to 43,000. The permanent establishment of timber remained the same as during the previous fifteen years, but the average annual consumption had risen to 25,000 loads. He was not seeking to cast blame upon any particular Board of Admiralty, but only endeavouring to show that, since the necessity for creating a steam navy had arisen, the stock of timber had not been kept up in proportion to its consumption. In 1845, the consumption of timber being 25,000 loads per annum and the establishment only 53,000 loads, it was clear that the timber, instead of being in store between three and four years, could only be there, upon the average, for a little more than two years. During the fourteen years from 1845 to 1858, both inclusive, the greatest number of ships in the navy at any one time was 927, the average number 720, the number of steam-ships 478—a vast increase in the number of that class of vessels which caused the greatest consumption of timber—and the number of seamen 48,000. The establishment of timber up to the beginning of 1858 was, as he had said, 53,000 loads; it was now 60,000. But what was the annual consumption? 28,000 loads. Therefore, the stock was still only equal to a little more than two years' consumption. Nor did that represent the whole of the case—not by a good deal. The late First Lord of the Admiralty, when explaining the Navy Estimates last year, stated that in the last ten years, though three line-of-battle ships and a fraction had been ordered by successive Boards, two and a fraction only had been produced. But it had been always held, even up to the time of the Reform Bill, that to keep up the navy three line-of-battle ships should be built every year. That had become almost a household word, A proportionate number of frigates should also be built. That had not been done, and the deficiency which had been caused was the reason why we were now paying £13,000,000 for the navy this year, which sum would probably be increased next year. But that was not half the evil, because they had beeu told by one shipwright that they were putting green timber into ships, and by another that they were using timber direct from the forest. But if ships were built of green timber they could not be expected to last very long. He might mention another fact. The whole quantity of timber received from 1830 to 1858 was 631,000 loads; the quantity used in the same period was 636,000 loads; and in 1859 the storekeeper had 65,000 loads in hand. It was clear, therefore, that in 1830 there must have been a stock of timber larger than the establishment. But the case did not end here. Among the papers recently presented there was an account by the present Surveyor of the Navy of the amount of timber required to build three line-of-battle ships, one frigate, and two corvettes, sailing and steam-vessels respectively of the same rates. The sailing vessels required 15,700 loads, and the steam-vessels 22,000 loads, being a difference of 6,300 loads. Seeing, therefore, how our steam navy had increased, and what would be the probable expenditure for the next few years, there could be no doubt that if the supply of timber had been short hitherto, it would be still shorter in future. No amount of money, said the Storekeeper-General, could procure large supplies, consisting exclusively of timber of the largest dimensions, and undoubtedly the present wants of the service were not easily met. England, he added, could not supply them, and cargoes of shipbuilding timber imported from foreign countries could not consist only of the largest sizes, even if such timber of hard and durable quality and unobjectionable weight was forthcoming in abundance at the ports of shipment. That was a most important and suggestive statement. They might get metal to any amount, shipwrights to any number, but seasoned timber could not be got at all, and the supply of raw timber was not over-abundant. A gallant Admiral (Sir Charles Napier) had said that England might not always have the command of the Channel. Suppose their supply of timber from abroad was interrupted even for a few months. That was a contingency which ought to be guarded against, and they could guard against it only by having in stock a supply of timber sufficient to meet, not only the ordinary demands of the service, but any extraordinary demand which might suddenly come upon us, exposed as our ships were to tempests, decay, and an enemy. Those were the extraordinary risks that they had to guard against; and he could not think that 60,000 loads, which appeared to be the establishment fixed by the Admiralty, would be enough. He did not wish to cast blame upon any one, but he thought it desirable to call attention to the most important part of this Report. It must be remembered that this supply of timber was of far more importance than workmanship. It should be remembered also that the timber was distributed amongst six yards. He had shown that the supply in the aggregate was not sufficent, but when they came to divide that into six parts the deficiency became more apparent. The two great arsenals of Portsmouth and Plymouth ought to have an abundant supply, because they could not tell what demands might be made suddenly upon them. Everybody who knew anything of timber knew that that which might be sufficient in the aggregate was not sufficient when divided; there might not be sufficient for naval officers to pick out the proper pieces for particular work without going to timber that was unseasoned, and, consequently, unfit to be used. It must be remembered that the ships must be kept up, whether they were in commission or in ordinary. If we had 900 vessels now, it would not do to let them rot and perish, because they were not manned by seamen and sent to sea. He found that 203 steam-vessels in commission had been dealt with in the way of repairs, and that the average expense of materials on each of those vessels—not labour, but materials—was £325 each. There were 211 vessels in ordinary dealt with, and the expense of materials for the hulls was £449 each. It would, therefore, be seen that the expense of the vessels in ordinary was greater than the expense for those in commission. [Lord CLARENCE PAGET: What Return is that?] It was headed "fitting and refitting," and was numbered 174. This Return showed that even if they were so fortunate as to have fewer vessels in commission they would not on that account save the expense of materials for the hulls. He had the figures with respect to sailing ships, but as they were not accurately given he was unable to draw any conclusion from them; but the figures in respect to the steam-vessels were quite enough to show what the fact was, and that even if the number of men were reduced to the average of the last few years, it must not be supposed that the expense of maintaining the vessels would be got rid of. The whole expense of putting the establishment of timber in a proper state would be simply an expense, once for all, of about £300,000 or £400,000. But, whatever might be the cost, the country would be secure, with a proper store of timber, of having well-seasoned materials for the work to be well done.

MR. W. WILLIAMS said, it was very important the House should be distinctly informed what course the Admiralty intended to pursue on the Report of the Commissioners appointed to inquire into the state of the dockyards. That Report was one of immense value and of great public interest. It had been prepared by men of large experience, official standing, and who were quite capable of understanding what they inquired into, and they stated that 20 per cent might be saved to the country in the building of new ships. There were, it was true, two Gentlemen, Government officials, who pursued the red-tape system, and they defended that system in the best way they could. He would tell the House that nobody was more anxious to maintain the efficient state of the navy than himself, but when the House was asked to vote such large Estimates, it was quite time they were inquired into. If they took the years from 1832, the commencement of the Reformed Parliament to 1838, it would be found that the average expenditure on the navy in those seven years was £4,770,000 while the expenditure in 1858 was no less than £8,800,000, and now it was proposed to ask for £12,800,000 for the year 1860-1861, being about £8,000,000 more than the average of the seven years from 1832 to 1838, and £4,000,000 more than the Estimates of two years ago. Now what, he would ask, was all that for? It was most extraordinary and unaccountable to him. Were they preparing for war with some nation? But there was no other nation than that of France which could compete with them. Now, what had been the course adopted for the last seven years? The expenditure upon the British Navy from 1851 to 1858-1859 had been about £86,000,000, but the expenditure upon the French Navy during the same period had been £46,309,000. The two countries appeared to be going into a sort of contest as to which of their navies should be the most efficient and the largest in the number of screw ships, yet France had placed this country in a condition of fear and apprehension by the creation of a navy which cost little more than half the expenditure upon the English Navy. What was still more extraordinary was, that the whole expenditure upon the French Navy two years ago was £4,600,000, while the Estimates of this year for the wages and victuals of seamen in the English Navy amounted alone to £4,900,000 or £300,000 more; and he believed that the French Navy was not now more extensive. The gallant Admiral (Sir M. Seymour) had spoken in high terms of the character of the shipbuilding carried on in our yards; but he (Mr. Williams) wished the noble Secretary to the Admiralty to explain how it happened that in the principal dockyards in the kingdom there was so great a difference in the wages of shipwrights engaged upon vessels of precisely the same tonnage and character? At Chatham, the cost of wages was £4 8*s.* 2*d.* per ton; at Devonport, £4 10*s.*; at Sheerness, £6 2*s.* 7*d.*; and at Woolwich, £6 18*s.* This was most monstrous, and he wished to know why the cost at Woolwich was 50 per cent more than at Chatham. He was also perfectly astonished at the vast quantity of timber which had been paid for. At the termination of the French war we had 240 sail of the line, now we had only 59 afloat and on the stocks, and yet during that interval we had expended upon timber and wages, in the construction of ships, no less a sum than £88,000,000. There must have been some gross mismanagement somewhere. No attempts, however, was made to check the system until the late Commission; and he thought, after the disclosures which they had made, it was high time that this House should interpose to prevent the mismanagement which prevailed in our dockyards. A Commission of efficient men, who thoroughly understood every branch of the subject, would probably do more effectual service with this view than even a Committee of the House.

SIR HENRY LEEKE said, he was one of those who would have the most efficient ships that could be obtained for the purpose. He would even go beyond the gallant Admiral, and have every guard-ship in port and ordinary fully efficient. At every port there should be two, and they would thus form a fleet the ships of which would be of the largest size and of the most efficient character. That was what he would do if he were a First Lord. The gallant Admiral had alluded to the subject of corporal punishment. He (Sir H. Leeke) was acquainted with many seamen in the fleet, and they were anxious that he should express a few words regarding their views on the subject. He was deeply interested in their welfare, having commanded many of them and having lived with them. A short time ago he was in conversation with them on the subject of corporal punishment, and they said, "Parliament men don't know much about it. You had better send the case down to us, and what would take them two or three nights to settle we would settle in an hour." He (Sir H. Leeke) said, "But you would not have corporal punishment, would you?" "Oh! wouldn't we," said they. "I thought you would like to have it done away with," he rejoined; "I am not, although I detest flogging, for doing away with corporal punishment. I think its abolition would be fraught with great danger to our fleet." Their answer was, "No, Sir." He was quite sure that the men themselves would not like to have it done away with. An instance occurred the other day, in which, on board one of the ships, some of the men conducted themselves in such a disgusting way that the seamen of the ship called on the captain of the ship to punish the men, but it was not done, and the case was reported to the admiral, who said that he would avoid punishment if possible, but that if it occurred so frequently he would enforce it, and that to withhold it would be productive of mischief. It was intimated, after remonstrance, that if the thing occurred again the man would be severely punished; and so he was, to the great delight of the rest, if he might use such an expression with reference to having a fellow-creature flogged. For his own part he detested flogging, and never slept for two or three days before or after it. Two men were afterwards flogged, and it was now one of the best of the ordinary ships in the service. This was a proof, he thought, that the men preferred the cat, or corporal punishment, to be continued, for their own protection, to its being done away with. He had commanded a large ship under Admirals Parker and Napier, in a fleet consisting of ten sail of the line, and a great number of steamers. During the twelve months he commanded in that fleet only twelve men were punished. His own ship was the *Queen*, with 1,050, and he only punished two men in three years; going far to prove that the necessity of corporal punishment in that and other ships was as good as done away with altogether. As a general principle he would not punish the men, except under the most outrageous circumstances. With reference to the reserve captains in the Royal Navy, he thought they were very hardly treated, and whatever construction the right hon. Member for Portsmouth (Sir F. Baring) might put on the Order in Council, he thought the terms of it were perfectly clear, and that these officers were entitled to progress in their rank, and have an increase in their pay. There was not an officer in the service who was not grateful to the hon. Member for the way in which he had taken the matter up. He did not rail at the measures adopted by the Board of Admiralty, for he believed it was composed of gentlemen who were most anxious about the service, and desirous of keeping up its *prestige*, and no one more so than the noble Lord the Secretary of the Board, who had often to append his name to letters, however unpleasing to his feelings, that emanated not from himself but from the Board. These officers wished to progress in their rank, and have their pay increased; but, according to the letter signed by the noble Lord it would appear they were to remain as they were, somewhat, if he might so say, in the position of an old hulk, until broken up. Some of them had seen great service, and had passed the greater part of their years in it; and there were two or three of their number who, if he were called upon to hoist his flag to-morrow, he should really like to have as his flag captains. He should like to have a captain who was a seaman. He did not ask for an officer who was a steam officer. In action he wanted a seaman by his side, and not one conversant with the engine-room. It was not his business to rail at the Board of Admiralty and the measures adopted by them. If he received an order from them he obeyed it, with all under him, with the utmost cheerfulness; but in that House he was in a different position, as a Member of Parliament and a citizen, and it was his duty to assist these officers provided he thought their claim to be a just one, and he called on the House, the Admiralty, and the country, to say whether these officers had been properly treated. He would instance the case of one gallant officer, who was a midshipman in the *Gibraltar* in Lord Hotham's action, who was at the evacuation of Corsica, at St. Vincent, attack on Teneriffe, bombardment of Cadiz, who was at Copenhagen, and who served on the coasts of France and Holland, and who was made commander for his long and gallant and meritorious services. That was an officer who had only 6*d.* a day increase after being made post captain. If any man in the service were deserving of reward, it was assuredly men of that description. They had passed the best of their days in the service of their country, and had taught the young men in the service to uphold the honour of England's flag, and the Admiralty would not be doing too much by putting them on the same footing with their more fortunate brethren, for were a war to break out many of these men were as well fitted to command a line-of-battle ship as any commander of the present day. They did not, to use the words of the Report in the blue-book, expect to be employed, but they did ask for additional pay. A sum of some £2,000 a year would suffice to meet it, and 2*s.* a day, or £30 a year, would be a great addition to the pay of those worthy officers, who only received an income of some £180 or £185 per annum, and that would enable them to get an extra servant, or provide themselves with additional conveniences and comforts.

Admiral WALCOTT: I rise, Sir, to advocate the cause of the Reserved Captains of 1851, cordially agreeing with the sentiments of the hon. Member for Portsmouth (Sir J. Elphinstone); but I have received much discouragement from the statement made by th right hon. Baronet the Member for the same borough (Sir Francis Baring), himself First Lord of the Admiralty formerly, and one whose public and private character are in this House the credentials of truth and honour. He assures the House that he it was who framed that Minute which constituted a reserved list of captains, and did so with the clear understanding, both in his own mind and in the minds of his colleagues in office, that the advantages which he held out was to be restricted simply to the advancement of such officers to the rank of captain receiving the graduated pay of junior captains. On the other hand, these officers contend that in accepting that advancement, while they surrendered all expectation of a good-service pension and the hope of employment or active service, except in case of emergency, nevertheless they retained a firm belief that they would continue to rise and receive a proportionate increase of pay agreeable to their seniority in the same manner as if they had been placed upon the active list of captains. This is not the impression of the right hon. Baronet (Sir Francis Baring); but may I remind the House that these officers have done their duty whenever called upon, and accepted, in many instances, that advancement for the good of the service, and to enable their younger brethren to obtain promotion. I heard with equal regret and astonishment the statement of the hon. and gallant Admiral the Member for Devonport (Sir Michael Seymour), that the United States employ no less than 150,000 sailors, of whom one fourth only consisted of American subjects. I entertain no fears; I believe assuredly that, in the unhappy event of a war being forced upon this country, a considerable proportion of our merchant seamen, being unable to serve in their ordinary calling, and numbers of our seafaring population, would crowd into the Royal Navy with the same zeal and alacrity, loyalty, and devotion, which have been evinced in the Volunteer Corps on shore. We have now 180,000 merchant seamen, and with the certain prospect of such an augmentation of brave and devoted men, I can see no ground for ignoble despondency. The nature of a seaman is to love a roving life, and to be averse to the discipline of a man of war; and, therefore, in the despite of pensions and other boons, the time of peace is not that in which we ought to ook for them in any abundance. Of these 180,000 sailors, 23,000 are mates, and 60,000 able seamen, and of the remainder, ordinary seamen constitute a large number. I earnestly desire to see an efficient reserve maintained; and in the year 1853, I, with this purpose, impressed upon the Government the necessity of stationing ships at all mercantile ports for the training of men for the navy, under the command of officers of high character, possessing the happy union of temper and ability for this duty. If that suggestion had been acted upon, we should now have possessed (as I proposed the entry of 4,000 lads, from fourteen to eighteen years of age, annually) a reserve of between 20,000 and 30,000 young able seamen upon whom we could have relied in case of need. Every encouragement should be held out by the Admiralty to officers to induce them to acquaint themselves and become familiar with the new modes and instruments of naval warfare; the same zeal should be urged, indeed, upon the whole service. But, unhappily, numbers of the lieutenants have lost all heart, so few are their chances of promotion. There is a remedy; it is this: let those officers, after a certain number of years' service, be advanced to the rank of commander with an increased pay; but not, as at present, be retained on their present list to discourage others. The hon. Member for Lambeth (Mr. W. Williams) complains that the Navy List is overcrowded. This is quite true, in consequence of the unusual longevity in that department of the service. The protracted period of war from 1794 with scarce intermission to 1815, maintained with many nations, necessitated the employment of a thousand sail of men of war and a corresponding number of officers, of whom three-fourths, on the restoration of Peace in 1815, were placed on half pay. Every year, every month and day, reduces their number, and I believe no money will be, or is more cheerfully voted than that which is devoted to the officers or efficiency of the navy, which in a war would be indispensable, and in peace time is no less serviceable and important in securing the mastery of the seas for the ocean path along which the wealth of England is brought home, has been kept clear and open for centuries, only by the presence of the ships that carry the British pendant.

Admiral Walcott

Mr. BENTINCK said, that before adverting to the subject under discussion, he was anxious to tender his thanks to his hon. Friend the Member for Portsmouth (Sir J. Elphinstone) for the graceful and feeling allusion he had made to a recent melancholy event. He believed there was no hon. Member on either side of the House who would not readily acknowledge that the amiable qualities and the great ability of the late lamented Member for Berkshire (Captain Liecester Vernon) were such as to render his untimely end a source of the deepest regret. [*Cries of* "Hear, hear," from both sides of the House.] He (Mr. Bentinck) entirely concurred with the hon. and gallant Member for Southwark in the observation that the naval expenditure of this country must be of an increasing character; but he could not forbear reminding the House that the Government had inaugurated a new financial policy, the obvious result, if not the avowed object, of which must be so to cripple our financial resources as to render the maintenance of the national defences next to impossible; and he asked how they could reconcile the conflicting positions of, in all probability, decreasing resources with an increasing expenditure. Reference had been made during the debate, by the gallant Admiral, to recent disturbances on board some of Her Majesty's ships. He (Mr. Bentinck) believed the real cause of those disturbances was referable to the whole tendency of recent legislation and the existing state of public feeling to resist authority. In the navy disgraceful occurrences of that kind were constantly occurring, and he believed there was no Member of that House who would not say that when discipline ceased to exist in the navy the navy itself might as well cease to exist altogether. In the case of the mercantile marine the tendency of their legislation had been such that, in the case of disputes between masters of vessels and the men, the former were sometimes compelled to have recourse to what must be regarded as very unjustifiable acts. The gallant Admiral opposite had referred to the subject of bounties. There might no doubt be cases in which a system of bounties might be beneficially resorted to, but he believed those cases were of an exceptional character. In most instances where bounties were resorted to the fault lay with the Admiralty in not providing the means of keeping up a regular supply of seamen for the service. But here, again, he believed the origin of the evil was to be found in that House. There was a constant struggle between the Board of Admiralty and the Chancellor of the Exchequer, who was always making use of every expedient to make the two ends meet, and driving the Board of Admiralty to practices of which they were ashamed. The system of bounties was one of extravagance in the long run, and he believed that if they were to pay their seamen well, so as to preserve them to the navy, they would not only add to the security of the country, but effect an actual saving of money. The hon. and gallant Admiral (Sir C. Napier) had called attention to the marked difference between our system and that of the French in obtaining levies of seamen, and had shown that the French system was such that they never did really disarm, and it would be well if this truth were impressed upon the country generally. Complaints had been made of the enormous cost of building, and the large outlay of public money at the docks. Every one admitted that the work done in the dockyards was admirable, yet the cost was enormous; but he quite concurred in the observation, that it was utterly impossible in the present state of things that an efficient reduction in our expenditure could be arrived at. He attached no blame to any Board of Admiralty, past or present, and he contended that the proposal for an inquiry into the cause of the extravagant expenditure in the dockyards was waste of time. The cause was evident: it was in the system, in the fact that men were placed in a responsible position who could have no acquaintance with the profession; that men who had this acquaintance were placed in irresponsible positions, and that the Board of Admiralty was made a stalking horse for political jobbery. If they wanted to have efficiency and economy they must have at the Admiralty a continuous system, managed by persons continuously responsible and wholly independent of political movements, and they must place at the head of it a man who, by profession and reputation, was admitted to be thoroughly competent to undertake the whole management. They had heard something about the price of anchors; and he had no doubt the Admiralty paid twice as much as they ought to do for their anchors; but this arose from the same cause. His right hon. Friend the Member for Oxfordshire (Mr. Henley) had brought before the House the important question of timber, and he impugned the figures and calculations of the noble Duke at the head of the Admiralty. His right hon. Friend made out his case with that clearness and force which always distinguished him; but he could not agree with him when he impugned the conduct of the noble Duke.

He believed that if they were to have a civilian at the head of the Board the noble Duke was as good a man for the position as could be got, and he knew that his noble and gallant Friend (Lord C. Paget) had worked hard to remedy the abuses of the Admiralty. But it was impossible fully to remedy those abuses under the present system which his noble and gallant Friend knew to be perfectly indefensible. They had been told time after time that if any private building yard was carried on upon the system pursued by the Admiralty, the Bank of England would not be able to keep them going six months. He believed that the great body of officials at the Admiralty time after time had been doing their best to remedy abuses, but that they found them beyond their control. The expenses of the navy were likely to increase year by year, and it was of the utmost importance that they should watch with the utmost vigilance the expenditure of every shilling in the dockyards. [Mr. WILLIAMS: Hear, hear!] The hon. Member for Lambeth cheered, but his views and those of that hon. Gentleman were very different upon this subject, for he considered it a penny wise and pound foolish policy to restrict expenditure when it was shown to be necessary. He would not grudge the most liberal outlay for the navy, and all he asked was that the money should be judiciously applied. Till the House was prepared to grapple with the great evil of the system all Committees of Inquiry were useless, and in the discussion of details they were only wasting their time, and wasting millions of the public money.

LORD CLARENCE PAGET said, he would not then make any remarks, but when the House went into Committee he would take the opportunity of answering the various statements that had been made.

Motion *agreed to.*

SUPPLY.—NAVY ESTIMATES.

House in Committee; Mr. MASSEY in the Chair.

(In the Committee.)

1. Motion made, and Question proposed,

"That a sum, not exceeding £160,280, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1861."

LORD CLARENCE PAGET said, he had one or two observations to make upon the Vote under consideration, but before doing so he would proceed to reply to the various points that had been referred to by the hon. Members who had addressed the House during the evening.

SIR HENRY WILLOUGHBY said, he rose to order. He wished to know whether the noble Lord was entitled to make a general statement in Committee when a particular Vote was before them?

THE CHAIRMAN said, that it was not usual or convenient that general statements should be made on a specific item, but, no doubt, the noble Lord, the Secretary to the Admiralty, would exercise a sound discretion relative to the explanations which he might think proper to make. He would only requst the noble Lord, in order somewhat to limit the discussion, to confine his answers to the particular votes before the House.

LORD LOVAINE said, that the Committee was placed in an awkward situation in consequence of the noble Lord declining to answer the various questions put to him by various Members until the right hon. Gentleman had left the chair, and the first Vote was proposed in Supply. He thought that the course taken by the noble Lord was rather unfair towards the House.

SIR JOHN PAKINGTON said, that no exception could be taken as to the shape in which the rule of the House was explained by the Chairman. The course taken by the noble Lord was most objectionable. They had had a long debate in the course of the evening in which several questions of serious importance had been raised. He submitted that it was the duty of the noble Lord representing the Admiralty to have given frank and direct answers to those questions put to him before the House went into Committee, and he was bound to enter into those matters with that freedom which he could alone do in the course of the debate. He (Sir J. Pakington) maintained that it was a complete departure from the rules of the House for the noble Lord to enter into a general statement at that time. The noble Lord had sat through a long debate and had heard a variety of matters discussed upon the question of the first Order of the Day. To his (Sir J. Pakington's) astonishment the noble Lord rose and said that he should make no answer then to the questions that had been put to him, but that he should reserve the statement he had to make until the Speaker had left the chair. The noble Lord now proposed on another question altogether to deviate from the old established practice and the recognized rules of the House; to offer explanations to all those matters that applied only to the former debate. The Chairman he (Sir J. Pakington) was bound to say had placed the question of order in its proper light, and had pronounced his opinions on the rules of the House, in accordance with the judicious manner which characterized his deportment generally as president of Committees. The rules of the House laid down that in Committee of Supply no hon. Member could refer to any Vote, except that immediately under consideration. The noble Lord was, therefore, not now at liberty to enter into that statement which he should have made in the course of the evening's debate, when he had a legitimate opportunity of doing so.

Viscount **PALMERSTON** said, he could not concur with the observations of the right hon. Baronet who had just spoken. It was quite true that, according to the strict rule of the House—a rule which it might be sometimes very convenient and proper to adhere to more closely than was done—no hon. Member ought to speak except upon the question actually before the chair. If that rule were strictly enforced, when the Chairman moved the adjournment of the House with a view to the discussion of some topic or other which was totally unconnected with the question whether the House should adjourn, hon. Members ought to be stopped and called upon to reason only upon the question why the House should adjourn. If the strict rule of the House were to be enforced, the noble Lord the Secretary for the Admiralty would have to discuss the establishment of the Admiralty, but it would be perfectly competent for the House in discussing the Vote before it to allude to anything that might be said for or against the constitution of the Board, in regard to every branch of the service. His noble Friend, in adopting the course he had done, had consulted the convenience of the House, and was perfectly entitled to discuss and to answer upon that Vote of the Committee anything that might have been said in the course of the evening in regard to the good or bad management of the naval service. In his (Lord Palmerston's) recollection nothing was more common than that a person charged with the conduct of any branch of the public service should defer his remarks till the House went into Committee. Surely no hon. Member who had sat in the House more than one Session could fail to recollect frequent occasions in which a similar course had been pursued with regard to the Army Estimates and other matters. To Members, such a course gave an opportunity to repeat their objections, and to discuss and consider the answers which were given in Committee—and he would undertake to say, from his personal recollection, that the course was perfectly usual. If his noble Friend had replied before the House went into Committee, hon. Members' mouths would have been closed, whereas they would now have an opportunity of making a counter reply. With all submission to the Chairman, he must take leave to say that the charge of the right hon. Baronet was wholly unfounded, and that the noble Lord, in the course he was taking, was acting within the strict rules and practice of the House.

Lord **LOVAINE** remarked that if the views of the noble Viscount were correct, the judgment pronounced by the Chairman must be wrong. The hon. Gentleman stated that the noble Lord the Secretary of the Admiralty was bound according to the rule of the House to limit his observations to the particular Vote before the Committee, whereas the noble Viscount insisted that he was at liberty to refer to the thousand and one questions which had been alluded to in the course of the evening.

Sir **HENRY WILLOUGHBY** said, when he called attention to the point of order, he bore in his mind a circumstance that had occurred on a former occasion, when an hon. Gentleman who was now in India (Mr. Wilson) had the conduct of the Civil Service Estimates in that House: a general discussion arose upon the subject, and many explanations were sought for in regard to them. The hon. Gentleman to whom he referred, however, declined to answer the objections made on that occasion until the House went into Committee. The consequence was that a general debate arose, which occupied the entire night, and ended, if he remembered right, in an adjourned debate. He mentioned that fact to show the inconvenience of such a course. If it were regular for the noble Lord the Secretary of the Admiralty to enter into a long statement then, and to refer to the various topics brought under discussion that evening, it followed, as a necessary consequence, that other hon. Members could also enter into a discussion of all those points. He put it to the noble Lord whether he was really consulting the interests of the Government in laying down such a doctrine. If the noble Secretary were now permitted to discuss *de omnibus rebus et quibusdem aliis,* the same course would of course be open to hon. Members generally on every Supply night, and the most voluminous debates would therefore be the consequence. He submitted it was the duty of the Committee to adhere strictly to the immediate subject before them.

Viscount PALMERSTON said, it had been his duty on former occasions to bring forward the Army Estimates, and at those times, and when upon the first Vote, he had entered into a detail of all the Votes, and had explained everything connected with the Army Estimates. Surely, therefore, his noble Friend was entitled to make any observations he pleased as to the conduct of the navy, and answer any objections which had been made as to the manner in which that department of the public service had been conducted.

Sir CHARLES NAPIER said, he wished to remind the noble Viscount that the noble Secretary to the Admiralty had already made a statement, and had gone largely into the first Vote. He presumed, therefore, that the noble Lord would have an opportunity of discussing each Vote *seriatim.*

Admiral DUNCOMBE contended, if the noble Secretary of the Admiralty were to be allowed the indulgence claimed for him by the noble Viscount, other hon. Members should have the same opportunity of entering into all those subjects in reply.

Lord CLARENCE PAGET said, his only object had been to study the convenience of the House. He did not wish to shirk any explanation, nor to decline entering into or answering any questions that had been put. If he had erred it had been rather through ignorance than from bad intention. The first duty he had to perform was to take notice of the Motion which his hon. Friend the Member for Portsmouth (Sir J. Elphinstone) had made in reference to the reserve captains of the navy. The hon. Baronet had made his observations, if he might be allowed to say so, with a great deal of adroitness, and had spoken in very strong terms for the benefit of those officers for whom he was interested, and he believed there was scarcely a Member of that House—

Lord LOVAINE said, he again rose to order. He could see nothing in the Vote before the Committee which in any way related to the subject referred to by the noble Lord.

Lord CLARENCE PAGET said, he would defer the explanation he had to offer in regard to the case of the reserved post-captains, although he regretted to do so, as many Gentlemen were naturally anxious to hear it. He hoped he would be in order in replying to the observations of the right hon. Member for Oxfordshire (Mr. Henley).

Lord LOVAINE remarked, that the subject of timber came under Vote 10.

Lord CLARENCE PAGET: Very well, then I will confine myself to the Vote before the Committee, and simply move that the Vote for the expenses of the Admiralty Office be allowed.

Sir CHARLES NAPIER said, he wished to draw attention to the fact that the Vote for the Admiralty Office was continually on the increase. This year it was larger than it was the year before by £143,230. His great objection to the Vote, however, arose from his conviction that the constitution of the Admiralty was incompatible with the proper management of the naval business of the country. As long as the Admiralty was presided over by a man destitute of practical experience of naval life, the same absence of order and economy would be observable as at present. The First Lord had to discharge duties which, as a civilian, he could not possibly know anything about. The professional man who acted as a sort of "dry nurse," being generally selected by the First Lord himself, was as likely to be inefficient as not, and even if fit for the post his advice was often disregarded, or perhaps not asked for at all. Each member of the Board had a particular department allotted to his charge, but general questions were discussed by the whole Board. Very often, however, the First Lord gave orders which his colleagues knew nothing about. When the right hon. Member for Carlisle (Sir J. Graham) was First Lord, and assumed the responsibility of acting in that manner, Sir J. Pechell, a very conscientious officer, protested against it; but all members of the Board were not equally independent. The perpetual changes in the Board which took place under the present system could not fail to be prejudicial to the service. There had been six First Lords in ten years, and even the naval Lord was changed like the rest. He believed that one of the chief causes of the discontent which had prevailed in the navy for some time past was that the sailors were confined too closely to drill at

Portland, and debarred from the privilege of going ashore, which they used formerly to enjoy. Drill was always irksome to a sailor. When carried too far, it invariably produced discontent; and when the men were called off from "leave," the irritation was sure to be increased. The patronage of the Admiralty was practically in the hands of the First Lord, and it was not easy to see how that was to be prevented. The First Lord claimed a certain share of the promotions and appointments as his own private patronage, and indeed seldom asked advice as to the disposal of any of it. The Duke of Somerset was the present First Lord, and how had he distributed the patronage? He had bestowed a command on Admiral Milne—a very excellent officer certainly, who, while captain, had been in constant service, but had been for eleven years a Lord of the Admiralty. Admiral Milne was a canny Scotchman, and had retained his seat at the Board under both Whigs and Tories. He was now despatched to the North American station. Then there was Admiral Bruce, a very excellent officer too, who had had three commands running. He had commanded on the coast of Africa, was removed thence to the Pacific, and was now installed at Portsmouth Dockyard. Admiral Bruce was a very good officer, as he had said, but then he was not the only good officer in the service. The next was Admiral Fanshawe, who had held four previous commands, and had not remained in any one of them long enough to complete his time. He was, no doubt, a very excellent officer; but he was not the only good officer in the service. They were doing everything they possibly could to prevent the Commander in Chief or the Secretary at War constantly keeping the same officers in each department of the army, and the same thing ought to be done with regard to the navy. The next appointment of the present First Lord was Admiral Elliott, who was removed from the Channel squadron to Portsmouth, then to the Admiralty, and now to the Mediterranean. He had not the least objection to any of these officers, but it was very hard that officers who were equally as good should not have a chance of gaining experience. It might be necessary to change the First Lord with each change of Administration, but the other Lords should be put in for a certain time — say five years — and one changed every year, so as to keep up a constant supply of experienced men. It was not his intention to oppose the Vote, but he should take an early opportunity of submitting a substantive Motion upon the subject.

MR. W. WILLIAMS asked what was the reason for the amount of this Vote being larger by £14,000 than it was last year?

SIR HENRY WILLOUGHBY remarked that one source of the increase was the employment of temporary clerks. But there was one item, the last in the Vote, which required explanation. It was for "fees and expenses of the marshal of the Admiralty Court, and for disbursements of the solicitor in law suits." Three years ago the sum voted was £4,000; last year, or the year before, it was increased to £6,000; it was now £7,000. How, he asked, did the increase arise?

LORD LOVAINE said, that some explanation was also needed of the increase of charge for clerks, from £18,732 last year to £19,210, when it was remembered that the packet contracts had been transferred to the Post Office. He would take the opportunity of stating that Mr. Clifton, the head of the steam department, brought under his notice the whole of the documents relating to the Churchward contract, and consequently that he was not amenable to the censure which the right hon. Member for Portsmouth (Sir F. Baring) had passed in the course of a recent debate, under the supposition that he had not done so. He believed Mr. Clifton to be a most active and intelligent public servant.

LORD CLARENCE PAGET said, he thought the gallant Admiral had fallen into the very same fault for which he had called him to account. He had not only wandered away from this Vote No. 3, but had gone into the army. The only fault which the gallant Officer appeared to find with the patronage of the Duke of Somerset was that he promoted good officers.

SIR CHARLES NAPIER explained that what he found fault with was the keeping of some good officers constantly employed to the exclusion of others who were equally good.

LORD CLARENCE PAGET said, when they had got a good man to take a command, he thought it best to give him another command when the opportunity occurred. The Duke of Somerset, however, had not appointed any officer to a command without consulting and obtaining the unanimous approval of the professional members of the Board. The noble Lord had asked what was the cause of this increase from £18,732 in the year of 1859-60, as regarded clerks, to £19,210 this year. The increase was from several causes. First of all, there had been an addition to the second-class clerks, and a reduction of the third-class clerks, in fact making them into second class, and the next was, the progressive increase of salaries. The noble Lord spoke highly of the superintendent of the packet service, an eulogium which the gentleman well deserved, and he stated that they had transferred the packet service from the Admiralty to the Post Office. He presumed the noble Lord thought there ought to be a corresponding reduction in the expense. No doubt, under ordinary circumstances there might be a reduction, but the work which had been entailed upon the clerks, both at the Admiralty and Somerset House, by the augmentation in the fleet, and by the immense increase of work going on in the dockyards, had obliged them not only to keep up the establishment, but to appoint a vast number of temporary clerks. It might be said that the strength of the establishment was below the exigency of the service, but they trusted that the present pressure was only temporary, and he should be very sorry to suppose that they were likely for the next few years to employ 20,000 men in the dockyards. As long, however, as this extraordinary amount of work was going on they must be prepared to increase their establishments in a commensurate degree.

Admiral DUNCOMBE said, he thought it would be truer economy to increase the establishment at once, than to go on employing temporary clerks by whom the work would be only imperfectly done.

Sir HENRY WILLOUGHBY said, as he had received no reply to his question, he would move that the Vote be reduced by £1,000.

Lord CLARENCE PAGET said, he begged the hon. Baronet's pardon. He had forgotten to state that the law expenses were remarkably heavy this year. There was an old dispute relating to the dredging of the harbour of Milford Haven, which had been referred to arbitration, and which of itself had cost about £1,000.

Sir HENRY WILLOUGHBY said, he would withdraw his Amendment.

Mr. W. WILLIAMS said, the explanation of the noble Lord as to the increase on the Vote over last year was not at all satisfactory to him, and he would, therefore, move that it be reduced by the whole amount of £14,323. He believed there was no other way to check this constant tendency to increase than to refuse passing every Vote for which they did not receive a satisfactory explanation.

Motion made, and Question proposed, "That the proposed Vote be reduced by the sum of £14,323.

Mr. LYGON reminded the hon. Gentleman that £1,700 of this increase was caused merely by the transfer of £1,700 from Vote No. 11 to the present.

Mr. WHITBREAD reminded the hon. Gentleman that the clerks whose salaries he thus proposed to refuse had been engaged on the faith of an Order in Council.

Mr. W. WILLIAMS said, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

2. Motion made, and Question proposed,

"That a sum, not exceeding £287,725 be granted to Her Majesty, to defray the Salaries and Expenses of the Coast Guard Service, the charges for the Royal Naval Coast Volunteers, and Royal Naval Reserve, which will come in course of payment during the year ending on the 31st day of March 1861."

Sir CHARLES NAPIER said, he wished to know whether the 9,500 men borne on the Coastguard service were all seamen who might be depended on to be called out as a reserve; because Admiral Martin, who had been for two years at the Admiralty, had stated in a pamphlet to which he put his name that this was a mere delusion, and that in point of fact there were only 3,200 men who were fit to go on board ship. Then he observed there was £100,000 voted for the Royal Naval Reserve, he wanted to know what number of men there were in the Reserve, and how it was proposed that this money should be spent. He also wished to know if it was the intention of the Admiralty to send really good and effective men of war to the different ports in room of those lumbering and inefficient block-ships that were a disgrace to the navy. If he did not receive satisfaction on these points he would divide the House against this Vote.

Sir JAMES ELPHINSTONE said, he believed that a code of regulations had been issued with regard to the Reserve, which was far too complicated for the purpose. Admiral Martin, who had paid great attention to this question, made several valuable suggestions with respect to this force in his pamphlet. He suggested, among other things, that the definition of able-bodied seamen was not complete, as it at present ranged from the man who could steer a river steamer to the man who was a complete and thorough seaman. The regulation of this Reserve was placed under the management of the shipping-masters, which he believed was one great cause that prevented the success of the scheme, for sailors never looked a shipping-master in the face without having to pay him a shilling; and therefore they never went near him if they could avoid it. The rational way would be to put this force under the control of an officer of high qualifications, with an efficient staff under him. He would urge on the Admiralty to create a new department for the special management of this force, and he had no doubt they would soon get plenty of men, for he believed the system had never yet had a fair trial. With regard to the Coastguard, he recommended that all who were not real seamen should be got rid of as occasion served, and that their places should be filled with able-bodied sailors. He thought it was hard that they did not allow the officers of the Coastguard their full sea time. The duty of a Coastguard man was also extremely arduous, and he probably went through more work than a seaman on board a man-of-war. The only advantages which that service offered were those which arose from enabling them to live with their families. In order to render the Coastguard thoroughly efficient as a naval reserve, he recommended that a large addition should be made to its numbers, and that the men should be thoroughly trained and drilled, so as to fit them for the position of captains of guns, in case they were suddenly required to embark.

ADMIRAL WALCOTT inquired, whether he was correct in believing that out of 7,200 Coastguard men, 1,500 or 2,000 men had no pretension to the character of seamen, and could not be relied on in an emergency.

SIR JOHN PAKINGTON said, he hoped the noble Lord would also be able to state how many Naval Coast Volunteers were now enrolled, and to what extent they had come forward for drill during the past year.

LORD CLARENCE PAGET said, on the 1st instant there were on board Coastguard ships and tenders 3,206 men, which, with 3,438 serving on shore at the different stations, made a total of 6,644 seamen available for the fleet. Besides these, there were 1,386 landsmen, whose places would, however, be filled by seamen as rapidly as they were pensioned off. He did not mean to deny that there were able points in the pamphlet of Admiral Martin, but he must add that he dissented from some of its details. That hon. and gallant officer complained, for instance, that men with forged certificates and unfit for their work were received into the Naval Coast Volunteer force; but he (Lord C. Paget) believed that no additional security could be provided for ascertaining whether a man was really an able seaman. The man on presenting himself was first examined by the shipping-master; and, as an additional security he could not be admitted without being taken before the naval officer for the district, who put such questions with regard to reefing and steering and the marks of the lead, as must sufficiently test his ability as a seaman. In fact, if a defect existed in the scheme, it was, as had been pointed out by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that the preliminary examination was too searching. Admiral Martin was a most excellent and efficient member of the Commission, but he maintained that the statement in which he took pains to show that the men who were being entered could not be depended on was, as regarded the Admiralty, very unfair and unjust. Without incurring the risk of being called to order, he could not refer to the case of the commanders of the Coastguard; but he might state that they were included in the scheme of the retirement of officers, which he was most anxious to have an opportunity of laying before the House.

SIR CHARLES NAPIER complained that this question still remained unanswered, and that the noble Secretary to the Admiralty had given a very poor answer to Admiral Martin's pamphlet. The noble Lord represented that there were 6,000 men ready to go on board ship, while Admiral Martin limited the number to 3,200; and he further stated that there were only 1,300 landsmen in the Coastguard, while Admiral Martin held that there were 4,000, who ought to be got rid of as quickly as possible. The noble Secretary further informed the House that nothing could be done by the shipping-master in reference to the enrolment of volunteers without consulting the naval officer, but in a letter which he had received from an officer well acquainted with the nature of this reserve, it was stated, "The sailors complain that they do not understand the regulations—

that the shipping-master tells them one thing, and the naval officer another. When men come forward to volunteer they wish to be drilled at once, and not to have it hanging over their heads. Many now regret that they have joined the Reserve, and prevent others from doing so; while efficient sailors are often turned away by the foolish questions which are asked." The noble Lord the Secretary to the Admiralty might be a very good sailor, but if he were to put before him the shear-block of a line-of-battle ship, and ask him what sized rope he would strop it with, he might feel equally at a loss with Jack to give an answer off hand. The fear of punishment by the lash without previous trial by court-martial likewise operated injuriously on the volunteer force.

Lord LOVAINE said, he wished to know whether any disinclination to enter the Coastguard had been manifested from a belief that the retiring allowance was not as attractive as in former years.

Mr. LINDSAY said, he hoped some explanation would be given of the discrepancy between the statements of Admiral Martin and the noble Lord the Secretary to the Admiralty. It was very desirable to ascertain whether those 6,000 men were all really able seamen, or whether any portion of them were mere landsmen, who had been put into the Coastguard through favour or patronage. As to the mode of entering seamen for the navy, if they were to be obtained from the merchant service the usual shipping-masters were more likely to get them than naval officers. He believed one of the greatest discouragements to entering the naval service was the objection seamen felt to the present form of the Articles of War, that inflicted the penalty of death for comparatively trifling offences, though, of course, the punishment was very rarely carried into effect. When a man knew that he might be stripped and flogged at the order of some haughty post-captain, he shrugged his shoulders and would not enter the service. Until those regulations were altered they could not hope to get large numbers of men to enter the navy from the merchant service. He begged to ask what had been done with the £100,000 voted last year for the Coast Volunteers; and what would be done with the same sum asked for in the present Estimates?

Mr. HENLEY said, he wished to offer an observation on this question of the Naval Reserve, for it did not seem to work very well at present. He had always thought that if the regulations were simplified seamen would be more likely to come in, because then they would understand them, but as they then stood it was not possible for any human being to do so. He could not for the life of him see why the Admiralty would not let the men who entered the navy serve for a month on trial. If a man entered as an able seaman, and if in the course of that month he was found to be inefficient they ought to tell him that he could not be rated as an able seaman, but that he might take his month's pay and go about his business. The thing was as simple as possible; they might, perhaps, lose 4*s*. or 5*s*. on the month's service, but it was worth while to spend that in making the trial. They were all very glad to give something to try a horse or anything else they wanted to obtain. The fact was, that able seamen did not like all the questions put to them. It was a sort of school-boy examination, and nothing else. When a man knew himself to be a good seaman he was disgusted at such questions being put to him, and would not expose himself to being so interrogated. He would say that he knew himself to be a good seaman and an honest man. At present he was talked over by some shipping-master and sent to a lieutenant to be questioned, and he was not sure—which was worst of all—that his rating would not be touched, for there was nothing to secure that if he entered on the rating of an A B he would continue to be so rated when he went to sea, because it would be open to any commander of a ship to change the rating. Those were some of the difficulties which prevented men entering the navy, and they might depend upon it that there were plenty of sea lawyers to place them before the men. If they admitted them on probation, their officers would soon see whether they were good seamen or not. After that was ascertained their rating should be secured to them at once, so that they might, if called upon, be in a condition to enter the service permanently. He made these suggestions because he believed that the regulations were to a great degree in fault, for he was certain that if he were a seaman he should not be able to understand them, and that nothing would induce him to enter the service under them. Sailors were not such fools as many took them to be. They could understand what was plain as well as anybody. He believed that if proper and simple regulations were adopted, they would have very little difficulty in getting men to enter the service.

Mr. W. WILLIAMS said, that the gallant Admiral had admitted that one of the great drawbacks to men being willing to enter the navy was the use of the lash. This disgraceful punishment did not exist in the French Navy. [Sir C. Napier: But the men are shot.] It was only four or five months since a sailor in the British Navy was shot for striking an inferior officer; so that we retained both punishments. But let the lash be abolished in the navy, and there would be no doubt about the Queen's ships being well manned.

Admiral WALCOTT said, he wished to know what were the qualifications of the men who were to be enrolled as Naval Coast Volunteers.

Sir JAMES ELPHINSTONE also inquired what number of men were absolutely enrolled in that force.

Lord CLARENCE PAGET said, in reply to the question of the right hon. Baronet the Member for Portsmouth, the number of Coast Volunteers enrolled was 6166. Of these he believed 4,000 were under drill. With regard to the sum of £100,000, about which the hon. Member for Sunderland (Mr. Lindsay) had inquired, a very small portion of it had been spent, and the rest was returned into the hands of the Chancellor of the Exchequer. The £100,000 intended to be voted this year would be immediately expended in fitting up the two ships to be used as training ships for volunteers; each ship to be a school for 2,000 boys. The gallant Admiral (Sir C. Napier) asked whether they were about to station efficient line-of-battle ships as Coastguard vessels. He could only say that that question was still under the consideration of the Admiralty. As to the number of the Naval Reserve, he believed it to be about 800.

Sir CHARLES NAPIER said, he would beg to ask the noble and gallant Lord whether he believed in his conscience that the 6,000 men of whom he had spoken were really fit to go at once on board a man-of-war? If so, the noble and gallant Lord's statement was directly opposed to that of Admiral Martin, who had been at the Admiralty longer than he had, and who said that only 2,300 of the men were fit for service.

Lord CLARENCE PAGET said, that his hon. and gallant Friend was pushing him rather close. From there turns he had received it appeared that 3,438 of the men were first-rate seamen, who had been placed on the Coastguard; and 3,260 had been placed on board Coastguard ships. Of these, some 500, he believed, were on board tenders. He could not venture to say that all these men were first-rate seamen. It must be remembered that this was a great nursery for our seamen; and as men were drafted off into the navy others were taken on board the ships. Men were at first induced to go on board the ships which they saw lying off Dundee, Leith, and other places; and then, finding a seaman's life not so disagreeable as they expected, they went on board the Queen's ships. He believed, however, that all these men would be available for the manning of the navy.

Sir CHALES NAPIER wished to know if these men were all returned to the Admiralty as "fleet men."

Lord LOVAINE asked whether there was as great a disposition to enter the Coastguard service now as formerly?

Lord CLARENCE PAGET said, that the truth was, the advantages held out to seamen were so great, that there was not the same anxiety as formerly. Married men were still desirous of joining the Coastguard, as they had the comfort of a cottage on shore; but active seamen preferred remaining in the fleet.

Mr. LYGON said, he wished to call attention to the large amount of the item for cottages for the Coastguard men. The sum of £33,000, was an excessive one, and he believed, on examination, that the rent of each cottage was as much as £8. He should not object to the item this year, but unless some change were made he should move a considerable reduction next year. He also observed an item of £190 for the spiritual instruction of Coastguard men. That had not been included in any previous Estimate. If it were intended to represent the whole of the spiritual instruction given to the Coastguard, it was ludicrously small.

Lord CLARENCE PAGET said, that according to a return just made to the Admiralty it appeared that the number of men in the Coastguard ships and tenders was 3206, and for service on shore at the stations, 3438; these were seamen.

Sir CHARLES NAPIER said, that noble and gallant Lord had not answered his question.

Lord CLARENCE PAGET: The number of civilians at employ stations on shore was 1,386.

Sir CHARLES NAPIER said, he knew from personal experience that returns had been made of what were called "fleet men;" perhaps the noble Lord was not aware of this fact. With reference to the block-ships, he intended to move that in the opinion of the House efficient ships should be substituted for the various block-ships now in use. This question had been under consideration, as the noble Lord said it now was, for the last three years, and nothing of a substantial nature had been done. The block-ships would make excellent school ships, and efficient ships of war, ready for active service, ought to take their place at the different stations they occupied.

ADMIRAL DUNCOMBE said, the hon. and gallant Member was not competent to move the Motion he had made. He (Admiral Duncombe) thought with regard to the Naval Reserve that the present regulations were not such as would induce men to enter the service. The articles of war might very beneficially be revised, and the system of flogging so far modified as not to be permitted without the authority of a court-martial. He thought the value of the article—able seamen — was underrated, and hence the reluctance of such to enter the service.

SIR CHARLES NAPIER said, as he could not make the Motion he desired, he should move that the Vote for the Coast-guard service be reduced by £4,000.

Motion made, and Question proposed, "That the proposed Vote be reduced by the sum of £4,000."

LORD LOVAINE said, the evidence given on the Merchant Shipping Committee proved that there was now no such thing as an "able seaman" in existence in the merchant service; the number of able seamen had diminished during the last twenty or thirty years beyond all precedent, and many witnesses in that Committee had recommended that Parliament should enforce a system of apprenticeship. No matter, therefore, what bounty was given it was impossible to get an able seaman.

SIR CHARLES NAPIER said, he would with the permission of the House withdraw his Motion, as he thought it better to bring it forward as a substantive Resolution on a future occasion.

Motion, by leave, *withdrawn*.

MR. LINDSAY said, the noble Lord's (Lord Lovaine's) statement that the number of seamen had decreased was not correct. [Lord LOVAINE: Able seamen.] Whether a man was a seaman or able seaman was matter of opinion. During the last thirty years the tonnage of British shipping had increased to 2,800,000, and of course there must have been a consequent increase in seamen; and it was a fact that there had been an enormous increase. He protested against a compulsory system of apprenticeship, and contended that there was no necessity for such a measure being adopted, for there were at present a larger number of seamen in the merchant service than was ever to be found in the merchant service before.

LORD LOVAINE explained that he had said there were not able seamen in sufficient numbers in the merchant service in proportion to the number required for the navy.

MR. LIDDELL said, he begged to call the attention of the Committee to the increase of steam-ships in the merchant service, a circumstance which rendered the service of able seamen to a great extent unnecessary. This, he thought, accounted for the fact that there were fewer able seamen in existence now than formerly, though ordinary seamen could be obtained in any number.

MR. H. B. JOHNSTONE asked, whether it was true that at one of Her Majesty's dockyards an immense number of shipwrights had been discharged and had gone in great bands over to France, that they were asked to give their addresses, because they might be called upon very soon to return, and that they replied that they did not choose to do so, as they were going over to fulfil engagements in the French service?

SIR JAMES ELPHINSTONE asked, whether it was intended to have so many as 1,000 boys in each school-ship, for he thought it was a bad plan to do so, and that the practice would have a very injurious effect. The block-ships would be good training ships.

LORD CLARENCE PAGET said, the block-ships did not contain the required accommodation. It was intended to have only 500 boys in one ship.

MR. H. B. JOHNSTONE said, he must press for an answer to his question.

THE CHAIRMAN said, it was not a question relevant to the present Vote.

MR. H. B. JOHNSTONE said, he would move that the Chairman report progress.

LORD CLARENCE PAGET replied, that he had not heard the rumour alluded to by the hon. Gentleman, though it was true that a reduction in the number of men had taken place in consequence of a reduction in the Estimates.

Original Question, put, and *agreed to.*

(3.) £64,322, Scientific Departments.

MR. BENTINCK asked, whether any change was proposed to be made in the mode of supplying chronometers to vessels. At present, if a captain of a vessel had none of his own, he had one given him; if he had one of his own he was allowed two; and if two of his own, he was allowed three. It was a most absurd system, and should be modified.

ADMIRAL WALCOTT suggested that it would be an act of justice that the chronometers which had been purchased by captains and commanders, and which now they would have no further use for, should be sent to Greenwich, and paid for at a fair price if the owners chose to sell. He hoped also that such officers might in future be relieved from the expense of purchasing chronometers.

LORD CLARENCE PAGET said, there would be no objection to the course proposed. It was a common thing in former days when officers were about to quit the service and to part with their chronometers, for the Astronomer Royal to give to the officers the value. In reference to some other observations which had been made, he might state that three chronometers would be allowed to each line-of-battle ship, frigate, and troop-ship, two to each sloop, and one to each gun-boat. He would add that he should be happy in future to relieve the class of officers who had been referred to, many of whom were by no means wealthy, from the cost of supplying their own chronometers.

Vote *agreed to.*

SIR JAMES ELPHINSTONE moved that the Chairman report progress.

Motion *agreed to.*

House resumed.

Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

House adjourned at a Quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 17, 1860.

MINUTES.] *Took the Oath*—Several Lords.

PUBLIC BILLS.—2ª Income Tax Divorce Court; Oxford University; Municipal Corporation Mortgages, &c.

TUSCANY.—THE YACHT "MEDINA."

QUESTION.

THE EARL OF MALMESBURY said, he wished to put a Question to the noble Lord the Under Secretary for Foreign Affairs with reference to a great outrage committed in the port of Leghorn last year on the master and mate of the English yacht *Medina.* When he was himself at the Foreign Office a complaint was made to the Department on this subject, accompanied by a request that he would ask for redress from the Tuscan Government. The application was made, but very soon afterwards the revolution took place, and the Grand Duke was deposed. In consequence, he supposed, of the confusion which followed, the appointment of the Provisional Government and the events that occurred in Italy, the case had not been attended to; but he had been applied to again from Leghorn by an English gentleman high in the service of Her Majesty, who stated that great feeling had been excited on this matter. He therefore begged to ask the noble Lord opposite what Her Majesty's Government had done in the case of the *Medina,* and whether there was any chance of redress being afforded by the Sardinian Government, whose authority had now been established in Tuscany?

LORD WODEHOUSE said, it was quite true, as the noble Earl had stated, that a great outrage had been committed by the police at the port of Leghorn on the master and mate of the *Medina.* Application had been made for compensation to the Tuscan Government, but the matter was suspended in consequence of the revolution. When Her Majesty's present Ministry came into office the application was renewed to the Provisional Government at Florence, who expressed their readiness to compensate the master and mate for the injuries they had sustained. The amount of that compensation was to be settled in this country; and the master and mate, having been examined by two medical men, one of them appointed by Her Majesty's Government and the other by the Tuscan Consul, a report was sent to Florence. The compensation which would satisfy the parties was £1,000 for the master and £750 for the mate; and they had reason to believe that the Provisional Tuscan Government was willing to pay those sums. A further delay had, however, intervened, in consequence of the subsequent events which took place in Italy. After the annexation to Sardinia the matter was referred to the Sardinian Government with a view to complete and carry into effect the intention of the Provisional Government. He assured his noble Friend that in the very distressing circumstances of the case he regretted as much as anybody could the delay which had taken place, but there was every reason to believe that the claims would be shortly discharged by the Sardinian Government.

CASE OF M. TASSINARI.

Lord WODEHOUSE, referring to a debate in their Lordships' House on the 9th March, wished to take that opportunity of referring to a statement which he had previously made respecting M. Tassinari. That gentleman had written a letter to him, which he would take the liberty of reading. It was as follows:—

"Florence, March 21.

"My Lord,—It was with much pain and regret that I read in *The Times*, of the 10th inst., certain statements made by your Lordship, in reply to a speech from the Marquess of Normanby, reflecting upon my honour, and which I feel assured, from your Lordship's high character, you never would have made had your information been more correct upon the subject than it appears to have been. Your Lordship is reported to have stated that I, with eleven other persons, was arrested on a charge of being engaged in a plot, having for its object the destruction of one of the Ministers of the existing Government by the explosion of shells, and that I was examined upon that charge the following day, and ultimately tried. This, my Lord, is a very serious accusation, and ought not to have been lightly made, though, happily for me, it is wholly devoid of truth. No such charge was ever preferred against me in the only examination I underwent, which, however, did not take place until eleven days after my arrest. It is true that your Lordship partially corrected your speech in a note to *The Times* of the day following, but not in such a manner as to exonerate me. What I was, however, falsely charged with was having given 10 dols. (£2 4*s*.) to create a reactionary movement against the existing Government, and 20 dols. (£4 8*s*.) for the printing of circulars. This fact can be ascertained by referring to the sentence of the police-court, which condemned me, without trial, to six months' imprisonment in a fortress. I am unhappily now threatened with deprivation of sight, and could not, in consequence, during the period of my solitary confinement in the common gaol, relieve the irksomeness of my imprisonment by any of those resources of which my fellow-prisoners might have availed themselves; therefore my incarceration told heavily upon me, both morally and physically. Under these circumstances, my wife, though she had no legal claim for interference upon the British Chargé d'Affaires, yet, as the daughter of a distinguished diplomatist who long served his country, and the sister of another now serving with honour and credit, she did not think that she was requiring too much of Mr. Corbett in requesting him to use his influence to procure a mitigation of my confinement; and so far from being insensible to Mr. Corbett's exertions in my behalf, on his telling her that he could do no more in this matter, she then expressed her thanks to him for what he had already done, with a hope that, should any opportunity occur whereby he might benefit me, he would take advantage of it. As your Lordship's speech has obtained extensive publicity through the press, I hope you will do me the justice to make the refutation also public through any channel your Lordship may think fit.

"I have the honour to be,
"Your Lordship's obedient humble servant,
"Cavaliére Brigadiêre Tassinari."

The only remark he wished to make upon this was, that he had not said that M. Tassinari was charged with having been concerned in a plot for throwing shells into the house of one of the Tuscan Ministers, and when he saw that assertion imputed to him in the newspaper reports he wrote a letter to *The Times* explaining what he really had said. What he had said was, that the plot with which M. Tassinari was charged was suspected by the Tuscan Government to have some connection with the throwing of the shells. But he was quite ready and willing to believe that M. Tassinari, whatever might have been his hostility to the then existing Government of Tuscany, would not have been guilty of complicity in any such attempt as that of throwing explosive shells. He regretted that any statement he had made should have given rise to misapprehension.

The Marquess of NORMANBY said, he was glad to hear the explanation which the noble Earl had given; for he himself had received a copy of M. Tassinari's letter, and he was quite sure his noble Friend would take the earliest opportunity of setting the matter right. It now appeared that M. Tassinari had never been tried at all, and that the only examination he underwent did not take place till eleven days after his arrest. That gentleman, without ever having been heard in his defence, was sentenced to six months' imprisonment on a false charge of giving ten dollars for creating a reactionary movement against the Government. That was the real fact of the case. He was happy to be able to add that, as one of the results of recent events in Tuscany, M. Tassinari had since then been set at liberty. He had felt sure that his noble Friend would take the earliest opportunity of correcting the error into which he had been led, as M. Tassinari was one of the most respectable men in

Tuscany. It was too absurd to suppose that he, who was universally esteemed in Florence society, and who was now afflicted with almost total blindness, could really have been accused of any participation in a conspiracy for throwing bombs.

LORD WODEHOUSE said, he had not stated that he had been misled. What he said was, that misapprehension had arisen as to a previous statement which he had made, founded on the information he had received.

THE MARQUESS OF NORMANBY wished to know whether or not his noble Friend adhered to the charge, not that M. Tassinari had been actually concerned in the throwing of the shells, but that he had had any connection whatever with the plot imputed to him.

LORD WODEHOUSE said, he had already read M. Tassinari's letter to the House, and also explained what it was that he had said.

BILLS FOR CONSOLIDATION OF THE STATUTE CRIMINAL LAW.

SELECT COMMITTEE NOMINATED.

THE LORD CHANCELLOR said, that early in the Session Bills had been introduced for the Consolidation of the Statute Criminal Law and other purposes which, after they had been read the second time, it was determined should be referred to a Select Committee. Owing to the arrears of judicial business in that House, it had hitherto been impossible to proceed with the Committee on those Bills; but that obstacle had happily been removed by the assiduous labours of the law Lords. He had, therefore, now to move the appointment of the Select Committee, and would be glad to have the co-operation of any noble Lords who were willing to serve upon it.

Motion *agreed to;* and the Lords following were named of the Committee: the Committee to choose their own Chairman.

Lord Chancellor.
E. Carnarvon.
V. Hutchinson.
V. Eversley.
L. Lyndhurst.
L. Brougham and Vaux.
L. Overstone.
L. Cranworth.
L. St. Leonards.
L. Wensleydale.
L. Belper.
L. Chelmsford.
L. Kingston.
L. Egerton.

DIVORCE COURT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of this Bill, said, it had been introduced on the recommendation of his noble and learned Friend (Lord Lyndhurst) who sat near him; and its object was to improve the procedure of a most important Court, with which the morality and domestic happiness of the community were intimately connected. For a great many years, practically speaking, any person who could prove that his wife had been unfaithful to him was considered entitled to a dissolution of the marriage tie; but that could only be obtained by an Act of the Legislature, preceded by an action for criminal conversation and by a suit in the Ecclesiastical Court. According to that practice those only who had a large sum of money to expend in these most costly proceedings could have the remedy they sought; but their Lordships most justly thought that this was not a legislative matter, but one for judicial consideration; that the remedy should be open to the poor as well as to the rich, and that a judicial tribunal should be established for that purpose. But a difficulty arose respecting those who should be the Judges of this new tribunal. It was experimental; it was desirable, first of all, to know what quantity of business was likely to be thrown into it, and not unnecessarily to increase the number of the Judges of the land. In the first instance, therefore, the Judges were the Lord Chancellor, the three Chiefs of the common law Courts, and the senior *puisne* Judges, with the Judge-Ordinary. It was enacted by the Bill establishing the Court that, as regards a very considerable portion of the business, the Judge-Ordinary, sitting by himself, should have power to do all that could be done by that tribunal; but there were several matters that were reserved for what was called the Full Court, consisting of three members—the Judge-Ordinary and two common law Judges to assist him. It had been found that there was great difficulty in obtaining this Full Court, the Judges being so much occupied with the increased business in their own Courts and at Chambers, going circuit, and attending that House; and to meet this difficulty it had been enacted that all the Judges of the common law Courts should be competent to act as Judges of this tribunal, the number being thus raised to seventeen. But still that was found an inadequate arrangement. All the business that could be done by the Judge-Ordinary sitting alone was speedily and satisfactorily disposed of; but that which required the attendance of three Judges had fallen most lamentably into arrear. Without the greatest inconvenience, and interfering with the administration of justice in other Courts, it was found impossible to obtain the attendance of two common law Judges to sit along with the Judge-Ordinary in full Court. It had therefore been suggested by his noble and learned Friend (Lord Lyndhurst) that the proper course would be to enable the Judge-Ordinary to do all that might be done subject to an appeal, with authority at all times to call in another Judge, or two other Judges, but to leave it to his discretion when that should be done. He entirely concurred with his noble and learned Friend in thinking that was the best course that could be adopted. He was fully persuaded that there was a great deal of the business now to be done exclusively by the Full Court that might be adequately performed by a single Judge, and to insist on three Judges was a mere waste of judicial power. There might be cases, no doubt, where a single Judge would hesitate to pronounce sentence; but he might then call in the assistance of his brother Judges in order to give such cases the fullest deliberation. He did not stand up for the doctrine maintained by some, that there should be only one Judge for every tribunal. There were cases in which it was desirable to have assistance before pronouncing sentence. He himself, after long experience, shrunk on many occasions from determining important questions of law without the assistance of his brother Judges; but there were many other cases in which justice was satisfactorily administered by a single Judge. Before this reform a single Judge sitting in the Ecclesiastical Court pronounced a sentence that was effective. The analogy here was not indeed complete, because that was only a sentence for separation *a mensâ et thoro*, and did not dissolve the marriage tie. But there was another analogy which he thought would remove all difficulty. By the immemorial custom of this country a single Judge presided at trials for life and death. At the assizes all over England capital cases were tried by a single Judge, and tried satisfactorily; for this reason, that if he had any doubts or scruples he consulted his brother Judge who was in the commission along with him, and he had this great additional resource that he could at all times reserve any question of law that arose for the solemn determination of all the Judges. He thought they might safely place the same confidence in the Judge-Ordinary of the Divorce Court. The learned person who now filled that high office had steered his course in a manner to give great satisfaction, and confer high benefit on the community; and, under this Bill, whenever he had the smallest reason to believe he might derive assistance in any particular case he would be enabled to call in assistance, and do what was necessary for the satisfactory settlement of the matter. This was the principal enactment of the Bill, and he hoped their Lordships would read it a second time. He by no means said, however, that this should be the permanent constitution of the Court. The respondent sometimes did not appear at all in cases which came before the Court of Divorce; so that the arguments and the evidence in those instances were all on one side. In such cases the Bill gave authority to the Court to request the Queen's Proctor to instruct counsel to appear, so that both the parties to the suit might be represented. There was also another important point with which the Bill proposed to deal—the power of disposing of the property settled on the wife when a divorce took place on the ground of her adultery. That power did not under the existing law apply to executory settlements; but it seemed to him desirable that it should be so extended that the Court should have complete authority so to dispose of the property of the wife that the children of the marriage might suffer as little as possible by her misconduct. Any suggestions for the improvement of the Bill which their Lordships might offer should receive his most careful attention.

Moved, That the Bill be read 2^a.

Lord ST. LEONARDS said, that when it was originally proposed to constitute this Divorce Court, he had expressed his opinion that the Assistant Judges would never be regular in their attendance to perform a duty additional to their already heavy labours. They now proposed to fall back upon a single Judge in deciding on a dissolution of marriage, and other important matters. But what would have been said if such a proposition had formed part of the Bill when it was originally introduced? He contended that ably as the present Judge Ordinary discharged the duties of his office, with the utmost zeal and ability, the power which this Bill proposed to confer upon him was one which the Legislature would never have consented to confide to a single Judge. The best plan would be to refer the Bill to a Select Committee. The Bill as it at present stood would create general dissatisfaction. Since the Judges of the Common Law Courts were unable to attend to make a full Court, it was necessary that some other tribunal should be constituted. The effect of the Bill was to set aside all previous settlement of the question. Notwithstanding, however, that there were strong objections to the Bill upon these grounds, as well as because of the mode in which it interfered with the subject of marriage settlements, he should not oppose the second reading.

LORD LYNDHURST said, he wished briefly to call the attention of the House to the mode in which his noble and learned Friend on the woolsack proposed to get rid of an admitted evil. Was his noble and learned Friend (Lord St. Leonards) prepared to leave the law as it now stood? Two years and a quarter had elapsed since the present Court of Divorce had been called into existence. During that period 509 cases of divorce *à vinculo* had been entered on its records. Of these it had disposed of 177, and 232 remained to be heard. Supposing, then, that the Court were to proceed with the same degree of activity it had hitherto displayed it would take four years to dispose of the arrear of business with which it had to deal, and before the expiration of that time new cases would have accumulated. Now, he should like to know how his noble and learned Friend, who objected to the present Bill, (Lord St. Leonards) proposed to redress an evil so intolerable. There were two courses open to him in order to effect that object. He might either provide an additional number of Judges or enable the Judge-Ordinary to discharge the functions of his office without been obliged to call in the common law Judges to his aid. The assistance of those Judges had, he might observe, been made avilable up to the present only sixty-five days, or about thirty days for each year since the establishment of the Court; so that if the Judge-Ordinary were not empowered to dispense with their services the arrears of his Court could not be worked off before the lapse of the time which he had just mentioned. What course, he would ask, was it under those circumstances desirable to take? It appeared to him that there was no alternative but to dispense with the attendance of those learned personages, or else to appoint additional Judges, and to the latter course considerable objection would be made by that and the other House of Parliament. Let it be considered what the nature of these cases was. A divorce *à vinculo matrimonii* depended upon the result of a trial for the offence of adultery, and such trials were, generally speaking, of a most simple character, and, for the most part, depended for their decision upon matters of fact. He might add that previous to the establishment of the Divorce Court trials for *crim. con.*, which were of a similar character, took place before a single Judge. It was universally admitted that no man could more satisfactorily deal with such questions than the learned Judge by whom the business of the Court was at present with so much zeal and ability transacted—cases involving points of the utmost difficulty, such, for instance, as the nullity of marriage. Divorce *à mensâ et thoro* used also to be disposed of before a single Judge in the Ecclesiastical Courts; while in the Equity Courts the Master of the Rolls and the Vice Chancellors sitting separately decided upon questions—subject to appeal—by which the rights of individuals with respect to vast amounts of property were affected. His noble and learned Friend on the woolsack had referred to the assizes, where cases of great magnitude as regarded the property at stake, and of great intricacy in point of investigation, were continually decided by a single Judge. Questions of the utmost nicety in criminal law were decided by the same tribunal. Why, therefore, should they not trust the Judge of the Divorce Court to sit alone in deciding the cases which came before him? His noble and learned Friend had very properly referred to the power conferred in the Act of Parliament of calling in the assistance of one of the Judges of another Court in cases of great difficulty—a power similar to that which was exercised by the Judges of almost every Court. Another noble and learned Friend—who was not now present, and who was, he believed, at that moment in the neighbourhood of a very excited and disturbed population—had on a previous occasion called their Lordships attention to the question of collusion, against which he maintained that it was most important to guard. Undoubtedly collusion ought to be guarded against; but how were three Judges sitting in a Court more competent for this purpose than a single Judge? A clause had been very properly added to the present Bill by which the Queen's Proctor was authorised, at the desire of the Court, to appoint some person to investigate the case,—partly, he had no doubt, with a view to the detection of collusion. Whether this provision would be effectual for the purpose he would not pretend to say ; but, at any rate, that was not the question which was now before the House. He was satisfied their Lordships would feel the absolute necessity, both in order to uphold the power of the law and the credit of the constitution, that justice should neither be delayed nor refused. The present condition of business in the Divorce Court was, however, productive of the greatest possible delay, amounting to a refusal of justice. On every ground he hoped the Bill would therefore be read a second time, unless any other measure remedying the inconvenience to which he had adverted could be pointed out by any noble Lord.

Lord CRANWORTH said, he was inclined to concur in the proposition of his noble and learned Friend (Lord St. Leonards) to refer the Bill to a Select Committee ; not because he believed it would be materially altered or improved, but inasmuch as the subject was one of vital consequence, and which interested the public to a great degree. Having had the honour of proposing the Bill in its original form, he differed from his noble and learned Friend in thinking that there was in the Bill now before the House an entire departure from the spirit of the original measure. The original mode of obtaining divorce was not strictly judicial. After a proceeding in the Ecclesiastical Court, and an action for *crim. con.*, an application was made to their Lordships' House, which really amounted to an application to the Lord Chancellor, with one or two of the law Lords, and sometimes to the Lord Chancellor alone. It was impossible originally to ascertain to what extent the change of system would increase the number of applicants ; and in the temper of the House at the time the Bill was passed a larger measure than that introduced would not have been accepted. Regard, therefore, being had to the feeling of the Legislature at that time, it was thought the best course to associate the Lord Chancellor or the Chief Justice with the Judge Ordinary in dealing with cases of divorce *a vinculo matrimonii ;* and the burden which was thus cast upon them did not seem at the time very heavy, inasmuch as the total number of days occupied in their Lordships' House in the hearing of cases of divorce was usually not above two or three in the whole year. It had been sometimes thrown in the face of those who introduced and supported the measure, that the number of applications had been greatly increased ; still, so far from shrinking from the responsibility of the measure, he was prepared to maintain that this circumstance afforded conclusive evidence for the necessity for such a change in the law, because by it relief was granted to persons who formerly could not have hoped to obtain it, it being under the old system unattainable, except at the cost of several thousands of pounds. By the Bill, as originally framed, the Lord Chancellor and one of the Chief Justices, with one of the senior puisne Judges, were appointed to assist the Judge Ordinary ; but it was soon found that neither the Lord Chancellor nor the Chief Justices were able to attend, and a Bill was then introduced allowing any of the Judges to sit and try cases. But it being now found impossible to get through the causes because of the arrears, which accumulated faster than they could be disposed of, the only remedy was either to allow the Judge Ordinary to dispose of cases alone, or to create some other legal functionaries to assist him. To the latter course there was, he thought, an insuperable objection, as these legal functionaries would have nothing to do but to dispose of cases *a vinculo matrimonii*, which never presented any features of difficulty, except from the single circumstance that collusion might exist between the parties seeking the divorce. To check collusion he did not believe three Judges were in the least better adapted than one ; and, though he did not mean to say that it would be entirely successful, he believed the interference of the Queen's Proctor, which it was proposed to sanction, afforded the only safeguard. He trusted that the measure, in its present form, or with but trifling alteration, would be passed into law, for he regarded it as the only practical solution of an admitted difficulty which had yet been proposed.

Lord REDESDALE said, the Bill had been attended with the effect which he had always predicted—namely, that the business was so overwhelming as to render it impossible that it could be conducted under the provisions contained in the first Act. In the Report issued by himself on account of his inability to agree in the recommendations of his brother Commissioners, the opinion had been expressed that the effect of making divorce a common law remedy, and of removing the discretional power which had been exercised by their Lordships, would cause it to be granted in many cases in which it would have been refused by Parliament, and that thereby respect for the matrimonial tie would be greatly lessened. Everything which had occurred in the Divorce Court since it had been established had done much to lessen in the country the sanctity of the matrimonial tie; every year brought additional evidence that such was the course towards which things were tending in this country. Take the jokes that were now levelled at marriage and the Divorce Court, so common in the pantomimes and burlesques, and they must be admitted to afford strong proof that the marriage tie was no longer regarded by the people of this country with the sanctity that had hitherto attached to it. He had no objection to the alterations proposed by this Bill; but he thought some more stringent measures ought to be adopted to prevent abuse. When the question of divorce was first proposed to be taken within the domain of common law, it was argued that the proceedings of the Divorce Court should be regulated by the practice which was wont to prevail in their Lordships' House. But before the Bill passed through Parliament a departure from that rule was made; for a clause was introduced by which women were allowed to sue for divorce, which their Lordships had never permitted; and other departures had taken place under the practise of the Court from the discretion vested in the Judge being too much limited. For instance, a case occurred last year, where a man married a woman who had just before been notoriously living with another man as his mistress. After living a short time with the person who married her, she went back to the man with whom she formerly lived, and the husband sued for and obtained a divorce. He was sure their Lordships would never have granted a divorce in a case of that kind. He thought such cases ought to be prevented by authorising the Judge to exercise a discretion under such circumstances similar to that which had been exercised by Parliament. He had nothing further to say to the proposition itself, but he could not help fearing that if the cases of divorce were to be disposed of by a single Judge, they would not long be left to this high Court only. At present divorce was brought within the reach of men of moderate means. The cry would soon be raised to bring it within the reach of men of any means; and he believed that an attempt would be made to have divorces settled in other and cheaper courts than that in which it was decided at present. He concurred in all that had been said on the subject of collusion, and he would suggest that there were often cases where the friends of parties could throw important light on that question if they were admitted into the suit. For instance, it might happen that an unfortunate young man might be entrapped into a connection with a woman who was in collusion with her husband to procure a divorce; the relations of that young man might, if they were permitted, give such information as would prove the collusion. He thought, also, that compelling both parties to appear, would prove of great advantage.

Earl GRANVILLE said, he thought it was not desirable that this Bill should be referred to a Select Committee, as it would only lead to delay. The Bill contained no new principle, and there was therefore no real reason for the proposition of the noble and learned Lord opposite (Lord St. Leonards).

The LORD CHANCELLOR, in reply, said he had anxiously watched the proceedings of the Divorce Court, and he earnestly desired to prevent any abuse of its powers by the suitors. He had proposed a Bill last year, by which the Judge of the Court was authorized to call in the assistance of the Attorney General in cases in which collusion between the parties to a suit was suspected. The clause was agreed to by their Lordships, but was rejected by the House of Commons. He had in the present measure done his best to prevent such collusion. It had been stated during the debate, that the Common Law Judges had time enough to preside in the Divorce Court; he contended that they had not; they were overwhelmed by the business of their own courts; and it was more advisable to give one Judge the power of deciding, than to create new Judges. He objected to refer the Bill to a Select Committee; it contained nothing that required investigation; it was limited to a single point—giving additional powers to the single Judge; and this point it was better to discuss and settle in the full House, which, he hoped, would agree to the second reading.

Motion *agreed to ;* Bill read 2^a accordingly ; and *committed* to a Committee of the Whole House on *Monday* next.

OXFORD UNIVERSITY BILL.

SECOND READING.

Earl DE GREY and RIPON, moved the second reading of the Bill. By the Act for the better Government of the University of Oxford, the Commissioners then appointed were empowered, under certain circumstances, to frame such Ordinances and Regulations as they might deem expedient, which if not objected to by the authorities of the Colleges respectively were to take effect as statutes of such colleges. If, however, the governing body of any college should declare such ordinances and regulations to be prejudicial to their college as a place of learning and education, they were not to take effect, and the Commissioners were to prepare others ; but where no new ordinances were framed, the original ordinances were to be embodied in a report to be transmitted to one of the Secretaries of State and laid before the two Houses of Parliament. The Commissioners having framed ordinances and regulations for the better governing of the College of St. John's, in the University of Oxford, which had been objected to by the governing body of the College ; and not having framed any substitutive ordinances, had embodied their original ordinances in a report as directed. It had, however, been found that the powers of the Commissioners had expired, and that no further proceeding could be had in reference to that ordinance. The present Bill empowered Her Majesty, by Order in Council, to refer the matter to a Committee of Privy Council, who were to consider the ordinance and the objections, and report to Her Majesty. If their report confirmed the Ordinance, it was then to be laid before both Houses of Parliament, and unless within forty days either House should present an Address to Her Majesty praying her to withold her assent, the ordinance, having been approved by Her Majesty was to become a statute of the College. By one clause a power was given to the governing body or any parties interested in the College to petition Her Majesty in relation to the ordinance and every such petition was to be referred to the Committee with the ordinance.

The Earl of DERBY said, he had no objection to the second reading of the Bill ; but he had received a request from the Master and Wardens of the Merchant Taylors' Company that he would procure the insertion of words into the Bill which would secure to them the right of petitioning the Committee of Privy Council against any ordinance which they might deem injurious to the interests of their School—a right which did not appear to be given to them by the clause as it now stood. He had a copy of the words which they desired to have inserted, and would hand them to the noble Lord who had charge of the Bill before the House went into Committee.

Bill read 2^a and *committed* to a Committee of the whole House on *Friday* next.

MUNICIPAL CORPORATION MORTGAGES, &c., BILL.

SECOND READING.

Earl DE GREY and RIPON moved the second reading of this Bill. He explained that at present the Treasury, retaining the powers vested in them by the Municipal Corporations Act of confirming certain mortgages made by corporate bodies, were to be empowered by this Act to carry out a system which had been adopted in Ireland, by which provision was made for paying off these mortgages by instalments without the intervention of trustees. The general scope and object of the Bill, therefore, was to enable the Treasury to sanction the adoption of one uniform and general rule with regard to these matters, only dispensing with the appointment of trustees and simplifying the arrangements generally.

Lord REDESDALE inquired whether the word " may " in the first clause of the Bill, empowering the Treasury to insist on the formation of a sinking fund, was to be considered as merely permissive, or as making it imperative upon the Treasury to do so ?

Earl DE GREY and RIPON said, it appeared to him the exercise of the power was optional in this case.

Lord REDESDALE said, he thought it of very great importance that Municipal Corporations should not be allowed to mortgage their property without at the same time creating a sinking fund. He was aware that they were extremely anxious to have that power, not only with respect to their real property, but in respect also of the rates, which were sometimes heavily mortgaged without a sinking fund being created, This was very objectionable, as it was entailing a heavy burden on succeeding generations.

The Lord CHANCELLOR was understood to say he was not prepared to cede, to the extent demanded, the necessity, or even the expediency, of the object proposed by the Bill, but if it were felt to be desirable, he certainly thought the provisions of the measure should be of a character which should give to the Treasury a right to exercise their judgment in each case submitted for their approval.

Bill read 2ª and *committed* to a Committee of the whole House on *Friday* next.

House adjourned at a Quarter before Seven o'Clock, to Thursday ne x Half-past Ten o'Clock.

HOUSE OF COMMONS,

Tuesday, April 17, 1860.

Minutes.] Public Bills.—1° Malicious Injuries to Property Act Amendment; Fisheries (Ireland).
2° Common Lodging Houses (Ireland).
3° Adulteration of Food or Drink.

DESTITUTION IN THE WEST OF IRELAND.—QUESTION.

Mr. HENNESSY said, he wished to ask the Chief Secretary for Ireland what steps the Government propose to take respecting the great destitution prevailing amongst the peasantry and labouring classes in the West of Ireland.

Mr. CARDWELL replied, he was sorry to say that a considerable amount of destitution existed in the district to which the hon. Gentleman had referred, but he hoped that some of the statements made on the subject were overcharged. He had been informed that the union-house at Balmullet was capable of holding 600 persons, but that at present only 104 persons were in it, being an increase of about double of the number of inmates at the corresponding period of last year. In the other two unions of the district Castlebar and Westport, he believed there had been no very considerable increase in the number of inmates. He was in constant communication with those who superintended the administration of the poor law in Ireland, and he had every reason to hope that the ordinary administration of the poor law in those unions would suffice to meet the distress that existed. At present, at all events, he was not prepared to hold out any hope of special assistance from the Government.

THE INDIAN REVENUE.

QUESTION.

Mr. VANSITTART said, he rose to ask the Secretary of State for India which of the following Financial Estimates of the deficiency of Income as against the Expenditure of the current year ending on the 30th of April is correct, namely, £10,250,000, as per the statement made by the Secretary of State for India on the 1st day of August last; £6,449,981, as per Financial Balance Sheet drawn up in Calcutta in September last; £9,290,129, as per Estimate submitted by Mr. Wilson on the 18th February last to the Legislative Council of Calcutta; and whether he can state the cause of these discrepancies?

Sir CHARLES WOOD said, he had not the least doubt that the Estimate of Mr. Wilson, being the most recent, was the most correct of the three; but he could not state very satisfactorily the cause of the differences between the three statements. He (Sir C. Wood) estimated last summer that the revenue would be £35,850,000, the Government of India, in September, stated it at £37,567,000; and Mr. Wilson, in February, stated it at £37,707,000. There was very little difference, indeed, be tween the Estimate of the Government of India in September, and that of Mr. Wilson in February. There was a very satisfactory increase in the revenue upon the estimate which he (Sir C. Wood) stated to the House last summer. He spoke from information which left India in the spring. Mr. Wilson spoke, of course, from much later information, and he was happy to say that almost every source of revenue in India showed a very considerable increase in the course of the year. In the land revenue and the customs' revenue there had been an increase, and some portion of the new taxes which were not imposed when he spoke in August had been very productive. The result was, that the revenue exceeded his estimate by about £2,000,000. In August he stated the expenditure at £46,131,000. The Indian Government stated it in September at £44,067,000; and Mr. Wilson in February at £46,996,000. There was a difference of nearly £3,000 between the statement of the Indian Government in September and that of Mr. Wilson in February. That difference, to the extent of about £1,000,000, was accounted for by an additional military expenditure of £600,000 in Madras and of £300,000 in Bombay. The Indian Government also omitted all reference to the interest on Indian railways to the extent of between £800,000 and £900,000. They also understated the amount of home charges to the extent of £700,000, and the rest of the difference between the two estimates might, he believed, be attributed to an additional expenditure on public works; but even Mr. Wilson's lucid and satisfactory statement did not render the matter entirely clear.

THE PEDESTAL IN PALL MALL.

QUESTION.

Mr. EDWIN JAMES said, he would beg to ask the First Commissioner of Works, Whether any person is about to place anything, and, if anything, what, upon the summit of a pedestal which has been standing for twelve months at the southern end of Waterloo Place, Pall Mall; and, if anything is to be placed there, when it may be expected to be done?

Mr. COWPER said, he was happy to assure the hon. and learned Gentleman that the pedestal would not be permanently vacant, and that it would receive a group of statues to commemorate the heroic conduct of the Guards in the Crimea. The management of the statues and pedestal was in the hands of a committee of subscribers, so that he could not say when the work would be completed. Mr. Bell was the sculptor, and he had no doubt that a work of art would be placed on the pedestal before any very long period had elapsed.

EAST INDIA TRANSPORT SHIPS.

Sir DE LACY EVANS said, he rose to ask the Secretary of State for War, or for India, if the statement in the public journals relative to the mortality which had occurred on board of various vessels, which had arrived at Madras and Bombay with the wives and children of soldiers, be correct; and, if so, what department or officer may be regarded as responsible for any neglect of due precautions, if such have been, in connection with this lamentable event?

Sir CHARLES WOOD stated that the transmission of the soldiers' wives and children to India took place under the direction and superintendence of the Emigration Commissioners, and he could not do better than read a report which they had drawn up on the subject. The facts were these:—

"Thirteen ships were originally taken up for the conveyance of 5,410 souls. We have received intelligence of the arrival in India of nine of these ships, which carried 3,747 souls. In these the mortality was 377, equal to 10 per cent. But this mortality was almost exclusively of children under five years old. Of adults (that is all above 12) there died 11 out of 1,820 = ·60 per cent. Of children between 12 and 5 inclusive, 24 out of 866 = 2·77 per cent; making, out of all above four years of age, 35 out of 2,686 = 1·30 per cent. This is rather less than the whole mortality in Australian emigration (1·32 per cent.), and, considering the class of women, that the voyage occupied nearly four months, and passed twice through the tropics, it must be allowed to be very small. But among children under five the mortality amounted to 341 out of 1,061 = 32 per cent. With very few exceptions it was caused by measles and scarlet fever, which broke out in almost every ship shortly after sailing. These diseases were, no doubt, aggravated by the weakness of both children and mothers, caused by the unusually stormy weather which prevailed in October and November last, when the ships sailed. It is to be observed, moreover, that the children under five years of age in these nine ships amounted to nearly 29 per cent, the average in the population generally being 13·10. This disproportion necessarily assisted the spread of the disease and increased the mortality. That the sickness was not caused by any defect in the ships or the provisions is to be inferred from the absence of any disease of the character of scurvy or typhus as well as from the small mortality in children above four years of age. A more direct proof is afforded by the reports which we have received from Bombay and Madras. In each case an inquiry was, we believe, instituted, but only three reports have yet reached us—those on the *Euxine*, *Statesman*, and *Lancashire Witch*. They are annexed hereto, together with an extract of a private letter from Captain Wellesley, R.N., Commander-in-Chief of the Indian Navy. The mortality, as has been said, was attributable to the great number of very young children on board. In our emigration, this can be avoided, because our power of selection enables us to reject families containing many young children. But in sending out the soldiers' wives it was inevitable that their children should be sent with them, so that the number of young children became a necessary part of the arrangement. The question remains whether due care was taken to ascertain that there was no sickness among the children before they were put on board. In this respect the same plan was followed as has been followed for many years with complete success in regard to Australian ships. The surgeons of the ships were required to be at the depôts as soon as the first of the people came in, and to continue there till they embarked. This period varied from three to five days. It is the interest of these surgeons, no less than their duty, to see that no infectious disease is introduced into their ships, not only because the introduction of such diseases increases their labour and responsibility on the voyage, but because their remuneration at the close of it is reduced by every death that occurs. The surgeons had full authority and were bound to land any child whom they suspected to be suffering from infectious disease, and to delay the sailing of the ship so long as they had any doubt as to their sanitary condition. But every one's experience must satisfy them that no medical skill is sufficient to detect measles or scarlet fever in a latent form; and to have delayed the ships until time had been given for any latent disease to develope itself would have postponed their departure from this country till the cold and wet of winter had set in, and their arrival in India till the season had passed during which they could have been sent up the country. Moreover, if they had been detained in depôts on shore, it would have been impossible to prevent their going into the towns and being exposed to whatever infection was there prevailing. If they had been detained on board ship the cold and damp of November, added to the weariness of inaction, would have produced such depression of mind as must of itself have caused disease."

This statement from the Emigration Commissioners had been put into his hands that afternoon. The India Office had nothing to do with the matter. Since they had entrusted that Board as being the most competent persons to undertake it, with the duty of providing transport for the wives and children of soldiers to India.

THE ARMY ESTIMATES.—QUESTION.

General PEEL said, he wished to inquire of the Secretary of State for War when the Army Estimates will be proceeded with, and also when the Return of the Effectives on the British and Indian Establishments will be ready.

Mr. SIDNEY HERBERT said, that the Army Estimates could not be proceeded with until after the second reading of the Reform Bill; but he would lay on the table during the week, the Returns of the Effectives of the British and Indian Establishments which had been moved for.

FIGHT BETWEEN HEENAN AND SAYERS. QUESTION.

Mr. HADFIELD said, he wished to ask the Secretary for the Home Department, Whether he had heard of the contest said to have taken place that morning, and which he would not attempt to characterize. He also desired to know whether it is true that the Police were present on the occasion, and offered no interference whatever? Whether any Report has been made to the Home Department, and whether it is the intention of Her Majesty's Government to take any measures for the punishment of the persons who have occasioned this breach of the peace?

Sir GEORGE LEWIS replied, he was afraid he could not satisfy the curiosity of his hon. Friend. He had certainly heard that day that the fight, to which the hon. Gentleman referred, did take place in the county of Hampshire; but he had received no intimation of it but what was founded on mere hearsay statement; and he was not able to inform the hon. Gentleman whether the county police were present on the occasion or not; the Metropolitan Police, of course, had no jurisdiction there. As to whether any measures were to be adopted, he could not answer that question till he had received information of the facts.

LAW OF LANDLORD AND TENANT (IRELAND).—QUESTION.

Captain DAWSON said, he wished to ask the Chief Secretary for Ireland when the Landlord and Tenant Bill for Ireland will be proceeded with?

Mr. CARDWELL said, he could not state the precise day, but he would take care that ample time should be given for the consideration of the measure.

COURSE OF PARLIAMENTARY PROCEEDINGS.—QUESTION.

Mr. T. DUNCOMBE said, he wished to ask the noble Viscount at the Head of the Government what is intended to be the course of the proceedings on Thursday? The Wine Licences Bill and the Church Rates Bill were down for that day. He wished to know whether the Wine Licences Bill will come on first. He desired, also, to know whether the Reform Bill, which stands for Monday next, will be proceeded with then?

Viscount PALMERSTON said, he thought it would be necessary to proceed with the Naval Estimates on Thursday, as so little progress had been made in them on the previous evening. It was intended that the Reform Bill should come on next Monday.

Sir JOHN TRELAWNY complained of the arrangement lately made, by which independent Members were deprived of the opportunity of bringing forward important questions on the Thursdays. The Government had left him to legislate on the subject of church rates; and yet, by an arrangement come to in his absence, they deprived him of the advantageous position he had held on the business paper for next Thursday. If the Government did not restore to him the advantage he had before possessed, he was not sure that he would not move that the Church-rates Abolition Bill be taken first on Thursday. To put himself in order, he would move the adjournment of the House.

VISCOUNT PALMERSTON said, that before the recess an order was made by the House that Government Orders of the Day should take precedence on Thursdays instead of Fridays; and in pursuance of that arrangement it was intended to take the Navy Estimates on Thursday next. Private Members would have the same opportunities on Friday that they used to have on Thursday.

MR. DISRAELI said, he had resisted the Motion of the Government which produced this change of business; but, as the House had agreed to it, the hon. Baronet would not be acting fairly in moving the third reading of the Church-rates Abolition Bill next Thursday. There had been a clear understanding that that Bill would not be proceeded with on Thursday, the leader of the House having announced that financial measures would be taken into consideration on that evening.

SIR GEORGE GREY remarked, that he did not understand that the hon. Baronet's Bill had ever stood first for consideration on Thursday. The hon. Baronet had had a chance of bringing it forward late at night, and he still had the same chance under the new arrangement.

MR. HADFIELD said, he would beg to remind the House and the Government of the great public interest felt in the subject of church rates. Two hundred thousand persons had petitioned in favour of the Bill of the hon. Baronet, and he did hope that the Government would endeavour to comply with the wishes of his hon. Friend.

SIR GEORGE LEWIS said, it was a mistake to suppose that the hon. Baronet had obtained any precedence for his Church-rate Bill on Thursday next. Being an Order of the Day it stood behind all the Notices, and it would not have had a chance of coming on before twelve o'clock at night. He could still bring it on at that hour. Or if the hon. Baronet placed the Motion for Friday, it would be in the same position as if no change of days had taken place. The hon. Baronet had in no respect been placed in a less favorable position by the Government.

Sir John Trelawny

MR. BRIGHT said, he did not understand that his hon. Friend blamed the Government for what had taken place; but as the Bill was a very important one, and was in the hands of a non-official Member; and as the House on both sides, it might be supposed, wished to send it on its journey to "another place"—the hon. Baronet appealed to the Government and to the House not to allow it to be placed in a worse position on Friday, than it would have been on Thursday, had the change in the order of business not been made. With respect to the change itself, he thought that if the House had determined to proceed on Fridays with the business of the day at six o'clock, and have left an hour and a half for other matters, it might not have been necessary. But being made, he presumed that the experiment must be tried. He hoped, however, that the Government would do all they could for the hon. Gentleman, who had a great responsibility on his hands with regard to this question.

MR. NEWDEGATE observed, that the hon. Baronet had just the same reason to complain as other hon. Members, of the change that had been made. He (Mr. Newdegate) had expressed his opinion upon the subject; and he held that, if the business of the House was to be conducted, such changes in the Standing Orders must not be made. He ventured to bring this subject under the consideration of the Government, because the arrangement under which the Government business would be taken on Thursdays, was only temporary in its character. He trusted, in the event of any extension of such arrangement beyond the time to which it was at present limited, or of any intention to make any other alteration in the order of business, that the House would insist upon receiving due notice of such a proposition, in order that hon. Members who had notices on the paper might be prepared for the contemplated change.

MR. HORSMAN said, he wished to remind the House that he had given notice of his intention, upon the bringing up of the Report of Committee of Supply, to ask some questions of the Government in connection with our foreign relations. But as the noble Lord the Secretary for Foreign Affairs had made a communication to him upon the subject, and as it was intended to go into Committee of Supply on Thursday next, he would not press his questions upon the present occasion, but he would submit them upon the Motion for going into Supply on Thursday.

Question "That this House do now adjourn," put, and *negatived.*

LONDON CORPORATION BILL.

QUESTION.

Mr. **AYRTON** said, he wished to put a question to the Secretary of State for the Home Department with reference to one of the Orders of the Day. The right hon. Gentleman seemed to have forgotten that before the Adjournment for the Easter holidays he was asked whether he intended to bring on the London Corporation Bill upon the re-assembling of Parliament, and he then stated that it was not his intention to do so until the first week after Parliament had assembled. A number of hon. Gentlemen were not only astonished to find it amongst the Orders of the Day, but that the Government entertained some intention of bringing on the Bill, contrary to the distinct assurance given by the right hon. Gentleman (Sir George Lewis). No doubt it was some mistake, which he hoped might be immediately rectified, and he (Mr. Ayrton) would be glad if the right hon. Gentleman would inform the House that it was not his intention to proceed with the second reading of this Bill upon the present occasion.

Sir **GEORGE LEWIS** said, he was under the impression that the question asked of him was, whether it was his intention to move the second reading of the London Corporation Bill on the first day of the meeting of the House after the Easter holidays, and that he answered that inquiry in the negative. He certainly was not aware that he had given any assurance that he should not bring on the question in the first week of the re-assembling of Parliament. If, however, the hon. Member was positive as to such an intimation having been conveyed by him, he (Sir George Lewis) would be unwilling to dispute the fact. He submitted, however, that the present time was most opportune for proceeding with the measure and for taking a discussion upon its provisions. He should, however, be sorry to take any course that might be represented as a breach of faith on his part, and should rather postpone the consideration of the measure to a future day.

CHURCH RATES BILL.—QUESTION.

Mr. **HADFIELD** said, he wished to ask the hon. Baronet the Member for Tavistock what course he intended to take in regard to his important measure regarding church rates.

Sir **JOHN TRELAWNY** said, he should stand to his guns, and take his chance of bringing on the third reading of his Bill upon the day for which he had originally fixed it.

MALICIOUS INJURIES TO PROPERTY ACT AMENDMENT BILL.

LEAVE.—FIRST READING.

Mr. **PAULL** said, he rose to move for leave to bring in a Bill to amend an Act relative to malicious injuries to property. Recently, in Cornwall, some malicious persons applied a weight to a particular part of a mining engine, the consequence of which was that the engine did not act, and the water rose sixty feet in the mine in six hours. The circumstance of the mine itself being shallow, however, prevented the mischievous consequences which would have otherwise ensued, and by the exertions of the men employed at the time the water in a few hours was pumped out. An indictment against the offending parties was preferred at the next sessions. It was framed under the statute of Geo. IV., relating to malicious injuries. The 5th section of that Act related simply to injuries to mines. The 6th section however enacted that if any person should cause water to be conveyed into a mine he shall be guilty of a felony, and the 7th section enacted that if any person shall damage an engine so as to stop its working he shall be guilty of a felony. In the case he had referred to, however, on the removal of the weight which had been attached to the engine it was found that the engine had not been injured. The Judge ruled that the prisoners had not committed any offence under the Act, and he directed an acquittal, but added some strong observations on the defective state of the law, expressing his opinion that it was desirable that an Act of Parliament should be passed as soon as possible to meet such offences as that which had been committed. With that view, he (Mr. Paull) had framed the measure which he asked leave to introduce.

Leave given.

Bill to amend an Act relative to Malicious Injuries to Property, *ordered* to be brought in by Mr. Paull, and Mr. Rogers.

Bill *presented,* and read 1°.

House adjourned at Half-past Five o'clock.

HOUSE OF COMMONS,

Wednesday, April 18, 1860.

MINUTES.] PUBLIC BILLS.—2° Attorneys, Solicitors, Proctors, and Certificated Conveyancers; Jews Act Amendment.

CONVEYANCE OF VOTERS, &c. BILL.

SECOND READING.

Order for Second Reading read.

MR. COLLIER said, he rose to move the second reading of this Bill. Its principle had already been affirmed by the last House of Commons, and he trusted it would also be affirmed by the present House. He would say a word at the outset with respect to the present state of the law. They were all aware that for a long time a question perplexed lawyers, whether or not it was lawful to pay the travelling expenses of voters. In this uncertain state of the law, the celebrated case of Cooper *v.* Slade was decided in the House of Lords. The precise point in the case was that a promise to pay the expenses of a voter, in consideration of his vote, was evidence upon which a jury would be authorized in finding bribery, although the expenses paid were fair and reasonable, and were paid *bonâ fide,* and under no corrupt motive. After that decision, and probably in consequence of it, an Act was passed declaring that it should be lawful to pay travelling expenses under some circumstances, unlawful in others. It was rendered lawful to provide conveyances for voters, but unlawful to pay voters to provide their own conveyances. So that if they gave half a crown to a cabman to carry a voter to the poll, it was a lawful act; but if they gave the voter half a crown to pay the cabman, they would be guilty of a misdemeanour. The general opinion of the House was that that state of the law was not satisfactory. It was not only absurd but discreditable to the Legislature that the distinction between a lawful act and a crime should rest upon so nice a distinction as that between money and money's worth. In this case the House had not the usual three courses open to it. It must either allow or prohibit altogether the payment of travelling expenses. The object of his Bill was to prohibit such payment, and he hoped he might be forgiven if he recurred for a moment to first principles, because they had been frequently lost sight of in such discussions, and the only argument he had ever heard against his Bill was one founded upon a total misconception of them. If the object of an election were to confer an office of profit and honour upon a candidate, and every vote given became a personal favour or benefit to him, it would no doubt be quite right that the candidate should pay in some shape for the vote. But if a vote were a high constitutional privilege to be exercised on public grounds, and if the choice of the representative were for the benefit of the constituency, not the candidate, then the constituents ought to bear whatever expense it entailed. He could conceive no better proof of a man's fitness for the franchise than that he was prepared to take some trouble, or even to incur some expense, for the exercise of it. It was right that the Member elected should represent the earnestness and the intelligence, not the apathy and ignorance of the constituency. The only argument urged to the contrary effect was, that many voters lived so far away from the polling place, and were so poor that they could not incur the expense of exercising the franchise; and further that, in such circumstances, the candidate was the proper person to enable them to do so. He contended that that principle was altogether unconstitutional and pernicious. The poor voter might with, equal reason and justice, claim to be paid for his loss of time in going to the poll and the expenses of refreshment on the way, and might, indeed, with no less logical propriety, declare that as he was unable to pay his poor-rates and thus maintain his vote, it was the duty of the candidate to pay them for him. If such expenses were to be paid at all by any other than the constituents themselves, there was far more reason for suggesting that they should be paid out of the borough rate, or the county rate, or the Consolidated Fund than out of the purse of the candidate. He admitted that hitherto the State had only inadequately performed its duty of bringing the poll as near as possible to every voter; and therefore he had included in his Bill a provision for the multiplication of polling-places. Some hon. Members might prefer the provisions upon that subject which was contained in the Reform Bill of the late Government. That was a point for consideration in Committee, and he should be willing to refer this Bill to a Select Committee if such a course was thought desirable. The most obviously pernicious effect of paying travelling expenses was that pointed out by the Earl of Derby, that it kept up the enormous cost of elections, and thus increased the influence which the purse had unfortunately obtained, and which it ought to be the object of legislation to diminish instead of increasing. It was said that the Act now in existence did not compel, but only permitted, the payment of travelling expenses. Practically, however, its operation was compulsory, because as the payment was permitted a notion had obtained in many boroughs that it was perfectly unconstitutional and un-English to walk to the poll. If a candidate did not hire all the omnibuses and cabs he could lay his hands on he was considered a mean-spirited individual, utterly unfit for a seat in the House of Commons. The House had repealed the old property qualification, which was merely nominal, but by legalizing the conveyance of voters they had re-enacted a property qualification, and one which was infinitely more onerous. His was no party measure, and he commended the Bill to the consideration of county Members, Conservative as well as Liberal. The Motion was to have been seconded by a county Member, now unfortunately no more, whose great abilities and amiable qualities were recognized by all, and whose untimely death they all deplored, Captain Leicester Vernon. The expenses of conveying voters in large counties unquestionably prevented many country gentlemen of moderate fortunes from seeking seats in that House, which they were perfectly well qualified to fill, and had brought the representation, in a great measure, into the hands of manufacturing *millionnaires*—a class whom nobody could welcome to that House more cordially than he did, but whom he desired to see placed there by virtue of the great abilities and merits which they possessed, rather than by the length of their purses. His observations so far applied only to the payment of expenses which were legitimate, but the Wakefield Commission had expressly shown how such a system had been, and would be, used, as a cloak for every species of bribery and corruption. He trusted that this measure would receive the support of every member of the Earl of Derby's Government, whose Reform Bill was so far superior to that now before the House, that it made the payment of travelling expenses illegal. For the reasons he had stated, he trusted the House would repeal an enactment, which for the first time legalized the payment of travelling expenses; an enactment which, in his opinion, was one of the most mischievous of modern times. He hoped they would affirm a principle which was approved by a Committee of that House more than twenty years ago, that Members should be elected, as far as possible, free of expense; and, above all, that the exercise of the franchise was the privilege of the voter, and not the business of the candidate.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. NEWDEGATE said, that in the absence of the hon. Member for Northamptonshire, Mr. Hunt, he begged leave to move that the Bill be read a second time that day six months. His firm conviction was, that the practical effect of the Bill would be to disfranchise a large class of voters. The Reform Bill introduced by the late Government was rejected mainly because it would have disfranchised the non-resident voters in counties. The present Bill assailed the rights of the very same class of men. He believed that the freeholders were the most important element in county constituencies, in which they were not only the representatives of property but in many cases of smaller freeholds, the sole representatives of the working classes; and for that reason he was desirous to preserve their franchises. He had no doubt that a remedy might be found for any abuse which the existing law might have occasioned in boroughs, but the case of counties was totally different. It was inevitable that many of the resident freeholders and other electors should traverse considerable distances in order to vote, while the non-resident freeholders had of course still further to travel. He might add, that in the constituency which he represented, a committee had been formed for the purpose of returning himself and his colleague in one district, where the landowners were opposed to them, totally independent of his hon. Colleague, of himself, and of their general committee, from whom this local committee would not accept a shilling towards the most legitimate expenses, and yet, because of travelling expenses paid by them, if a petition had been presented against the return, he and his colleague would have been unseated.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR GEORGE LEWIS said, he thought the House must feel that there was considerable difficulty in coming at that time to a conclusion upon any one point of the law connected with the conduct of elections. He was disposed to concur with the hon. and learned Member for Plymouth (Mr. Collier) as to the operation of the existing law in boroughs, but he saw some difficulty in the way of an absolute legal prohibition of the conveyance of voters in counties. Nevertheless, he was prepared to give his vote for the second reading of the Bill; but before the debate proceeded further he wished to call attention to the fact that the question now under consideration was virtually before a Select Committee of that House. A Committee, of which he had the honour of being a member, had been appointed to inquire into corrupt practices at elections, and that Committee had already taken a good deal of evidence upon the conveyance of voters, together with other subjects connected with the expense of elections. It was impossible to discuss one of those questions apart from the rest. The hon. and learned Member for Plymouth thought he would accomplish his object by simply prohibiting the payment of the expense of conveying voters to the poll; but the Select Committee had taken evidence which showed that where prohibition was absolute it was evaded with the greatest facility. The friends or relations of a candidate, without his knowledge, might advance money for the conveyance of voters, so as to enable him to make with truth and sincerity any declaration which might be required of him, and then at the proper time, by throwing themselves upon his honour, they might place him in a position in which he would feel himself bound to repay the sums they had advanced. Unless means could be found for preventing arrangements of that sort, simple prohibition would prove practically ineffective. He observed, among the Orders of the Day, another Bill relating to the conduct of elections—the Corrupt Practices Prevention Act Amendment Bill. It appeared to him desirable either that the House should agree to read both measures the second time without further debate merely for the purpose of referring them to the Select Committee to which he had alluded. If the House, however, should not agree to adopt that course, at all events he trusted they would wait until the Committee had reported, and they were in possession of the evidence taken upon the general question, in which evidence they would find much light thrown upon the present subject. The Report of the Committee would be shortly laid upon the table, and he thought that to go on discussing those measures at the present moment would be a mere waste of valuable time.

MR. HENLEY said, he hoped the hon. and learned Member for Plymouth would assent to the reasonable suggestion of the right hon. Gentleman the Home Secretary, and postpone the second reading of his Bill until the Select Committee had reported. That Committee was considering the subject in all its branches, and it was evident the House could do nothing before the termination of the inquiry now in progress. He concurred with the Home Secretary in thinking that any law simply prohibiting the conveyance of voters might easily be evaded. People could not be prevented from carrying voters to the poll in their own private carriages. He believed, indeed, that any change such as that now proposed would merely have the effect of increasing the expense of elections. The hon. and learned Member for Plymouth had taken his stand upon the principle that candidates should not be put to any expense whatever. That might be right or it might be wrong, but why not begin with the expense of agency, which was much greater than the expense of carrying voters to the poll, and which possessed the additional disadvantage of being productive of undue influence? Why, upon the same principle, should candidates have to pay the expense of hustings and polling-booths? The question of the conduct of elections was much too large to be dealt with by such a Bill as the present, which touched only one small portion of it; and he trusted, therefore, that the debate would be adjourned. He begged to move the adjournment of the debate.

MR. NEWDEGATE said, he wished to express his willingness to withdraw his Motion in favour of that suggested by the right hon. Member for Oxfordshire.

SIR JOHN SHELLEY said, he had understood the right hon. Gentleman the Home Secretary to suggest, not that the debate should be adjourned, but that the Bill should be read the second time and then referred to the Select Committee. He thought that was the best course which the House could pursue. He agreed, however, with the right hon. Gentleman (Mr. Henley) that if the House was sincere in wishing to reduce the expenses of elections and to give every candidate a fair chance, without reference to the length of his purse, the best thing would be to enact that, where agents were absolutely necessary, one alone should be employed. It usually happened that a rush was made for all the solicitors in a borough; retaining fees were given to them; and whoever was lucky enough to get the majority of solicitors had the chances of winning in his favour.

Mr. SOTHERON ESTCOURT said, he thought by far the wisest course they could take would be to adopt that proposed by the right hon. Gentleman (Mr. Henley), and to adjourn the consideration of the Bill before the House. The hon. and learned Gentleman (Mr. Collier) would lose nothing by that course, and the House would not tie its hands by affirming the principle of the Bill before the Select Committee had made its Report. The whole subject might very well be left in the hands of the Committee which was now considering the question of corrupt practices at elections, and it was not impossible that the Committee might already have taken evidence solving the question in a contrary sense to that of the Bill.

Mr. MELLOR said, it was at the request of several Members of the Select Committee that he proposed to move the second reading of the Corrupt Practices Act Amendment Bill, with a view to its being afterwards referred to them. The same course ought to be adopted in the case of the present Bill. As it was very desirable that all the Bills on this subject should be treated similarly. There was a new mode of corruption used; where a man had a horse and cart, both were hired, and the voter too.

Sir FITZROY KELLY said, he believed the more regular course would be to adjourn this questión altogether, and in the meantime to refer the Bill to a Select Committee; but he did not believe that any Resolution of the House was necessary to enable the Committee already sitting to take all the Bills into consideration.

Sir GEORGE LEWIS said, he was not aware that any Bill had been formally referred to the Committee.

Mr. MELLOR.—Yes; the Election Petitions Bill, after being read the second time.

Sir GEORGE LEWIS said, he knew nothing of that Bill, but the most important measures which the Committee had had under their consideration were those of the hon. and learned Member himself and of the hon. and learned Member for Suffolk, neither of which had been read a second time. Neither of those Bills, therefore, had been formally referred to the Select Committee, for it was the rule of the House that a Bill must be read a second time before it could be so referred. The Members of the Select Committee, however, were in possession of copies of them, and in conducting the investigation their inquiries had turned much upon their contents and provisions. The practice of reading a Bill *pro formâ* was always thought an objectionable one, though under stress of business it was sometimes resorted to. If the House entertained any considerable objections to the principle of the Bill now before them, its second reading could hardly be pressed, and though not formally referred to the Select Committee, it would be practically in the hands of its Members. The best and most convenient course would be to agree to the adjournment of the debate.

Mr. DARBY GRIFFITH said, that having attended for a day or two before the Committee upstairs, he was informed that the Committee had no official knowledge whatever of the two Bills just now alluded to, and did not feel bound to take them especially into consideration. The subject had been so frequently completely discussed by the House and the public, that he believed a Committee of the whole House would be more competent to deal with it than any Select Committee. The compromise which had been made on the clause of the Corrupt Practices Prevention Continuance Act of 1858, which attempted to draw an impracticable distinction between travelling expenses and expenses of maintenance, had proved quite inoperative. The Huddersfield Committee had ignored that provision, as well as the judicial decision in "Cooper *v.* Slade," and they had held that although the payment of these expenses might be illegal, and constitute a misdemeanour for which the candidate could be prosecuted, it did not amount to bribery for which he could be turned out of his seat.

Sir EDWARD COLEBROOKE said, he had the strongest doubts of the expediency of the Bill now before the House. He agreed that there was danger in the practice of paying voters' expenses, but he was not yet convinced of the possibility of preventing it. Two or three years ago he himself had to pay a tremendous Bill, about £1,400, which he should have been glad to save; but if he had been tied down from paying these expenses he would have been placed at a great disadvantage against the powerful opposing interests, and he feared that a great number of poor voters, unless the expense of conveying them to the polling place was paid, would be unable to vote at all. He was not prepared, however, before he knew the result of the inquiry in progress, to affirm the principle of a measure of the expediency of which he entertained the gravest doubts. Nor did he think that the multiplication of polling places would have the effect of curtailing the expenses of an election; because he believed that every additional polling place would entail a great additional expense, so that the remedy would be as bad as the disease.

Mr. MONTAGUE SMITH said, that a recent precedent might be found for the adjournment of the debate in the case of the Coroners Bills, both of which were referred to a Select Committee. But if they passed the second reading of the Bill before them they would affirm the principle recognized in the preamble of the Bill, which he believed, from the feeling displayed in the House, was looked upon with much disapprobation. The law as it stood simply put poor and distant voters upon the same footing as rich and near ones. Some change might be required in boroughs, but his objection to the present Bill was that it was applicable to both boroughs and counties. At present the law simply stood in this way, that if a man had no carriage of his own he might hire one to convey voters to the poll; but the present measure would go to the extent of making it bribery if a man put job horses to his own carriage with the view of carrying electors to the polling-booth. It was reasonable in every respect that the course suggested by the right hon. Gentleman (Mr. Henley) should be adopted.

Lord HARRY VANE conceived that in the present state of circumstances it would be impossible, more especially in reference to counties, to do away altogether with the payment of the carriage of voters to the poll, but he thought the second reading of the present Bill might be assented to without further discussion, with the view of sending it to the Committee upstairs, and upon the distinct understanding that its principle was not affirmed. Though abuses might exist under the present law, he very much doubted whether such a Bill as the one under discussion would operate advantageously. At the same time it would be necessary for the House to consider what regulations would be necessary in consequence of the enormous increase, in certain districts, of voters under the new Reform Bill, whose conveyance would vastly add to the expense of elections. This evil might, however, be obviated by the use of voting papers, and, unless some such means were adopted, a great number of persons would undoubtedly be disfranchised if it were made illegal to convey them to the poll. He repeated the suggestion, that the Bill should be read a second time, merely for the purpose of referring it to the consideration of the Committee upstairs.

Mr. BARROW said, that the more convenient way of dealing with the Bill was to adjourn the present debate, for to call upon those who objected to the Bill to read it a second time *pro formâ* was simply to ask them to vote black to be white. If the debate were adjourned, the House would have an opportunity of learning from the Report of the Select Committee whether any other means than the payment of the conveyance of voters could be devised for preventing poor men from being deprived of the power of exercising their franchise. It was not very creditable to the House of Commons that a subject, which they had been discussing and deciding differently year after year, was not yet disposed of. He was quite surprised to hear it argued that the payment of the conveyance of voters gave an advantage to the longest purse, for it was evident, if that were prohibited, the advantage in an election would be given to the great landlord, who by means of his own carriages and those of his friends—which, of course, he might use for the purpose—would enjoy great facilities for conveying his voters to the poll; and the practical disfranchisement of the poorer class of voters on the other side would thus give an enormous influence to the longest purse. He spoke from some experience in contesting a county against a great landlord.

Sir CHARLES DOUGLAS said, he was in favour of the principle of the Bill, and thought it should be read a second time. He hoped the right hon. Gentleman would withdraw his Motion for the Adjournment of the Question, and that the House would be allowed to take the issue raised by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate). That was the only fair course to pursue, and the one that would better test the feeling of the House on the main question.

SIR GEORGE PECHELL said, it was perfectly disgraceful that the House had not long since passed such a measure as this to get rid of the monstrous nuisance of the conveyance of voters. The borough in which he lived was twenty miles long and ten miles wide, with only two polling places; and the inconvenience was that the Justices of the Peace were not empowered there, as they were in counties, to establish additional polling places.

MR. COLLIER said, he thought the most convenient course would be to read the Bill a second time, and then to refer it to the Select Committee. However, he was in the hands of the House, and he would not oppose the Motion for the Adjournment of the debate if it were the general feeling that that should be acceded to. He rather collected that the feeling of the House was in favour of the second reading of the Bill.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 94; Noes 81: Majority 13.

Debate *adjourned* till *Wednesday* 16th May.

ATTORNEYS, SOLICITORS, PROCTORS, AND CERTIFICATED CONVEYANCERS BILL.—SECOND READING.

Order for Second Reading read.

MR. MURRAY said, in the sudden but unavoidable absence of his hon. and learned Friend the Member for Guilford, he rose to move the second reading of this Bill. Last Session a similar Bill passed the House of Lords, where it met with the approbation of all the law Lords, and came down to the House of Commons towards the close of the Session, but in consequence of the pressure of other business did not become law. At the commencement of the present Session the hon. and learned Member for Southwark introduced another Bill, containing ten of the clauses extracted from the former measure, the "educational clauses," and he (Mr. Murray) endeavoured upon the Bill of the hon. and learned Member going into Committee to introduce the remaining clauses of the Bill of last Session. That course was, however, not in accordance with the forms of the House, and the hon. and learned Member succeeded in passing his Bill, which had gone up to the House of Lords. In their Lordships' House it was thought desirable to bring in a new Bill comprehending the educational clauses and the omitted clauses, and this Bill having passed the House of Lords, he had now to move the second reading. The object of this Bill was to increase the respectability and education of attorneys and solicitors. Under its provisions, graduates and members of certain universities in the three kingdoms would be enabled, upon examination, to be admitted attorneys, solicitors, or proctors, after three years' service as articled clerks instead of five, as at present. By another clause, gentlemen at the bar in like manner, after leaving the bar and undergoing an examination, would be admitted to practice as attorneys and solicitors at the end of the same term of service. Other clauses gave power to the Judges to make regulations for the examination of clerks during their clerkship, as well as after the expiration of their articles. There was also a clause giving *bonâ fide* managing clerks, who had served honestly and faithfully for ten years, an opportunity of being admitted after three years' further service. The Incorporated Law Society, who had originated the Bill, would be enabled, with the sanction of the Judges, to increase their registration fee from 2*s.* 9*d.* to 5*s.* That institution, consisting of a body of gentlemen belonging to the profession, were elected according to similar courses adopted at an ordinary club, and the Council of that Institution, at the expense of the Society, took measures for the purpose of preventing improper persons entering the profession, and of getting struck off the rolls, or otherwise punished, solicitors who had been guilty of malpractices. The Bill also repealed certain Acts of Parliament which disqualified attorneys, solicitors, and proctors from being appointed justices of the peace, but provided at the same time that no attorney should practise in the county over which his judicial functions extended. Under another clause the Court of Chancery had power to order that an attorney's bill, after taxation, should bear interest at 4 per cent if it remained unpaid after three months, which would render it unnecessary for him to bring an action against his client. There were similar provisions relating to lunacy, and by a further clause it was enacted that the decision of one of the superior courts to strike an attorney off the rolls for misconduct should operate in all the other courts, without a separate application being made to each.

Motion made, and Question proposed, "that the Bill be now read a second time."

MR. KNIGHT said, that he was loth to reject a Bill containing such valuable provisions as the "educational clauses," which would improve the character and status of the profession, and therefore if the Bill had been introduced in that House, he would have proposed to amend it; but as it had come from the other House, he had given notice of his intention to move that it should be read a second time that day six months. He would remind the House of the curious position in which the matter stood. The Bill of last Session was brought down from the House of Lords and rejected by this House, not, as the hon. Member (Mr. Murray) represented, from want of time to consider it, but really in consequence of the strong opposition offered to some of its provisions. The hon. and learned Member for Southwark (Mr. John Locke) selected all the good parts of the Bill, and formed them into a separate measure which he introduced this Session, and which, having received the sanction of that House, was now before the House of Lords. He (Mr. Knight) believed that he was justified in saying that, if they rejected the Bill then before the House, the measure approved of by themselves would come back to them from the Upper House, and would pass into law, with the general approbation of the profession. He objected to the Bill on various grounds. In the first place the Incorporated Law Society was an ordinary club in Chancery Lane, composed of solicitors. Most of them were highly respectable persons, but they would be enabled by this Bill to tax the whole profession, for certain purposes of their own. They would be entitled to receive something like £4,000 or £5,000 a year, but what they were to do with that large income was not stated. It was stated that it was the duty of this body to weed out of the profession persons who were not fit to remain in it. It was unreasonable to entrust to any body the task of weeding out itself, and if that duty must be performed, a public prosecutor ought to be appointed by the Lord Chancellor for the purpose, and be paid the £4,000 or £5,000, arising from the fees. No doubt the Incorporated Society had been the means of getting many improper persons struck off the rolls, but they had left untouched great defaulters and culprits; and he feared that the great defaulters had been men belonging to that society, a fact which proved they were not proper persons to undertake the duty of proceeding against persons accused of ill-conduct. There were several clauses in the Bill which were very objectionable. One was, that which went to repeal the Act which prevented solicitors from becoming justices of the peace. It was manifestly improper that gentlemen constantly practising before courts should be constituted judges. It was impossible that they could do their duty towards their client without having a certain bias. Again, the clause relating to attorneys' bills after they were taxed was needless, as they had every means at present of recovering as against their clients. Attorneys themselves opposed it, for they said to him, "Whoever heard of one of our cloth being unable to recover the amount of his Bill?—and we don't want to be put upon a different footing from other persons." Upon these grounds, he contended that the Bill ought to be rejected.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. JOHN LOCKE said, that the Bill, like that of the previous Session, emanated from the Law Society, the members of which employed themselves in eating and drinking and reading the newspapers—amusements which they occasionally varied by hunting a brother attorney in the courts of law. By this Bill they sought to put themselves in funds by the taxation of the profession, for the purpose of enjoying themselves in that manner in future, as well as to obtain privileges which they had no right to possess, and which had been denied them by several Acts of Parliament. They had cunningly appropriated clauses from a measure which he (Mr. Locke) had attempted to pass through Parliament, designed to elevate the character and improve the position of attorneys; but they had so altered and mutilated those clauses as to destroy the fair and liberal effect he intended them to have, and, under the pretence of improving the educational status of the profession, they had sought to obtain for it monstrous and intolerable powers over a client's property by way of lien. He (Mr. Locke), for example, had proposed in his measure to enable clerks to attorneys or solicitors, who had served for ten years, to be admitted to practice on their own account after an additional service of three years under articles; but the Law Society, by introducing the word "managing" before "clerks" in one of the clauses which they had taken from his Bill, endeavoured to restrict, if not altogether to destroy, the operation he had intended it to have. Again, Clause 18 repealed the present law which prevented attorneys from becoming Justices of the Peace, but said that an attorney should not act as a magistrate in a county in which he practised; but the absurdity of such a restriction was evident, for there were a thousand modes in which it might be evaded. Then Clause 21 gave an attorney a lien for costs on whatever property he might have "recovered or preserved" for a client in a suit in any court of justice. He was at a loss to know what was meant by the term "preserved" in such a case; it was clearly a term not known to the law; but, whatever it meant, he contended that the existing law of lien went quite far enough already, and he did not think the country gentlemen in that House would sanction such a proposition emanating from so suspicious a body as the Law Society in Chancery Lane, who might naturally be supposed to have their own interests at heart, although they might not be very careful of those of anybody else. He could not see what use this Bill was meant to effect, for the educational clauses which it contained had been embodied by him (Mr. Locke) in the Bill which had passed that House, and was now waiting a Second Reading in the House of Lords. No doubt, if the objectionable clauses in this Bill were struck out, the Law Society, for very shame, could not send the set of educational clauses to the House of Lords, but they had endeavoured to make them a cloak for their own clauses, which had been so much lauded by the hon. Gentleman who moved the second reading of the Bill. It behoved the House to consider whence this Bill emanated, and to ask themselves whether they conceived that any advantage which might arise to the community at large by the passing of this Bill would not be counterbalanced by the very great danger they ran of placing an irresponsible power in a body of men who, up to the present time, had not shown that they had exercised the powers which they already possessed for the benefit of the profession.

MR. EDWIN JAMES said, he believed that if the Bill had only contained the educational tests, which would raise the character of attorneys and solicitors, the House would readily have given to it its assent; but while coming before them under the guise of a measure of that kind, it embraced some of the most extraordinary clauses which had ever been suggested. He was not inclined to indulge in satire upon the Incorporated Law Society, in which there were many members of the highest character, and which had done much to maintain the character and integrity of the profession; but he could not see on what ground they presumed to ask the House to empower them to tax the whole body of attorneys and solicitors. They absolutely sought power to tax every solicitor, who already paid twelve guineas a year for his certificate, an additional sum of 5*s*., which would yield them a revenue of about £5,000 a year, for the application of which they would be responsible to nobody. The society might occasionally be instrumental in bringing delinquent members of the profession to justice, but there was nothing in that or any other way which it was incumbent on them to do; and therefore it would be monstrous to give them such an irresponsible power of taxation. He contended also that the clause which precluded an attorney from acting as a magistrate for a county in which he practised might be easily evaded, and, that being so, it would be fatal to the administration of justice if attorneys were to be allowed to sit side by side on the bench with their clients, over whose property and interests they had often considerable power. Again, a more monstrous proposition was never made than that which gave attorneys a statutable lien for costs over any property which they might recover or "preserve" for a client in any suit before a judicial tribunal, seeing that an attorney had already a lien for costs on every deed and document in his possession belonging to a client. The tyranny implied in the proposition was further aggravated by the provision that all conveyances, assignments or other acts done to defeat, or which should operate to defeat that right, should be null and void. So that if a man recovered an estate worth £50,000 he could not execute a conveyance of it to his wife or brother, or any one else, unless the attorney was satisfied. The 19th clause provided that the amount of an attorney's bill certified on taxation was to carry interest if not paid within three months. The more respectable members of the profession did not desire such legislation in their interest, and they repudiated the attempt to obtain the exercise of a power over their clients' property for which they had never asked. With regard to managing clerks, there were many in London who were paid salaries of from £300 to £400 a year, and who had no idea of ever becoming solicitors themselves. The Bill generally was very objectionable, and he trusted the House would never sanction it.

MR. MONTAGUE SMITH said, that the Bill came before the House under very considerable authority—it had been prepared by the Incorporated Law Society, and had received the sanction of the Law Lords in the House of Lords. It was, no doubt, very easy to cast ridicule on any public body, and more especially one composed of lawyers; it had been said that the Law Society was a mere club; but he would remind the House that the Society had certain public duties to perform, as they were entrusted with the power of examining attorneys and solicitors before they were admitted to practise, and it was admitted that they had done their duties well. Whatever had been done of late years to remove improper persons from the rolls of the Court had been done by the Society, and at their own cost. The Bill was last year brought in by Lord Campbell, now Lord Chancellor; and this Session it was introduced by a noble and learned Lord who had sat on the woolsack, and it was again supported by the Lord Chancellor. He was surprised to hear the hon. and learned Member for Southwark (Mr. John Locke) claim the paternity of the Bill, for he had copied the Bill introduced by the Law Society last year, and had only added the clause that admitted attorneys' clerks to practise. It was admitted on all hands that the educational clauses were good and worthy of support, as it was of importance that attorneys, who were intrusted with a knowledge of the secrets and private concerns of their clients, should have the education and feelings of gentlemen. An objection had been made to a clause in the Bill which allowed interest on unpaid bills after three months, but he did not see why that objection should be made, seeing that a tradesman might, on giving notice, charge interest on his bills. That, and the objection to the clause which gave a lien, were objections in detail which might be discussed in Committee. The clause which allowed attorneys to be justices of the peace involved a principle, and he thought it would be better to strike the clause out of the Bill. But admitting that there were clauses which could be amended, and some which had better be omitted altogether, there would still remain enough of good in it to induce the House to read it a second time.

MR. BERNAL OSBORNE said, the support of the hon. and learned Member for Truro (Mr. M. Smith) gave to the Bill was a very modified support. He brought forward an argument why solicitors should be entitled to charge interest, if their bills remained unpaid for three months. Now, he thought that solicitors were well capable of taking care of themselves, and that they charged quite enough, without the House passing a Bill empowering them to charge interest after three months. But he rose principally to draw the attention of the hon. Member for Truro to the clause with reference to certified conveyancers. He believed there was not a more respectable class than the certified conveyancers. This Bill provided that these men might be struck off by the benchers without any appeal. He thought that was an injustice, and his vote would depend on whether he had an assurance that that clause should not be retrospective. There were other objectionable clauses, and unless they were assured that they would either be improved or withdrawn, the wisest thing the House could do would be to reject the Bill altogether.

MR. A. MILLS said, he trusted the House would allow the Bill to be read a second time. The objections to the Bill merely related to details, which might be discussed in Committee. If the Bill only contained the educational clauses, it ought to be read a second time. They heard constant complaints of the inefficiency of that branch of the profession. They were now anxious to improve themselves, and he thought they ought to give them the opportunity.

MR. LOWE said, the hon. Member for Truro said a tradesman might, by giving notice, charge interest on his unpaid bills; and he asked why a solicitor should not do the same thing. The truth was, that attorneys had already the power to do just what tradesmen did; but the present Bill would enable them to charge interest without the knowledge of their clients, and without giving notice. If an attorney were to tell a client that he meant to charge interest upon his bill, the latter would probably go to another attorney; but under the present measure a bill might stand over for years; and the client, when he came to discharge it, would have a large sum to pay of which he knew nothing. Attorneys, he thought, could take very good care of themselves without the aid of this provision. He thought the House was placed by the proceedings of the House of Lords in an unpleasant position with regard to this Bill. This House had sent up a Bill to the House of Lords containing all the enactments of the Bill, which everybody approved. The House of Lords neither rejected the Bill, nor carried it, but hung it up, and sent down a Bill containing word for word the clauses already agreed to by this House, after having tacked on other clauses, which had no relation whatever to the matter in hand, but which gave the attorneys large benefits at the expense of the public. Suppose they struck out of this Bill the objectionable clauses, they would send up a second Bill precisely the same as the first, and he did not think that was a position in which the House of Commons ought to place itself. For these reasons he should oppose the second reading.

MR. BOVILL said, he wished to remind the right hon. Gentleman that the House of Lords had last Session sent down a Bill containing a large proportion of the clauses in the Bill now before the House; but owing to the late period at which it came down, the House of Commons had not had time to consider the measure. The subject was then taken up by the hon. and learned Member for Southwark in the present Session, and the result was the Bill which was now in the other House. The present Bill, had, he thought, been too much treated as the measure of the Incorporated Law Society, which was a very inadequate representation either of the Bill or the motives which had led to its adoption. Before it was introduced the subject had been very carefully considered by the Judges, by the Benchers of the Inns of Court, and by every branch of the legal profession, and as a whole the Bill might be said to have received the sanction of the profession, and to have come down to the House with the stamp of approval of the law Lords. Objections had been taken to the clause relative to certificated conveyancers; but he was authorized to say that that there would be no objection to the modification of this clause, so that it might refer only to persons admitted as certificated conveyancers "after the passing of the Bill." The Bill introduced general regulations for the education, the examination, and the qualification of attorneys. No one could object to these provisions, for everything which tended to add to the respectability of the profession would promote the public interests. The clause with regard to managing clerks had been introduced in favour of those who had not had the advantage of a liberal education. Then came the question, should there be a registration of attorneys. The medical profession enjoyed the advantage of having a record of every man belonging to it. But if a person wished to know whether any one was an attorney he had to search at several places in order to ascertain the fact, and when the person was admitted. Then, objections were taken to the registration fee of *5s.* The Incorporated Law Society were Registrars by law, but they had not the means of making the registration. The council of this society were gentlemen of eminence in their profession, who gave their time and services without pay or remuneration for the interests of the profession, while they at the same time conferred a great advantage on the public at large. For himself, he should be prepared to recommend that funds, if necessary, should be placed at the disposal of the Incorporated Law Society, for the purpose of enabling it to purge the profession of its unworthy members. At present the Society could not take the steps which the interests of the public required for want of funds. When it was remembered that the stamp duty amounted to £120, no attorney would grudge the payment of a registration fee of *5s.* The Bill then dealt with the costs of solicitors, which ought also to form part of a Bill embracing the general interests of the legal profession. If objections existed to this or any other detail of the Bill they ought to be dealt with in Committee. Objections were made to the clause enabling solicitors to act as Justices of the peace. He could easily imagine that in some districts of the country it would be for the public advantage that a gentleman of high standing in the profession should be in the commission. Take, for example, a London solicitor who might have a country seat in a remote part of Wales. The

Bill only authorized the Lord Chancellor to place a solicitor in the commission of the peace, and that high legal functionary might, he thought, be safely entrusted with this power. He hoped that the House would give the Bill a second reading.

THE SOLICITOR GENERAL said, he shared in the dissatisfaction which had been expressed at the circumstances under which this Bill came under consideration. There was, however, much in the Bill which was excellent, and though there were other things which he did not approve of, yet he would venture to suggest the adoption of a more temperate course than had been followed elsewhere, and he should therefore vote for the second reading, reserving to himself, of course, the fullest power of discussing and altering the Bill in Committee.

MR. HADFIELD said, one objection to the Bill was the clause relating to certified conveyancers. He also objected to the clause which would enable the Incorporated Law Society, an irresponsible body, to raise £5,000 a year. That society ought not to be entrusted with an expenditure of so large an amount. There was great jealousy of that society in the country, and great opposition to it, and very justly. In his opinion the £5,000 a year would be spent in the persecution and oppression of the weak members of the profession.

MR. SOTHERON ESTCOURT complained of the extremely inconvenient and almost unconstitutional position in which the House of Commons had been placed in consequence of the conduct of the House of Lords in this matter. If they agreed to this measure, it would be the second Bill on the same subject passed by them in one Session. The House of Lords ought to add any new clauses they wished to introduce to the Bill already passed by the House of Commons, instead of framing a fresh one. He suggested that the present Bill should be got rid of in order that their Lordships might take that course.

MR. DENMAN remarked that the additional clauses referred to were not introduced into the former Bill in the House of Commons simply because they were held to be too remotely connected with the subject, and such as ought to be incorporated in a separate measure. He thought the present Bill contained a great many good points, and ought to be considered on its merits. It was inconsistent with the dignity of the House to enter too minutely into the history of the two measures.

MR. HENLEY said, he agreed with the Solicitor General that it was unnecessary to stand on any ground of punctilio as to the procedure with reference to the House of Lords. There were, however, seven additional clauses in this Bill, which were not in the measure before the House of Lords; and they were money clauses. Being, as was technically termed, "red-letter clauses," he very much doubted whether they could have been added in the House of Lords; so that the Commons had not been treated with any want of respect by the other House. There were many provisions in the Bill to which he entertained strong objections; but as he approved of its general principle, he should feel it his duty to vote for the second reading.

Question put, "That the word 'now' stand part of the Question:"

The House *divided*:—Ayes 191; Noes 29: Majority 162.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *Tuesday* 1st May.

THE JEWS ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. T. DUNCOMBE moved the second reading of this Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. NEWDEGATE said, he rose to move that this Bill be read a second time on that day six months. He had done everything in his power to dissuade the hon. Member for Finsbury from pressing the Bill upon the consideration of the House; but he regretted to find that his efforts had proved ineffectual. The measure would invalidate the great settlement of the Jewish question to which both Houses of Parliament had come only two years ago. They all remembered the long and painful difference which had prevailed between the Lords and the Commons upon the subject before that settlement; and they must all feel that it was a state of things which no lover of constitutional Government could wish to see revived. The House of Lords had made a concession in the matter which was extremely painful to a majority of its Members, and if the question were reopened a controversy must be renewed which the whole country had lamented during its continuance. Was there anything in the present state of the law of which the hon. Member for Finsbury, or those whom he appeared to represent, had a right to complain? Members of the Jewish persuasion were readily admitted on their election to seats in that House. But the House of Lords had insisted that it should be open to either House, and open to the electoral body through their representatives, as far as regarded the House of Commons, to decide whether persons who did not profess "the true faith of a Christian" should sit and vote in either House of Parliament. The Act gave the largest possible freedom to each House and to the country upon that subject; and the fact was that the hon. Member for Finsbury proposed to impose a restriction upon the action of that House, which was entirely unfettered under the existing law. No complaint of any grievance was made in that case, and he had even reason to believe that some hon. Members of the Jewish persuasion did not wish to see that Bill introduced and the former controversy revived. He had never been animated by any feeling of animosity to Gentlemen professing the Jewish faith; but he had certainly been anxious to see the Christian character of the British legislature maintained. He believed that the power which we possessed of appealing in every case of dispute to Christian morality, as the basis of all our law, afforded the best security for the continuance of that freedom which England had so long enjoyed. The Act which it was now sought to repeal, though giving a discretionary power to either House of Parliament, preserved this principle. He was ready to admit that he had seen nothing in the conduct of Jewish Gentlemen in that House to disqualify them from taking part in its deliberations; but he claimed for the people of this country the right to decide at any time, by the election of their representatives, whether Jews should occupy seats in the House of Commons.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"

Mr. SPOONER seconded the Amendment.

Mr. CONINGHAM said, he would beg to tell the hon. Gentleman the Member for Warwickshire (Mr. Newdegate) that so long as any test applied to the admission of Members to that House, there could be no settlement of the question.

Mr. T. DUNCOMBE said, that it was true they admitted the Jews, but they did it in a manner unworthy of a Christian assembly. It was a most unconstitutional doctrine to contend that an Act of Parliament was an agreement between the two Houses, and that upon a question of civil and religious liberty a future Parliament could not discuss or alter it. When Lord Lucan introduced his Bill, one of the arguments in its favour was, that if the House of Lords did not allow the Jews to be admitted by Resolution the House of Commons would do it without them. It was also urged that, as a general election was pending, the Bill might be passed and the whole question submitted to the country, when, if the people objected to the arrangement, they might instruct their representatives at the hustings to alter it. The general election took place, and such an instruction was not given on any hustings, not even to the hon. Members for Warwickshire, but, on the contrary, three more members of the Jewish persuasion were elected by large constituencies. It was said that no inconvenience had occurred, but inconvenience might any day occur. The result of the Committee appointed on the Motion of the right hon. Member for Oxfordshire to consider the best mode of carrying into effect the Act for the relief of Her Majesty's subjects professing the Jewish religion was to make it impossible for a Jew to take his seat in a new Parliament until the fourth day of the days appointed for taking the oaths appointed by law. They could not take the oaths as a Christian Member; they must wait four days. It was all very well to have that rule for the first Parliament after the Bill passed, but the public having answered the appeal to them in favour of the Jews the House was bound to place them in the same position as other Members. He therefore asked the House nobly and generously to remove the great stain, not on the Jews, but on themselves, and to act on the Christian principle of doing unto others as they would that others should do unto them.

Mr. KNIGHTLEY said, he should have been well content to let the question rest where it was, although he thought that it would have been much better if the House of Lords had adopted the noble Lord's (Lord John Russell's) proposition when they gave up the whole principle of their opposition to the admission of the Jews. He thought also that the present law was extremely cumbrous and objectionable, but he did not deem it expedient to reopen a long vexed and troublesome question by sending up this Bill, when they were sure the House of Lords would reject it. After all, the only inconvenience the Jews really suffered from the present state of the law, was having to wait a few minutes in the lobby while a Motion was passed for their admission.

Mr. HENLEY said, he opposed the Bill. For any possible inconvenience which might occur under the present state of the law it was scarcely worth while to reopen the question and renew all the heartburnings and disagreeable feelings which had been connected with it for so many years. The Bill would introduce much greater inconveniences and anomalies than that which it was intended to remedy. If it passed, an hon. Gentleman of the Jewish persuasion elected a Member of that House might come to the table and take the oaths in the usual manner, but if the Crown were pleased to confer a peerage on a gentleman of that persuasion, he would not be able to take his seat in the other House, except by a special Resolution. That was placing this House in an inferior position, and introducing a state of things infinitely more inconvenient and anomalous than the present.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 117; Noes 75: Majority 42.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday* next.

House adjourned at a Quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, April 19, 1860.

Minutes] Public Bills.—1ª Adulteration of Food or Drink.

PARLIAMENTARY REFORM. — ELECTIVE FRANCHISE IN COUNTIES AND BOROUGHS.

MOTION FOR SELECT COMMITTEE.

The Earl of EGLINTON said, he wished to call the attention of his noble Friend (Earl Grey), who was about to bring forward the Motion of which he had given notice relating to the Government Reform Bill, to the propriety of including Scotland and Ireland, as well as England and Wales, in the reference to the Select Committee, if their Lordships should agree to its appointment. It was quite clear that if it was considered proper that the subject should be inquired into as regards England and Wales—and he had no doubt it was proper,—it was equally proper that the inquiry should be extended to Scotland and Ireland, especially as the Scotch Bill was essentially different from that proposed for England and Wales. It might be said that there would be sufficient work for the Committee if the inquiry were restricted to England and Wales; but, in whatever way it might be done—whether it was considered advisable to refer the subject of Scotland and Ireland to the same Committee appointed for England and Wales, or whether two Committees should be appointed,—he could not but think if the inquiry were assented to for England and Wales it should also be assented to for Scotland and Ireland. He therefore begged leave to call the attention of his noble Friend to the propriety of including Scotland and Ireland in his Motion.

Earl GREY: My Lords, in addition to what we learn from other less formal sources of information, we know by the Votes of the House of Commons, that there is before that House a Bill which professes to have for its object to amend the law relating to the Representation of the People. The progress of that Bill has not been rapid, since it was introduced on the 1st of March, and has not yet passed a second reading. It also appears to have met with a very moderate amount of approval either within or without the walls of Parliament. It may, therefore, be doubtful whether it will ever come under your Lordships' consideration; but, as it may do so, in anticipation of that event I think it right to ask your Lordships to appoint a Committee for the purpose of instituting an inquiry which, I think, may throw some useful light on the subject. My Lords, the measure is one of such momentous importance—any error into which we may be unfortunately betrayed in dealing with it may so deeply affect not merely the welfare but the safety of the nation—that I think your Lordships will concur with me that I shall have assigned sufficient reasons for appointing a Committee, if I can show, as I feel no doubt I shall be able to show, that there is information calculated to assist us in forming a sound judgment on the subject which is not at present within our reach, but which we may hope to elicit by inquiry. My Lords, I need hardly remark that one of the most important questions which can be raised in the consideration of a new Reform Bill, is as to what is to be the future right of voting in counties and boroughs; and, in forming a judgment on this question, it is desirable that, with regard to any extension of the franchise that may be proposed, we should know, as clearly as we can, what is the extent of the addition that will be made to the electoral body, and what may be the character of that addition.

Now, my Lords, as far as regards the future number of the constituency in the Boroughs of England, there are returns on your Lordships' table intended to enable you to form some estimate of the increase of voters by the extension of the franchise to the occupiers of houses of the annual value of £6 instead of £10; but, to show how little those returns can be trusted without further inquiry, I need only state this notorious fact, that whereas Her Majesty's Government have estimated the probable increase of voters from such a change of the franchise at somewhere about 200,000 persons, a great many gentlemen, who have very good means of forming a judgment, including among them the representatives of some of our largest constituencies, have declared that they are prepared to show that this calculation is entirely fallacious; that it ought to have been at the very least doubled; and that 400,000, not 200,000, is the smallest number which ought to be reckoned upon as the probable addition to the borough voters. This opinion is also supported by many persons of good local information. Since I came into the House I have been told of the case of a borough in Cornwall, where the Government estimate of the increase to the constituency is at least one-half below what it ought to be. I do not know whether your Lordships have observed the fact, but in many of the local papers there are calculations of the same kind. I do not mean to trouble your Lordships with unnecessary details, and I will not, therefore, refer to many instances; but I may name one as a sample of many others. It appears that the number of voters now on the register for Ashton is 1,052. According to the returns laid before Parliament, the estimated probable addition to the constituency, by reducing the franchise to a £6 occupancy, is between 800 and 900. A gentleman well acquainted with that town, has, however, stated in the local papers, that the probable addition to the number of voters there under the operation of the Bill would be, instead of 800 or 900, at least 2,000. Now, this discrepancy between the calculations made upon the point seems to me to be a matter of so much importance, that it becomes clearly our duty to inform ourselves more thoroughly with respect to it. By calling before us those officers of the Poor Law Board who have made these returns, and some of the persons engaged in the local administration of the poor law, as well as other witnesses from some of the principal towns throughout the country, we may be enabled to clear up the doubts which at present exist as to the accuracy of the returns, as well as to learn something of the probable condition in life of those electors who will be admitted to the enjoyment of the franchise under the proposed change. It is, moreover, desirable not only that we should acquire some information with respect to their condition in life, but also with regard to the degree of intelligence and education which they may possess. And while the point is one of considerable importance, so far as the boroughs are concerned, in the case of which the information before us is deficient and not trustworthy, it becomes of still greater importance in the case of counties, in reference to the position of which under the Bill we absolutely have no information at all. As far as I am aware Her Majesty's Ministers have not even made a conjecture as to the probable increase of the electoral body in counties if the contemplated change in our representative system should take place. This I cannot look upon as right. What the amount is likely to be of the proposed addition to the electoral body in the United Kingdom is, I contend, a question which it is of great importance to take into account in the decision at which we ought to arrive upon the measure which we are asked to pass into a law. The probable increase of the number of voters, and the character of that increase, are not, however, the only questions which I deem worthy of consideration in dealing with this subject. Although there are doubts entertained as to the amount of the proposed addition to the electoral list, there can be no doubt but that addition will be very considerable, and the distribution of the franchise under the new Bill very unequal. In some towns its operation will create very little difference as contrasted with the present state of things; while in others, in which the rents of houses are lower, constituencies enormous in point of number will be created. That being so, it becomes expedient to consider whether to intrust the privilege of returning Members of Parliament to those overgrown constituencies is a course which it is dangerous to take, or the reverse. It seems to me, I confess, that we already know enough of the operation of such constituencies—especially in the case of the metropolitan boroughs—to render it desirable that we should know more upon the points to which I am adverting, in order that we might be enabled to judge how far the allegations which have been made as to the working of such constituencies are true or otherwise. We have ascertained from Returns which have been laid before Parliament that in constituent bodies so large as those of which I am speaking only a small proportion of the number of electors entitled to vote avail themselves of the privilege. According to the latest Returns, for instance, which I have seen on the subject, it appears that in the borough of Marylebone, out of a constituency of 21,000, little more than 10,000 voted at a recent election. In other metropolitan boroughs the proportion of those who actually vote to those who possess the franchise is, I believe, not very different. We also know that the contests for those boroughs have been of a very expensive character—that individual candidates have paid for a single election as large a sum as £5,000, that being the amount only which was returned by the election auditor; while I fear we should deceive ourselves if we were to imagine that this was the actual extent of the expenditure which has in every instance been incurred. Now, it being clear from the Returns that only a small number of the electors vote on these occasions, and that the elections are exceedingly costly, even if we exclude any reference to illegal and concealed expenses which may have been incurred, it becomes expedient to ascertain to what cause these facts are to be attributed. We have been told by persons acquainted with the subject that the evils to which I have adverted are due to the great size of the constituencies in question. Those persons say that in consequence of the very great number of voters which they contain, no individual voter takes any great interest in the exercise of the electoral privilege, and that as a result it becomes necessary to use various means in order to bring men to the poll. It is, moreover, asserted that, although bribes may not be offered to particular voters at those elections, a system which partakes to a great extent of the nature of corruption prevails; that paid canvassers are employed; the interest of the publicans purchased by allowing long bills to be run up for the entertainment of these canvassers and their committees; that machinery of this kind is largely employed, and that the result of resorting to it is to make individual voters still more unwilling to go to the poll, inasmuch as they feel that their vote is practically valueless in opposition to the organized measures which are taken by the professional traffickers in those elections. It is added that this unwillingness is manifested especially in the case of the more intelligent and educated inhabitants of the boroughs in question, who abstain from recording their votes; so that practically the control of the elections falls into the hands of a cabal, of a self-appointed committee, and a little knot of intriguers, the choice of a representative being thus practically restricted to a comparatively small number of persons. That the facts are such as I have mentioned is openly stated in pamphlets and newspapers, and I cannot help thinking that we ought, before we create any more of those large constituencies, to ascertain what amount of truth there is in such assertions. It is, of course, no easy matter to get at the truth of statements of this description; but still I am not without hope that, from the information which I am told different persons are ready to afford on the point, we shall be able to throw much light (should your Lordships think fit to grant the Committee for which I ask) upon the machinery by which the elections to which I am alluding are conducted. It may turn out on inquiry to be the case that facilities for personation and various other frauds are afforded in consequence of the number of electors being so large that it is difficult to recognize them individually. It may be ascertained, also, that the extreme multiplication of the number of voters diminishes, not only the value set on the franchise by the person who possesses it, but also the feeling of responsibility under which he exercises the privilege. It may, moreover, appear that one of the chief securities which we now enjoy for the fair and proper conduct of elections arises from the fact that the voters feel themselves to be a select body, exercising the right with which they are intrusted under the supervision of many of their countrymen who do not possess the same privilege, and that this feeling materially tends to make them discharge their duties as electors for the public advantage. It seems to me to be all the more important that we should have accurate knowledge on these points because of that which we know takes place in the United States. I was much struck by reading in one of the newspapers a letter from its "Correspondent," who stated himself to be a citizen of New York, describing the state of things in that city. He declared it would be a safe wager that out of 100 citizens, taken at random, not 10 could tell who were their representatives in Congress, and not five who were the members for the town in the State Legislature—unless it was said, you happened to stumble on a member of one of the committees by whom these things are really managed. These small knots of self-elected agitators are the real electors for the great city of New York; and the expression used by the writer was, I think, that the body of the inhabitants have as little real choice as the person who is asked by a conjuror to draw a card from a pack, who of necessity draws the card that the conjuror has determined beforehand. That is the account given by an American citizen of the effect produced in that country by the extreme multiplication of the number of electors. And, therefore, it seems to me a subject well worthy your Lordships' consideration, before we determine very largely to multiply the number of electors, that we shall endeavour, as far as we can, to obtain information as to the real practical working of elections carried on by very numerous bodies. We ought to know what approach we are likely to make to the state of things which I have just described; we ought to know whether an extension of the franchise is likely to conduce to the better discharge of the important trust of returning Members to Parliament. If we were to judge from popular harangues, and from the many speeches which are made in Parliament, we might suppose that the extension of the franchise is necessary in order to give to many of our fellow-countrymen some advantages of which they are at present unjustly deprived. I want to know what is the real advantage of having a vote in the election of Members of Parliament. What good does a man derive from being one of some hundreds or thousands, who in the borough in which he lives, when a new Parliament is to be chosen, vote in the election of the Members? He derives no direct advantage from the privilege—I am supposing always that he does not make any improper use of it—a vote is in itself of no consequence whatever; for no man will say that it is of advantage to him to possess this sort of fractional share of the power of choosing Members of Parliament. But what is of the deepest moment to every man is, that the election of Members shall be so regulated as to afford the best security that the country shall be well governed, and that the interests of every class shall be fairly dealt with and consulted. This it is which is of consequence to every man, from the highest to the lowest; and the mere possession of a vote, irrespective of the objects for which that vote is to be exercised, is not for one single moment to be taken into account. Looking at the subject in this light, and considering it to be a question whether the extension of the franchise is likely to lead to a more honest and a more judicious exercise of the privilege and to the choice of a House of Commons better fitted for the discharge of its high duties, it will be for your Lordships, whenever a measure on this subject is brought before you, to determine what evidence we have that such an extension is required. For my own part, I do not hesitate to say, so far as we have at present any means of forming an opinion, that I see no proof at all that such an extension is either necessary or expedient. It seems to me that this is the opinion of by far the majority of those who have written on this subject in a dispassionate tone, and of the best and soundest thinkers who have expressed their views upon it. I do not mean to trouble your Lordships by citing these authorities; but there is one to which, from various circumstances, I attach so much importance that I will take the liberty of bringing it under your Lordships' attention. I am sure there is none of your Lordships to whom the name of the late Mr. Hugh Millar is not familiar; you must know him by reputation and the delightful works which he has published. You are well aware that by his high moral no less than by his intellectual qualities he raised himself from the station of a working mason to a position of great influence and distinction. As the editor of a newspaper of wide circulation he was accustomed carefully to consider political questions, his opinions with regard to which were decidedly Liberal; and having been himself a working man, he knew by experience the opinions and feelings of that class, and the whole course of his life showed how earnest were his desires to promote their real interests. Mr. Millar, in one of his very interesting publications, under the name of *The Cruise of the Betsy*, refers incidentally to the subject of the franchise, as to which he thus expresses himself:—

> "Let Chartism assert what it pleases on the one hand, and Toryism on the other, the property qualification of the Reform Bill is essentially a good one for such a country as Scotland. In our cities it no doubt extends the political franchise to a fluctuating class, ill hafted in society, who possess it one year and want it another; but in our villages and smaller towns it hits very nearly the right medium for forming a premium on steady industry and character, and for securing that at least the mass of those who possess it should be sober-minded men with a stake in the general welfare."

That is the opinion of Mr. Hugh Millar with regard to Scotland; and I would remind you that the franchise in that country is much less widely diffused in proportion to population than in England.

I know it has been stated that it is unjust not to give the working classes a larger share in the representation, and that they ought not to be excluded from their fair share of political power. If that were true, and if any such exclusion were really practised towards them, no man would more heartily concur than myself in the opinion that this was an injustice and ought to be remedied. But is it true? In the first place I venture to submit to your Lordships that from among the £10 householders in our boroughs the working classes are by no means excluded. In the present days of prosperous trade in this country there is no resident in an English borough who may not hope by industry and intelligence to become the occupier of a £10 house. Practically, a very considerable number of £10 householders have risen from the class of working men, if they do not still belong to that class. They are, besides, closely connected with the whole body of the industrious classes, and have a strong feeling of sympathy with them. I might also remark that voting is not the only means by which political influence can be exercised. A man who has either never possessed or has never given a vote may, by his character and ability, exercise a most powerful influence on public opinion. For instance, do you think the amount of political influence exerted by such a gentleman as Mr. Bright much depends on the effect of his individual vote? Nor has it, I think, been established that an extension of the franchise is necessary in order to secure that Parliament shall deal justly towards the working classes. As far as we can judge from experience, I submit to your Lordships that the electoral body in this country is by no means indifferent to the interests of the great bulk of the population. These matters must be estimated by their effects; and I ask whether the whole course of legislation for many years past does not prove that the Parliament which is returned under the existing rate of suffrage is sincerely desirous of doing what is just and fair by all classes of the community. It is said, I know, that there ought to be a more direct representation of the working classes—that it is not enough that a certain number of these classes already possess votes, and that Parliament, as now constituted, deals justly towards them; but that something more is required, and that there ought to be persons in the House of Commons who would more fully express their sentiments. I acknowledge that there ought to be in that assembly the organs and representatives of every class, and especially of the working classes; and that it is highly important, even where their opinions may be mistaken and their wishes unwise, that they should still be expressed, because it is by being publicly stated and as publicly answered that any delusions which may possess the popular mind can most effectually be dispelled. But is this to be effected by a general and sweeping reduction of the franchise? I think there is great force in the argument that shows this cannot be the case. The industrious classes are so numerous, compared with all other classes, so like each other in their modes of living and general circumstances that it is impossible, by a general reduction of the franchise in our cities and boroughs, to secure to these classes a more direct representation without giving them a complete political predominance. That point, my Lords, requires great and careful consideration. Many persons, whose opinions are entitled to great weight, think it is impossible to obtain a satisfactory result without adopting a different principle. They say that by a simple reduction of the franchise you would do either too much or too little, and that, to accomplish your object, you must proceed on some different principle. By the variety of franchises existing before the Reform Bill all classes, it is said, were represented. In some towns the right of election belonged to the corporations or other bodies representing the more wealthy classes; in others it was vested in the householders or freemen who acquired the franchise by serving a seven years' apprenticeship. They returned Members representing the industrious classes, not only of those particular towns for which they sat, but of the kingdom in general. By this diversity of the right of voting in different places, there were thus opportunities for all classes in society to obtain a share in the representation; and it is contended that, if we wish to secure the same object, we must return, in some degree, to this principle. My own opinion, I confess, leans to the soundness of these views; but I forbear from entering into this question, because it will form no part of the inquiry I ask your Lordships to institute. The Committee will have nothing to do with devising any plans of reform; by the terms of the Motion I am about to make it will be limited to the humbler task of endeavouring to collect information that may assist your Lordships to form a judgment on any measure of reform that may be brought before you.

But I cannot ask your Lordships to enter on this limited inquiry, without expressing my opinion that one of a far more comprehensive character is urgently required. I believe that the principles on which a safe and effectual improvement of the representation can be accomplished have yet to be ascertained, and that the best mode of carrying these principles into effect yet remains to be discovered. I think that Parliament cannot safely deal with this question till it has been submitted to further inquiry; but I have no such claims on your confidence as to entitle me to ask your Lordships to entrust such a difficult investigation to a Committee moved for by me. I am not even prepared to say that any Committee of this House would be the best mode of conducting it; but I am not the less persuaded that it is necessary, and that if we would deal safely with this great subject, it must undergo a more searching and more dispassionate inquiry than it can receive in a discussion of a Reform Bill brought in by the present or any other Administration. The failure of the different attempts to pass Reform Bills within the last eight years, and the very small approval any of those Bills, framed by different Governments, have received or deserved, ought to convince us that it is impossible to arrive at any satisfactory settlement of this great question till the mind of the nation is more clearly made up as to what it wants, and till the leaders of the chief political parties can arrive at some agreement as to the measure that is to be passed. If Reform Bills are to continue to be brought forward and discussed in the manner they have been during the last and the present years, nothing but evil can arise to the country. The ultimate overthrow of the Constitution is what we must expect, unless this subject shall cease to be the battlefield of contending parties, and unless there is sufficient virtue and patriotism left among the leaders of all parties to enable them to agree, either to leave the question as it stands—and after all there is really very little practical objection to the working of our representation—or else to endeavour to concur in some measure framed according to principles which political wisdom and experience have suggested—and not with the mere purpose of catching a little fleeting popularity, or to patch up for a time a difficult and troublesome question. Unless they will do this there is danger of a great calamity befalling the nation, by the overthrow of the balance of political power. I believe that only a small fraction of the nation wishes to disturb the balance at present existing. The great mass of the people are well aware of the benefits they enjoy under our present Constitution; they are well aware that we enjoy a greater share of real liberty and of the blessings of good government than any other people on earth; and if the question were put to them distinctly whether they would abide by the main principles of the Constitution to which we owe so much, or whether they would depart from those principles to seek some new and untried system for the uncertain benefits it might confer, I am persuaded the answer of ninety-nine of every 100 in every rank of the community would be to abide by the constitution as it exists. But the danger is that in the strife of parties, and from weariness of a vain and barren struggle, the nation and Parliament may at length be prevailed upon to pass some measure of which the fatal working will not be understood till too late, and would only be known by experience; some measure founded on no principle, unsettling what exists, and settling nothing; some measure of which the apparent moderation would be only a snare and an additional danger, and which, if agreed to in the vain hope of obtaining a temporary respite from agitation, and a settlement of the question at least for a time, will be found on the contrary only to have increased all the existing difficulties, and to have opened the door to farther and indefinite changes which will be forced upon us in rapid succession till nothing is left to concede, and till our well-balanced Constitution is utterly overthrown, and an unchecked democracy is established on its ruins. That is what we have to fear, and what has happened in other nations, the example of the gradual corruption of free institutions in other countries, in ancient and modern times, ought to be to us a beacon pointing out the dangers on which we seem to be so blindly running. Above all, the example of the United States ought to be a warning to us that we cannot lay these things too deeply to heart. Let me remind your Lordships that the great men who brought the Revolutionary War with this country to a successful close established a Federal Constitution, by which they thought they had provided sufficient checks against the dangers of an unbalanced democracy. At that time the Constitutions of the several States were founded on similar principles. But almost every check then provided against abuse has been, one after the other, swept away, and the unchecked dominion of the mere numerical majority has been established, both in the Federal and the State Governments. My Lords, I believe if the contemporaries of Washington had been asked whether they would abandon the system then established for the one that has replaced it, they would have answered unanimously, "We will not try so dangerous an experiment." But the change has taken place, nevertheless, and how? By a succession of changes at first apparently inconsiderable in themselves, but all leading by a gradual, steady, and certain progression to that result which we now see. And how has that change worked for the happiness and well-being of the people of the United States?

In bringing this part of the subject under your attention, I wish to say nothing which can wound the feelings of a people for whom, individually, I entertain the highest respect and admiration — but it would be false delicacy in me to abstain from describing the evils which now afflict that kindred nation, and which the best and most enlightened of their own citizens are the first to admit and deplore. I will endeavour then, shortly to point out to your Lordships what is the state of things now existing in the United States, as described by witnesses of the highest authority, native and foreign. In the first place, it is admitted that the ablest and more enlightened citizens of the United States are absolutely excluded from all share in the Government. They not only exercise no public functions, but they have not even the smallest influence over the acts of the Government. They are perfectly helpless and powerless, and the whole power, both legislative and executive, has fallen exclusively into the hands of those men who do not scruple to flatter the lowest passions of the mob. The effects of this are seen both in the Executive Government and in the Legislature. I do not intend to dwell upon the topic, but we all know in what manner the relations of the United States with foreign nations are carried on. Everybody is aware of the unscrupulous, overbearing tone which marks their intercourse with foreign nations. If any one European nation were to act in the same manner, it could not escape war for a single year. We ourselves have repeatedly been on the verge of a quarrel with the United States. With no divergence of interests, but the strongest possible interest on both sides to maintain the closest friendship, we have more than once been on the eve of a quarrel, and that great calamity has only been avoided because the Government of this country has had the good sense more than once to treat the Government of the United States much as we should treat spoilt children, and though the right was clearly on our side, has yielded to the unreasonable pretensions of the United States. There is a danger that this may be pushed too far, and that a question may arise on which our honour and our interests will make concessions on our part impossible. If from the Executive Government we turn to look at the proceedings of Congress and of the State Legislature we find them marked by habitual coarseness and vulgarity, and sometimes even disgraced by scenes of actual violence. We find that their measures, instead of being directed by a desire to promote the welfare of the nation by enlightened legislation, seem to have no other object but to satisfy the cupidity or the passions of their members. Let me point out to your Lordships just one remarkable contrast between Congress and the British Parliament. In our Parliament, which has been condemned as so faulty, public opinion—that is, the opinion not of mere numbers, but of the enlightened and educated part of the nation—has been strong enough to enforce the application of sound political science in our financial and commercial legislation. It has swept away all protection, and has placed our revenue laws on a system which is admitted to be, on the whole, wise, sound, and beneficial. But while public opinion has been able to do this in England, contrary to the wishes and contrary to the supposed interests of that landed aristocracy which is said to possess undue power in Parliament, and to abuse it for the oppression of the nation, Congress, on the contrary, has maintained the very narrowest system of exploded protection; and at this moment the revenue laws of the United States are of such a character, that no man who has the slightest pretension to a knowledge of the subject, can doubt that they impose a great and needless burden on the mass of the community for the benefit of a few. But, worse than this, the system has led to the most hideous corruption, which pervades every department of the Government. This is universally admitted and deplored, not by one party or one set of men only, but by all. The fact has been set in the clearest light by one of the highest authorities to which I would venture to appeal, that of the President himself. In a letter dated February 23, 1859, Mr. Buchanan speaks of "the disastrous influence which excessive and lavish expenditure of the public money may exert on the character of our free institutions," and he goes on to say:—

> "A strong tendency towards extravagance is the great political evil of the present day. Money from the national treasury is constantly demanded to enrich contractors, speculators, and agents, and these projects are gilded with every allurement which can be imparted to them by ingenuity and talent. Claims which had been condemned by former decisions, and had become rusty with age, have been again revived, and have been paid, principal and interest. Indeed, there seems to be a general rush to obtain money from the treasury on any and every pretence."

He adverts in this passage to one of the most extraordinary modes of corruption which can be imagined. Some old claim on the Government, which has been considered and rejected years ago on good and sufficient grounds, is brought forward again, and by an arrangement among the parties who are to share in the benefits of the decision, the old decision is reversed, and this fancied claim is satisfied by an extravagant grant from the public treasury. This system of corruption is shamelessly avowed in the maxim which is loudly proclaimed, "To the victors belong the spoils." The meaning of this is, that each new President of the United States is to make a wholesale dismissal of public servants, and to fill their places without even the slightest pretension to any reference to the fitness of the new holders, but solely with reference to their claims on the party which has brought him into power. Still more remarkable is the fact that it is openly asserted that Acts of Congress and of the State Legislatures are often obtained by direct pecuniary corruption. One case of this kind—a railway case—attracted much attention two years ago, and was mentioned in the City article of *The Times*. It appears to be the practice of Congress to make grants of public lands to some of the Western States for the purpose of enabling them to encourage the formation of railways. These grants are in the first instance obtained from Congress in the corrupt manner I have described, and, when obtained, are used very much in the same manner by the Legislatures of individual States. A railway in Wisconsin obtained an act of the State Legislature making to the Company a grant of land by the wholesale purchase of the whole Government of the State. The case was so flagrant that it became impossible ultimately to refuse an investigation, and the following facts were reported to have been clearly proved:—Thirteen Members of the Senate received bonds to the amount of £35,000, in sums varying from £2,000 to £5,000 each; sixty Members of the House received sums varying from £1,000 to £2,000 each, and only four Members voted for the Bill without pay. The Governor of the State received for his share in passing the Bill £10,000—the Government is supposed to be carried on economically there, and the salaries are small, but with such irregular gains its public servants are certainly not less costly to the State than our own more highly paid ones—his Private Secretary got £1,000, the Lieutenant-Governor got £2,000, the Controller of the Bank £2,000, and the Clerks of the House from £1,000 to £2,000 each. Then there is a gross sum put down for "outsiders"—that is lobby agents and various undefined expenses of that kind—£50,000. This does not rest upon mere loose statement; it is the result of an official inquiry by a Committee of the Legislature—it is the history of the transaction as reported by a Committee of the succeeding House of Representatives. That is an example of the state of things which has arisen in that country. Before leaving the subject of America, there is another point which I really must mention. I stated to your Lordships that the President of the United States, with the most praiseworthy spirit, had written a letter to caution the country against the extreme extravagance which in modern times has prevailed; but I am sorry to say the President appears to be himself unable entirely to resist the effects of the system; because there has been an inquiry into the state of the navy in the United States, and the result of that inquiry has been the publication of a mass of documents which I am sure no man can read without the greatest astonishment. Contracts are proved to have been habitually and avowedly made to promote, not the interest of the public, but of the individual. A physician is shown to have been appointed to be agent for the purchase of coal, who knew nothing about coal, who never did anything in the purchase of coal but signing the certificates brought to him, and who received the appointment in order to share with others the profit of the contract. More than this. We have letters addressed to the highest officers of the Government calling on them to grant contracts to particular individuals for electioneering purposes. One letter is addressed to Mr. Buchanan himself, urging him in the strongest manner to have the contract for the machinery of a steam-sloop assigned to a particular house in Philadelphia with a view to obtaining their influence in the approaching election. There is no disguise. It is put openly that it is of importance, in the then state of the election, that the contract should be given to this particular house. I appeal to your Lordships whether, if a letter were addressed to the First Lord of the Admiralty, making a demand of that kind, and it were proved that he had listened to it for a moment, he would not by the universal indignation of all parties in Parliament, and out of it, be driven from the councils of the State. But how did the President of the United States treat the matter? The letter to which I have referred was simply sent to the Secretary of the Navy with this indorsement:—

> "The enclosed letter, from Colonel Patterson, of Philadelphia, is submitted to the attention of the Secretary of the Navy.—J. B."

Such corruption produces its natural effects upon every interest and upon every class in the country, and above all, I am sorry to say, upon the administration of justice. Your Lordships are all aware that not many years ago the decisions of the Supreme Court of the United States were regarded with the greatest respect, not only there, but in this country. The Judges were enlightened, honest, honourable men, and their *dicta* were often quoted in our own Courts as of high authority. How has this state of things been altered? Under the system which has arisen in America, appointments to the Supreme Court, like all other appointments, have been used for party purposes and as a natural consequence, that Court has lost the high character it formerly possessed. It no longer commands the respect which it did in better days, and some of the decisions which it has recently pronounced have excited the disgust of all high-minded men in America. But this is by no means the worst—in the Federal Courts the state of things is not good, but at least they have still Judges who hold office during good behaviour, and may therefore venture to act with independence. But in many of the States—I believe I may say in most of them—the Judges are now elected. They are not only originally appointed by election, but they are appointed only for short periods; consequently they are looking forward to re-election;—and in some States they are elected annually, and their salaries are voted annually by the Assembly. This has arisen, because when the undisputed dominion of a numerical majority of the nation had been established, they will not bear to have the desires and passions of the hour checked by a firm administration of the law. The effect has been to degrade the character both of the Bench and the Bar. It is stated in the American newspapers, and the evidence is confirmed by that of impartial observers, that the laws in that country are now become mere cobwebs to resist either the rich or the popular feeling of the moment. While the rich and the upper classes are excluded from any legitimate influence in the government of the country, the illegitimate influence of money is greater than ever, and it is stated that rich men have little to fear from the law in a majority of the States of the Union. How it acts when any popular feeling is involved will be best understood from a short statement which I beg leave to make to your Lordships. In the autumn of 1858 there existed a quarantine establishment which had been established by the authority of the Legislature and of the Government in the neighbourhood of New York. The situation was one where many villas had been built for the citizens of New York, to which the quarantine establishment was regarded as a nuisance, and its removal was desired. The inhabitants of the district attempted to get it removed, and, not succeeding in doing so by legal means, the course they took was to assemble and burn it down. No secret was made beforehand of what was intended, on the contrary, the time at which the outrage was to be committed was openly proclaimed, and at the time appointed the rioters accordingly assembled and deliberately set fire to and destroyed the building. They first removed the sick, but I believe the lives of some were lost by the exposure to the weather they endured. Not the slightest attempt was made by the authorities to resist the outrage which they knew to be intended, and only a nominal attempt to punish the perpetrators. Proceedings were taken against them, but I find in a local paper, those proceedings described as a protracted farce, and the result was a decision from the Bench that, as the quarantine establishment had been pronounced a nuisance by the grand jury, the rioters were justified in burning it down. This is a sample of the manner in which the law is now expounded in one of the States of the Union. I say nothing of those abuses, of which I am afraid there can be no doubt, in the police of New York that make life and property unsafe in many parts of that great commercial metropolis. I refer only to known facts, which stand on clear official statements, and which cannot be denied or doubted.

Perhaps I shall be told that there is no danger of our coming to such a state of things as this—that the reverence of Englishmen for law and justice, and their desire to see it fairly administered, are so great that they will never for a moment follow such an evil example. But I believe that seventy years ago these feelings were quite as strong in America as they now are in England, and I beg to remind your Lordships that when you once establish the irresponsible power of a mere numerical majority of a nation, they are led on insensibly from one step to another, until the consequence is the establishment of such a tyranny as I have now been describing. I believe that this experiment of Government by a numerical majority has been tried in America under circumstances of far less danger than it would be in this country; and I refer your Lordships to an admirable letter which records for our instruction the opinion formed on this subject by the great historian and statesman, in whom this House, this country, and the civilized world, have lately experienced so irreparable a loss. I refer to the letter of Lord Macaulay, in which he points out with his usual power of language and of argument that, in a country still so imperfectly settled as the United States, where the population have the opportunity of spreading over a wide territory, the experiment of government by a numerical majority has been tried under far greater advantages and with far less danger than it would be in a thickly-peopled country like our own. I have referred to these things because I think they ought to render us cautious how we take any steps which may lead to the establishment of such a system of government in this country. But we do not need the example of America in order to enable us to judge what must be the character of such a Government if established here. From the speeches which have been delivered during the last two years to various audiences throughout the country by a gentleman of great energy and talent—I mean Mr. Bright—we may form some conception of the degree of moderation, wisdom, and justice, with which power would be exercised if placed exclusively in the hands of that class to whom his speeches were addressed. I will not trouble your Lordships with quotations from those speeches; if your Lordships will but look at the points that were cheered, you will see some test of the degrees of wisdom, moderation, and justice, with which power would be used, if entrusted exclusively to a single class.

I feel I have already trespassed too long upon your Lordships' attention. I will therefore pursue this topic no further, and only express my hope that what I have said may be sufficient to satisfy you of the propriety of granting the Committee I ask for, in order to inquire whether by adopting the changes which are now proposed in the representative system, you would not virtually concentrate the real power solely in the hands of a particular class, and deprive all other classes of their proper share. Let it not be supposed I object to a well-considered measure of Reform. I never expressed the opinion that the Reform Bill of 1832 ought to be a final measure. I do not think that finality belongs to human legislation. But this I have always said, and this I still say, that when you have a Constitution which secures to the people the blessings of good government and the largest amount of liberty, and is practically found to work well, you ought not lightly to disturb that arrangement, and above all things you ought not to adopt any change of which you cannot see pretty clearly the probable effect and ultimate consequences. You are bound to remember that the Constitution of this country is, as it is well described by our greatest political writer, a well-balanced and complicated machine, and that if you venture to disturb its operations with a rash hand, you may throw it out of working order. Even in correcting admitted faults you may do harm, unless you take care at the same time to correct faults in the opposite direction. I believe that the circumstances of the times impose upon us a great and solemn duty; and when any Bill of Reform is brought before us it will be our duty to give it our deliberate attention, and to refuse steadfastly to pass any measure, unless we are satisfied it will promote the future interests of this great country. In order to enable us to discharge that duty, and to provide us with information on which we may form our judgment, I beg to move, in the terms of my notice—

"That a Select Committee be appointed to inquire what would be the probable Increase of the Number of Electors in the Counties and Boroughs of England and Wales from a Reduction of the Franchise, and whether any or what Change is likely to be made in the Character of the Constituencies by such Increase: Also, what Difference there is between large and small Constituencies in respect of the Proportion of registered Electors who usually vote in contested Elections, and into the Causes of any such Difference which may be found to exist, likewise into the Means by which Elections in very large Constituencies are practically determined, and into the Expense incurred in conducting them."

THE DUKE OF ARGYLL: My Lords, it is not the intention of the Government to oppose the Motion of my noble Friend. We are perfectly willing that the inquiry asked for—though the terms of the Motion are somewhat loosely worded—should be instituted as far as it is capable of having a proper and useful direction given to it. It must be, however, on the distinct understanding, which I believe my noble Friend admits, that it is a *bonâ fide* Motion for the purpose of obtaining information which will guide us in our deliberations on the measure of Reform when it comes up from the other House of Parliament, and that the appointment of the Select Committee is not to have the effect of shelving the question, or causing unnecessary delay in the consideration of the Bill, when it shall come up from the House of Commons. Upon that understanding the Government are prepared to enter into the inquiry with my noble Friend. If, indeed, the Select Committee now moved for were to inquire into all the matters my noble Friend has referred to—into the decay of nations in ancient and modern times, the alleged decline of the American constitution, and the state of the United States now as compared with what it might have been had the institutions devised for it by General Washington and his associates been maintained—I should indeed despair of any progress being made for a very considerable time, and should regard with unmitigated commiseration the unhappy lot of the Members chosen to serve upon the Committee. But I understand my noble Friend intends the inquiry to have a more definite direction. Some of his observations seemed to imply that he wished the inquiry to be directed to the verification or correction of certain Returns produced by the Government for the purpose of informing Parliament of the probable effects of the measure they have introduced; and the Government are perfectly willing that the accuracy of these Returns should be tested by the Committee. I do not, therefore, at present deem it necessary to enter into any defence of these Returns; but I must say I was surprised at the way in which my noble Friend treated that question. My noble Friend, in proof of the inaccuracy of the Returns, said he need only refer to the fact that several Members of Parliament representing important constituencies had, in their place in the House of Commons, stated that in reference to their own respective boroughs the Returns were most erroneous. I admit that several Members of Parliament have challenged the accuracy of these Returns as regarded their respective boroughs; but I am informed by the Department from which the Returns emanated, that, in consequence of these allegations, inquiries have been made in the specific cases referred to, and the Returns have been found perfectly accurate. The charges of inaccuracy are almost all couched in the vaguest terms, and are founded on letters of individual electors to their Members, who say that as the result of their private inquiries they have come to the conclusion that the Returns are inaccurate. I think that the statement of the public Department which has had access to the official records of the various boroughs is possessed of more authority than the unsupported assertions of any individual constituent. One alleged source of fallacy in these Returns has been pointed out more specifically. It has been said that in a very large number of boroughs the strict requirements of the law are not complied with, and that all the persons who are assessed for poor rates are not entered in the rate-books. That is perfectly true. There are, I believe, a large number of parishes and boroughs in which the system of compounding for tenancies is adopted, and in such cases the names of the tenants do not appear in the rate-book. But I can assure your Lordships, on the authority of the Poor-Law Department, that specific instructions were given to clerks of unions, who are officers of intelligence and education, that in all cases of compounded tenancies, though the names of occupants are not entered in the rate-book, the whole number of tenants of the required value should be included in the Returns. I believe that has been done in all cases, and although there may be some slight errors in the Returns, I shall be surprised if there are found to be any serious ones. In the instructions sent down to the boards of guardians great care was taken that those officers should understand the object of the Returns that were to be obtained—namely, to give Parliament as near an estimate as possible of the numbers of male occupiers of various classes of tenements. The noble Earl has referred to a noble Lord behind him (Lord Vivian) as having pointed out the incorrectness of the information procured. I can assure the noble Lord that, as far as regards the source of error that has been commonly dwelt upon, it has not been allowed to operate against the accuracy of these Returns. It is perfectly true that as elaborate Returns have not been obtained with respect to the county constituencies, as have been laid before Parliament with respect to the boroughs; but there are other means of getting access to an estimate of the county franchise. There are various Returns before Parliament from which that information can be gathered by any noble Lord who refers to them. Another reason which has prevented the Government from presenting to Parliament such full particulars with regard to the county constituencies was that a £10 franchise in counties was a prominent feature in the Reform Bill brought in by our predecessors in office. Such a franchise has been over and over again voted by the House of Commons; and, as compared with the proposed borough franchise, it is objected to by very few persons in either branch of the Legislature. Having said thus much in reference to the assent of the Government to the institution of this inquiry, and carefully guarded them from being supposed to admit it as a cause of delay in the consideration of important measures which may come up to us on the subject of reform, I should have been well content to say no more on the general question. But I am sure your Lordships will feel, after the speech of my noble Friend, that any Member of the Government who follows him would be guilty of a very grave dereliction of public duty if he allowed all that has fallen from the noble Earl to pass without some observation, or, I think I may say, without some protest. I have this difficulty in answering the remarks of my noble Friend on this question, that they appear to me so wholly wide of the mark. My noble Friend occupied the attention of the House for nearly an hour with very interesting details of the degeneracy of the American democracy. Now, if any Bill had been introduced into Parliament by any Government proposing to lower the franchise in this country as it has been lowered in America, or proposing a system of universal suffrage and the ballot—which, by the way, is termed across the Atlantic "the sneaking ballot"—then I should willingly receive the lecture of my noble Friend as a grave argument against our measure. I have no hesitation, my Lords, in saying that I should view with the greatest possible alarm and dismay the institution of universal suffrage, especially if accompanied by the ballot. I believe they are two great instruments of modern despotism, most hostile to the liberties of mankind. I see them used all over Europe, sometimes to cajole, sometimes to terrify, the poorest and most uninstructed of men into a surrender not merely of their own liberties, but of the liberties of others who are more enlightened and more independent than themselves. But I repudiate altogether the lesson read us by my noble Friend as applicable to any measure proposed or likely to be proposed in this country by any Government. The noble Earl has intimated very clearly that he desires no change whatever in the existing constituencies of this kingdom. He is opposed, at least, to all reduction of the borough franchise. I ask my noble Friend, and I ask the House, whether that is an opinion which any Government is now in a position to act upon? His observations on this point were received, I thought, with very faint acquiescence by noble Lords opposite. I beg the House to consider what has been the history of this question, and what is the situation in regard to it in which the leading men of all parties have been placed by their course within the last ten years. It is now upwards of nine years since the First Minister of the Crown undertook to deal as a whole with the question of Parliamentary Reform. Since then we have had six successive Governments; every one of which, except the short-lived Government of the noble Earl opposite (the Earl of Derby), in 1852, has pledged itself to bring forward a measure at the earliest possible opportunity to settle, if it could, this great question. I must say I heard my noble Friend's language on this subject with astonishment. Recollecting as I do that he was himself a Member of the Liberal Government in 1852, which, on the united responsibility of the Cabinet, directed the attention of Parliament, through the Speech from the Throne, to the question of Parliamentary Reform, and which afterwards proposed a Bill to reduce the borough franchise to a £5 rating, or an amount, at the highest estimate, not differing more than 20*s.* from the borough franchise of the present Government—I say my noble Friend was responsible with his colleagues for that measure; and from that responsibility, let me tell him, he cannot escape. When, therefore, I hear him protesting that there is no necessity whatever for dealing with this question, or at least for dealing with it in the way of reduction, I can only ask him, "When did this conviction flash upon his mind?" He was no young and inexperienced statesman in 1852. He had had a long acquaintance with public affairs, and he knows how the decision of the Government was then brought about. [Earl Grey: Hear, hear!] I quite understand the meaning of that cheer. My noble Friend intends to intimate—what has over and over again been alleged by all the opponents of Reform—that this question has been raised through the personal indiscretion of a statesman who was then one of his colleagues. ["Hear, hear!"] I am astonished at that intimation from my noble Friend, for, although we may not all have been in the Cabinet of 1852, we all know, from our access to the public sources of information, what then took place. The determination of Lord John Russell's Government to deal with the question of Reform did not originate—as is sufficiently proved by the Parliamentary transactions of the period—from any personal desire of Lord John Russell to take the subject up. For what was the fact? Lord John Russell's Government was more than once defeated, if I recollect aright, on a Motion by an independent Member of Parliament—one of their own party, indeed, but unconnected with the Government—who was vigorously opposed by Lord John Russell—I mean Mr. Locke King—on this very question of a £10 franchise in counties. The Government in consequence of that vote resigned. The noble Earl opposite (the Earl of Derby) was called upon to form a Ministry; and in a speech which he made in this House, stating the reasons which had induced him to relinquish the task committed to him by the Queen, he gave a long and very able analysis of the division that had occurred in the other House. He proved that Lord John Russell's Government had been placed in a minority, not by the votes of those with whom the noble Earl was politically connected, but by a majority composed of members of its own party voting against it on the question of reform. I contend this disproves the assertion of my noble Friend that this question of Reform was raised by any personal desire of Lord John Russell. It was raised by an independent Member of Parliament on the question of the £10 county franchise; and it was then felt by the independent Liberal party that the subject could not be dealt with merely incidentally or in detail; that if they touched it at all they must deal with the whole question; and the Bill of 1852 was accordingly introduced. I can only account for the change of opinion which has come over the noble Earl's mind by that long interval which separates the speculations of individuals acting in an isolated position from their convictions when Members of a Government acting together and responsible for the conduct of public affairs. What is the position in which the borough franchise stands? I have never thought that full justice was done to the Reform

Bill of the late Government; but the greatest injustice that was done to it was inflicted by its own unnatural parent. It was most ably drawn, and conceived on distinct and definite principles. One of its most prominent features was that the Reform of Parliament should be dealt with exclusive of any lowering of the franchise. Let me quote the words of the right hon. Gentleman who introduced the measure of the late Government. Mr. Disraeli said, in introducing the Reform Bill:—

> "I am ready to admit that there are many persons quite capable of exercising the suffrage who do not live in £10 houses, and whom I should wish to see possessing the suffrage. But should we obtain that result by—I won't call it the vulgar expedient, because the epithet might be misinterpreted, though I should not use it in an offensive sense—but by the coarse and common expedient which is recommended, by what is called 'lowering the franchise in towns?'" [3 *Hansard*, clii. p. 984.]

Here is another passage from the same speech:—

> "It certainly would be most injudicious, not to say intolerable, when we are guarding ourselves against the predominance of a territorial aristocracy and the predominance of a manufacturing and commercial oligarchy, that we should reform Parliament by securing the predominance of a household democracy." [*Ibid*, p. 985.]

On the 31st of March, Mr. Disraeli again says:—

> "That being my opinion, I cannot look upon what is called reduction of franchise in boroughs but with alarm. I have never yet met any argument which fairly encounters the objections that are urged against it." [3 *Hansard*, cliii. p. 1246.]

Now, I think that these passages of Mr. Disraeli's speech bear out the assertion I now venture to make, that one of the prominent features of that Bill—the essential feature which distinguished it from all other Bills previously introduced—was that it proposed to deal with the question of Reform somewhat in the same way as I suppose my noble Friend proposes to deal with it—without lowering the borough franchise. I do not, my Lords, in saying this, mean to throw ridicule on such a mode of procedure. The opinion may be maintained by many. I was well aware that it was maintained by Mr. Hugh Millar, whom my noble Friend has quoted to-night, and others, that the present borough franchise is low enough. We are not of that opinion. But what happened with the Bill of the late Government? I am not speaking of its treatment *ab extra*, but of its treatment at the hands of its own parent. During the discussions that arose in the other House of Parliament every subsequent speech of Mr. Disraeli was marked by a distinct step backward on this point. He declined to admit that it was one of the principles of his Bill. When pressed on the point he would give no definite answer. Everything was a matter of detail and to go before the Committee. That was not dealing fairly with the Bill of the late Government. Let me now direct the attention of the House to what was said by the same right hon. Gentleman when the new Parliament assembled. When the late Government was defeated on the Motion of my noble Friend Lord John Russell, the first thing they did, both in this and the other House of Parliament, was to say, "Remember we do not go to the hustings with this Bill—we are quit of it altogether":—and one of the objects in being quit of it was to get rid of the mode in which it proposed to deal with the borough franchise. I can readily admit that there was a good deal of claptrap talked at the last general election; but I may appeal to noble Lords on both sides whether, although there was no sort of democratic excitement, there was not a considerable and almost universal pressure put on all those who addressed the constituencies in regard to the question of the borough franchise, and whether Members of the Conservative party did not find it generally necessary to profess a reconsideration of their Bill in reference to the borough franchise. When the new Parliament met, a vote of want of confidence was moved, and what was the deliverance of Mr. Disraeli on this most significant of all heads? He was then combating the vote of want of confidence. He had been speaking of the £10 county franchise, and he says:—

> "The question of the borough franchise was not in that condition of maturity. Until the last great debate that question has never been thoroughly grappled with in this House. It has never been brought forward by persons of any eminence, nor has it at any time attracted or commanded much attention. Well, in that direction we proceeded very cautiously, as you must do with that part of a subject for which the public mind is not so ripe as for the other. . . . . I am perfectly ready to admit, on the part of the Government, that that proposition was not favoured by this House, nor was it sufficiently favoured by the country to be one upon which we can insist. The question of the borough franchise, however, must be dealt with, and it must be dealt with, too, with reference to the introduction of the working classes. We admit that that has been the opinion of Parliament, and that it has been

> the opinion of the country as shown by the hon. Gentlemen who have been returned to this House. . . . . . We are perfectly prepared to deal with that question of the borough franchise and the introduction of the working classes by lowering the franchise in boroughs, and by acting in that direction with sincerity, because, as I ventured to observe in the debate upon our measure, if you intend to admit the working classes to the franchise by lowering the suffrage in boroughs, you must not keep the promise to the ear and break it to the hope. The lowering of the suffrage must be done in a manner which satisfactorily and completely effects your object, and is at the same time consistent with maintaining the institutions of the country."—[3 *Hansard*, cliv. p. 139.]

Now, I ask my noble Friend, considering all that has taken place on this question; considering the measure for which he himself was responsible; considering the pledges which every Government have been obliged to take; considering the course taken by the Conservative party, and the manner in which they have struck their flag upon this question—does he think it possible that any Government could bring in a Reform Bill that does not deal with the borough franchise? And is there, after all, anything so very dreadful in this lowering of the borough franchise to a moderate degree? There seems to be a theory now prevailing in some quarters, which I apprehend is quite a new one—that society is stratified in horizontal lines, each layer wholly distinct and even opposite to the next; and as in nature different strata, though in close contact, are yet separated from each other by innumerable ages, so all classes that lie below the present constituency are wholly separated from them in feeling, thought, and aspiration; that they are arrayed against their fellow citizens above them, hostile to the institutions of the State, jealous of the rich, and would interfere with the rights of property and the other constitutional principles on which the liberties of England depend. I ask, is there any foundation whatever for this theory in the actual life of England? When you come to deal with the artisans and lower classes of the country, do you find that they are animated by this spirit of hostility to you and your institutions? I saw in the public papers not long ago, at a great Conservative dinner given to the noble Earl opposite (the Earl of Derby) at Liverpool, Lord Stanley was reported to have given distinct utterance to this sentiment, which I believe to be true, that the working classes of this country are mainly Conservative in their disposition. And, if that is really your belief, why such a horror of lowering the borough franchise? My noble Friend talked as if the proposition of the Government was to introduce into this country the mere despotism of numbers. Why, the whole question is the lowering the borough franchise by 80*s*. It is quite preposterous, I say, then, to address lectures to this House on democracy in America, as if we were going to introduce universal suffrage accompanied by the ballot —of which I, too, have a great horror, although I question if the effects of such a measure would be as terrible as my noble Friend appears to imagine. A very remarkable inquiry was moved for by my noble Friend (Earl Grey) during the last Session of Parliament on the subject of the municipal franchise, with a view to its effect on the discussions likely to take place in reference to the Parliamentary franchise. I shall beg your Lordships' attention to some of the facts which came out in the course of that investigation. It appears, by what I really believe was a mistake of the intention of Parliament, a system of very nearly universal suffrage, as regards the municipal franchise, was introduced into many boroughs; and my noble Friend represented that this had been productive of very serious inconvenience where it had come into operation. The Committee appointed at my noble Friend's instigation reported fully. The balance of evidence was, I think, in favour of my noble Friend's assertion, that serious inconvenience had arisen in several boroughs of England; that at Newcastle and other towns bribery and corruption had taken place at municipal elections: but I should explain that the class of voters in these towns is of the very lowest kind. But, after all, this inconvenience was trifling as compared with that we might have expected from the theory I am now venturing to combat, of the hostility of the various classes to each other. Some very remarkable evidence was given in this Report, to which I wish to call your Lordships' attention, with regard to the borough franchise. The Report most probably was drawn up by my noble Friend. I find in the Report to which I refer a passage to the effect that the higher order of artisan is to a man quite as intelligent and independent as the smaller shopkeepers, who, generally speaking, occupy dwellings of which the rates are paid by the landlord. The Report goes on to say that any measure which would disfranchise such men would deprive the electoral body of a valuable and respectable element. The question was put by the noble Earl to several witnesses what line they would propose to draw with the view of securing in the respective constituencies the higher and better class of artisans, and for the purpose of excluding the very poor classes; and I find on looking through their evidence that almost every one of them fixed upon a £6 or a £7, and in some instances on a £5 rental as representing the points at which this line ought to be drawn, to admit the higher class of artizans and exclude the lower classes. Is this evidence which my noble Friend seeks to ignore in dealing with the question of the borough franchise? The line fixed upon by the Government is that which the Committee recommended. They have taken a £6 franchise; and in doing so they have, I believe, adopted a perfectly safe course, inasmuch as they will thereby be admitting to the exercise of the franchise that class of artizans who are by no means a lawless or reckless body of men, but who are, on the contrary, as intelligent and quite as well fitted to possess the suffrage as the smaller class of shopkeepers, and quite as independent in many towns. Now, my noble Friend also spoke this evening as if the constituencies which would be created by an uniform franchise would be in themselves necessarily of an uniform character. I must, however, contend that he could give expression to no greater fallacy. The statement of the noble Earl would not be correct even if it were confined to the case of a £6 franchise in any one town. A £6 householder in the Tower Hamlets, for instance, occupies a position entirely different from a £6 householder in Marylebone, and the same observation applies with equal justice to the east and west ends of Manchester. But if this be true of individual towns it may be still more fairly said with respect to the different boroughs which are scattered over the face of the country, some of which are of a purely agricultural character; that is to say, whose artizans and shopkeepers have relations rather with the neighbouring county gentlemen and farmers than with the manufacturing class, while the relations of others stand upon the contrary footing. When, therefore, my noble Friend seeks to secure variety by means of a varying franchise he seems to forget to take into account the different effects which will be produced on different parts of England by a franchise uniform in itself. Instead of uniformity I contend that the result would be that Members would be sent to the House of Commons representing every variety of interests. The House will, I hope, excuse me for having trespassed so long upon their attention, but I could not, as a Member of the Government, deem it to be consistent with my duty to sit down without entering my protest against the doctrines which the noble Earl has this evening laid down. I may, perhaps, before resuming my seat, be permitted to say a few words with regard to the question of delay. The noble Earl in the commencement of his speech intimated that the Reform Bill had hitherto made slow progress in the other House of Parliament, and implied that this delay was owing to the dislike of the measure which there prevailed. My noble Friend has, however, omitted, in dealing with that part of the subject, to lay before the House two most important facts, the first of which is that the discussion of the Bill has, perhaps unfortunately, but certainly unavoidably, been retarded in consequence of the fact that it was brought forward concurrently with a financial scheme of unusual importance. He forgot, in the second place, to mention that the Conservative party in the House of Commons announced it to be their intention not to oppose the second reading of a measure the principle of which might be regarded as having already received the sanction of the Legislature. Under these circumstances I do not think that my noble Friend is justified in supposing that it is not the desire of the leading men of all parties that the settlement of the question of Reform should be effected during the present Session, and by means of the present Bill. Nor can I too earnestly impress upon your Lordships the conviction that serious complications may arise from postponing that settlement. Such a course may prove dangerous to the constitution, and could not be otherwise than injurious to the character of our public men. Their sincerity in dealing with this important question is already becoming suspected, and a contrast is drawn by the journals of the day between the professions with regard to it which they make at general elections, and the language which they make use of in their places in Parliament. Do you desire, then, to defer all decisive action in the matter until the country becomes the scene of widespread agitation, or is it not rather your wish to set it at rest at a moment when you may do so without being influenced by undue external pressure? I entertain no doubt as to the answer which ought to be returned to such a question; and I trust now that we have before Parliament a measure of Reform which, in its main features, is not essentially distinct from that of the late Government, a sufficient degree of public spirit and a sufficient absence of acrimony will be manifested on the part of the majority in both branches of the Legislature to enable us, if not to pass the Bill in its present shape, at all events, to fix upon the amount of the franchise in boroughs and counties to which we shall be prepared to assent. I shall only add that it is the sincere wish of Her Majesty's Government that this question should be kept no longer—to use the phrase of the noble Earl—"dangling" before the House and the country, but that it should be settled in a manner consistent with the increased political liberty of the people, and at the same time, with the due maintenance of our political institutions.

Lord VIVIAN said, he did not rise to address their Lordships on this question; but reference having been made to a letter which he had received, he begged to say that the person who wrote that letter was a person on whose ability and accuracy he could rely. The writer of the letter was the clerk of a particular union in the county, and contained the following passage:—

"Since I had the conversation with your Lordship on the subject of my return to the Poor Law Board I have revised it, and find it to be strictly correct. On the face of the rates there would appear to be an addition of 55 electors, but, as the gross estimated rental in the Bodmin rate is 20 per cent below the actual rent, the addition would really be much greater. Mr. Bray, the town clerk, tells me that he has gone through the rates of Bodmin borough and parish with the overseers, and that eighty at least would be added to the constituency under the £6 rental franchise. This would be just double the number given in the printed Report. As I made all the necessary deductions before my Return was forwarded to the Poor Law Board, I am at a loss to conceive why 20 per cent has been since deducted from the number on the rates."

The Earl of DERBY: I cannot, my Lords, but apprehend, after what has fallen from the noble Duke who has just addressed you, and who deprecates the introduction of acrimony into this discussion so strongly, that he and the other Members of Her Majesty's Government are not even yet sufficiently impressed with the vast importance of this subject, and that the noble Duke himself, more especially in the speech which we have this evening heard from him, and by the reference which he has made to the conduct of former Ministers, is less desirous—or would, at all events appear to be less desirous—to arrive at an amicable and satisfactory settlement of this question than of keeping alive the spirit of party agitation, and seeking to throw upon the shoulders of his political opponents that which, according to him, is the invidious task which he and his colleagues have very reluctantly undertaken. The noble Duke has favoured us with his historical reminiscences; and though my recollection extends a good deal further back than that of the noble Duke, the noble Duke has one advantage over me, because, I cannot, of course, presume to enter into any discussion of those mysterious conversations, and those various inducements which were held forth at the time when the noble Duke was a Member of the Cabinet, and of which I know nothing, but which led to the original introduction of the Reform Bill.

The Duke of ARGYLL: I alluded to what took place in Lord John Russell's Cabinet in 1852, of which I certainly was not a member.

The Earl of DERBY: At what period in 1852?

The Duke of ARGYLL: I think I am right in stating that the first Reform Bill of Lord John Russell was introduced in the month of February, 1852.

The Earl of DERBY: *In extremis?*

The Duke of ARGYLL: Possibly.

The Earl of DERBY: I merely wish to say, in answer to the noble Duke, that he need not have reminded us of the special inducements under which particular Members of the Cabinet were led to sanction the propositions which he has taunted the noble Earl with having assented to. I do not know anything of them; I do not pretend to know—I do not wish to know—anything in reference to them. But he has gone further, and he has certainly surprised the House by one fact—which, as it has been stated by the noble Duke, I must assume to be a fact—namely, that Lord John Russell, of all men in the world, was extremely unwilling to deal with this question of Parliamentary Reform, that he, to the best of his power, resisted the reduction of the county franchise to £10, and that he was opposed to the measures which afterwards he certainly proposed. Lord John Russell was dragged, a reluctant victim to circumstances, bound to the chariot wheels of a triumphant Parliamentary majority; and so, contrary to his own earnest desires, at variance with his own cherished opinions on the subject, Lord John Russell became a convert to the principles of further Parliamentary Reform. Perhaps some few years hence we may find the noble Duke himself assenting to the principle of universal suffrage and vote by ballot, which he says, much as he dislikes it, is not altogether so bad as it is represented. The noble Duke, I know not why, has thought fit to deal with the measure proposed by the late Government, and the terms and conditions on which that Bill was introduced; and, little as I desire, and still less as I expected, that any such discussion would have been forced on us, I am not unwilling to meet the noble Duke on that ground, and to state precisely the course Her Majesty's Government then took, and which they thought best adapted for the final settlement of the question. The noble Duke has stated, not quite correctly, that on the first entry of that Government into office, I pledged myself to the introduction of a measure of Parliamentary Reform. I carefully guarded myself against giving any such pledge. But I did pledge myself that during the recess Her Majesty's then Ministers would devote their best attention to the consideration of that very difficult question, with the hope that, if there was public feeling such as we trusted to find at both sides of the House, we should be able to submit a measure, which, if it failed to satisfy the extremes of either party, would receive the sanction and support of all moderate men. I stated at the time that I was induced to take this course, not by any conviction in my own mind that for practical purposes an alteration of the existing system of representation was positively called for, but by the fact that successive Ministries had pledged what might be considered the honour of the Crown—had pledged the Crown in person—to an attempt to settle the existing difficulties. Accepting the responsibility of that promise, and trusting we might be met in a spirit of fairness and generosity, I endeavoured—without a sense of its intrinsic necessity, but I hope I need not say I honestly endeavoured — to redeem the pledge which had been bequeathed to us by our predecessors. I was glad to hear from the noble Duke opposite that justice has not been done to the merits of that Bill. Its history is fresh in the recollection of your Lordships, and I need not remind you of the course which the discussion took. The noble Duke has taken the opportunity of referring to speeches made prior to the dissolution by my right hon. Friend who then filled the office of Chancellor of the Exchequer (Mr. Disraeli); and he has quoted passages in which he stated that it was necessary to deal with this question with a view to the representation, more or less, of a portion of the working classes of this country. That representation we endeavoured honestly to secure, without the injurious consequences which, as I believe, are involved in the measure of Her Majesty's present Government. We did not think it was desirable or expedient that the borough franchise should be reduced generally below £10, so as to create that flood of the lower class of voters which would be introduced if the present Bill should unhappily receive the sanction of your Lordships and of Parliament. I acknowledge that Parliament differed from us on that ground; but we thought it was a matter of no insignificant importance to secure it by the identification of the borough and country franchise. The material distinctions between these have been already so far done away with that they can hardly be said to subsist in practice; and therefore in reducing the county franchise to the same amount as that in boroughs, where we declined to lower it, we acted on the opinion, which I hold now, that identity of the franchise affords the best security against future agitations for the reduction either of one or of the other. I was very much struck with what took place in the course of the elections which followed the overthrow of the Government. To the circumstances under which that overthrow took place I will not now recur. We had been in hopes that our propositions would have met with fair and candid consideration; that if the Bill, to a great extent, had met the views of hon. Gentlemen on the Opposition side of the House they would have been willing to sanction the second reading, and to discuss with us in Committee what seemed to them most to require amendment. The noble Duke thinks this a fitting occasion to taunt us as if we had abandoned the views which we entertained, though all our efforts were directed to prevent the agitation of these questions before the time at which they would properly come on for consideration. And how was that measure met? Not even by moving Amendments, or by stating the objections which they might entertain; but, for the purpose of escaping from the necessity of moving Amendments, it was met by an abstract Resolution, such as we know noble Lords and hon. Gentlemen opposite are very well practised in laying down, but which on certain questions they subsequently find it absolutely impossible to adhere to. By that ungenerous device, aided by concert with other parties, and by an understanding, in which, if we are to believe what is passing at present, one of the parties seems to have been very much deceived as to the intentions of the Government, a narrow and small majority was given to the Opposition. An appeal to the country followed, the result of which undoubtedly was to return a House of Commons which did not approach the discussion of specific principles, but in a mere party fight between opposing bodies, gave on a vote of want of confidence a majority which was certainly not large, but was still sufficient to overthrow the Government and to change the hands in which power had been deposited. During the elections I was much struck by a speech made by the right hon. Gentleman who now fills the office of Secretary of State for the Home Department, (Sir G. C. Lewis) in which there was a great deal of very good sense, on which I hoped Her Majesty's present Government were about to act. In that speech the right hon. Gentleman declared his opinion that under the circumstances of the case it was matter of absolute necessity that any person or any Government who proposed to bring in a Reform Bill should distinctly point out to the House the points as to which, in the opinion of the Government, there existed a necessity of Reform, the specific defects in the former Reform Bill which required to be corrected, the points in which it had failed to answer the expectations of its promoters, and in what respects it had failed to satisfy the just expectations of the country; and having thus realized the difficulties of the case and perceived what were the defects of the former Bill, they should apply the provisions of the new Bill to remedy those defects, and should be able to point out what specific remedy they were prepared to prescribe for the objections which had been raised. When it was first announced that Her Majesty's present Government intended to introduce a measure of Parliamentary Reform to satisfy the just expectations of the country, and above all, to comply with the wise recommendations of the Secretary of State for the Home Department, I went down, I confess, with great anxiety and the deepest interest to the place into which, by the courtesy of the House of Commons, your Lordships are permitted when discussions are taking place. Of course, I am precluded from referring in the slightest degree to what I heard in that place. On going into the House, as I recollected the same great actor performing the same great part twenty-five years previously, I certainly was considerably struck with the very altered condition of the benches and the galleries as compared with what I recollected them on the occasion to which the noble Lord specifically called our attention by saying that he would bring forward this Reform Bill on a day that was not without its significance, namely, the 1st of March. If by significance be meant the significance of contrast, certainly no day could be better devised, if he proposed to compare the 1st of March, 1831, with the 1st of March, 1860. I said I would not refer to what I heard fall from the noble Lord in the discussion; but as by an habitual breach of privilege we are enabled to obtain some information as to what takes place in this and the other House of Parliament, I can entirely corroborate, by my own personal testimony, the accuracy of those statements by which we were enabled the next day to collect what were the views of Her Majesty's Government in introducing this measure, and by what principles they intended to be guided. I must confess—if I am not speaking disrespectfully of the House of Commons—that the tone of the debate appeared more to resemble the discussion on a Turnpike Bill than that on a measure of Parliamentary Reform; and I cannot say that the mode in which this great scheme was brought under the consideration of the House was such as to bespeak for it very grave consideration or to lead to the expectation that it would be soon and satisfactorily settled. As far as I could collect the opinions of the Government on the following day, it did not appear that any consideration pressed upon their minds beyond the number of persons that would have to be added to the constituencies to redeem the pledge which had been given. No effort was made to point out the specific defects of the present system; there were no attempts to show that under the existing system many persons properly qualified by intelligence, by position, and by capacity for exercising the franchise, were improperly excluded from it, while others, inferior to them in every respect, enjoyed, or rather possessed that privilege. And there is one point on which, I confess, I am not prepared to go with the noble Duke; it is the appreciation he appears to attach to the possession of the franchise. The main object of the franchise is to secure the representative body that may best conduct the government of the country; that object must be attained mainly by the quality of the constituencies and the votes of those who can wisely and judiciously, freely and independently, exercise their privilege. It was impossible for us not to see that there were large classes who, by the provisions of the last Reform Bill, confining the vote to £10 householders, were altogether excluded from the franchise, though perfectly qualified and fully entitled to possess it; and it was very important they should be added to the constituency, whatever their number. By a variety of franchises we thought we should add to the constituencies, not the whole body of the working classes, but a considerable number of them, applying sufficient tests to show that they were the most steady, intelligent, and industrious, as well as the least improvident of their class— the least migratory, and having the deepest interest in the locality, and in the general welfare of the country. To that class we were willing and anxious to extend the franchise; and now I hope the noble Duke will understand in what sense we were willing and anxious to admit the working classes to a fair share of the representation. We proposed to give the franchise to persons who for a certain time had occupied furnished or unfurnished lodgings, often at a considerable amount of rent. This lodger franchise would also have included many industrious mechanics and artizans, as well as many persons of education, property, and intelligence, very superior to several classes which now possess the franchise, and who, merely because they are not £10 householders, are now, to a great extent, excluded from the exercise of the privilege. We proposed also that the possession of a certain amount of personal property, of deposits to a certain amount in a savings bank, should constitute a claim to the franchise. In short, we were desirous to give a right to the elective franchise to every one who could show he had a permanent stake in the country, and from whose character and mode of life we had reason to believe he would exercise the privilege honestly, temperately, and judiciously, and to the best of his ability. These were the principles for which we contended; and when the present Bill was introduced I hoped to hear that where we had fallen short of expectation, or where our measure left any practical difficulty or grievance, to those difficulties and grievances a remedy had been applied. But all I heard with regard to the franchise was this—that the number of the constituencies must be increased. Now, except so far as the increase may have an undue influence on the present constituencies, the number of the electors is the least important point. It is the quality of the constituencies that is important. If you have a properly qualified constituency —whether it is 200,000 or 500,000, or even 1,000,000,—the mere question of numbers is the least important at all. You may add 1,000,000 to the constituencies so that the quality be irreproachable. But the only question that appears to have entered the minds of Her Majesty's Government is, by what reduction of the franchise could they obtain a given number of electors? In introducing the Bill the only argument of the Government was this,—looking at the boroughs, a £9 franchise will give so many votes; an £8 franchise so many more; a £7 so many more; and by a £6 franchise we shall obtain exactly 203,000 additional votes. That is literally all the argument of the Government; it took a £6 qualification because it would give 203,000 votes, neither more nor less. If that is the only argument on which the £6 qualification is to be adopted by the House of Commons, then the inquiry asked for by the noble Earl, and which I am gratified to hear will be acceded to by the Government, though under some pressure.—[The Duke of ARGYLL: No pressure.] No pressure! Very well; but I was about to say that if the main argument for the Bill is that these 203,000 voters will be no undue augmentation of the constituencies, then it is important to ascertain what may be the probable result of the extension. And I am afraid, when we come to examine, we shall find Her Majesty's Government has no very accurate foundation for the estimate it has submitted. The noble Duke says the Government consents to this Committee of Inquiry under no pressure, that it is voluntarily conceded, and that the subject deserves investigation. I think Her Majesty's Government must have some doubts on their own minds whether their *data* are as clear as they are supposed to be, and whether there is not room for further inquiry into the practical results of the measure they have proposed. Then the noble Duke says the Committee is conceded on the understanding that it is not proposed for the purpose of delay. I am quite prepared to say that the Committee will not be used for the mere purpose of delay; but if the noble Duke supposes that, whatever the degree of progress made in the inquiry, legislation on this subject is, nevertheless, to go on, then Her Majesty's Government is placed in a position I cannot comprehend. The investigation is either intended to satisfy the mind of Parliament or resolve the doubts of the Government as to the accuracy of its own *data;* the noble Duke himself thinks it likely to be useful. Useful for what? For the purpose of determining whether this measure ought to receive the sanction of this and the other House of Parliament. You are not asking for the inquiry merely for your own information and instruction; the investigation is intended to ascertain whether a certain measure can be wisely, safely, and judiciously adopted by Parliament. Then, I say, if Parliament passes the measure, and the Committee continues its inquiry, Parliament, after it has passed it, may receive a Report stating that the Bill has been sanctioned on erroneous *data,* and is a dangerous measure. The Report of the Committee may condemn a measure you have already passed. I earnestly hope the House of Commons will take full time to consider the *data* that may be laid before the Committee. The loss of one Session, or even of two Sessions, would be more than adequately compensated by the certainty of proceeding on sound *data,* and knowing the probable consequences of the measure. On a subject important enough in itself, but insignificant in comparison with this—the system of purchase in the army—I was glad to hear my right hon. Friend the Secretary for War declare that the Government did not intend to proceed one inch beyond the stage of which they could clearly see the effect and consequences. I only hope he has inculcated the same caution on his colleagues with regard to this far more important question. The inquiry of this Committee may tend to throw light upon a subject which is at present in great darkness, and enable us to judge how far we can adopt a proposition which has been very imperfectly and unsatisfactorily laid before us. I should deprecate it as a great misfortune if this House should be under the necessity of rejecting a measure sent up by the House of Commons, or, by important modifications of it, seek to force upon the House of Commons provisions which they did not approve. I do not mean to say that the question does not vitally affect your Lordships. It affects the whole country generally—it affects the whole constitution; but it is important that the main provisions of a measure which relates directly to the representation of the other House should be introduced with the sanction of that House. Still, whatever may be the objections to a modification or rejection, if this Bill were to come up to your Lordships in its present state, with its present simple provisions—simple they are called, and simple they are, undoubtedly, in one sense, but most dangerous they will be found—I should think its rejection for the purpose of further consideration infinitely preferable to the adoption of a measure, the most unstatesmanlike, the most unconstitutional, and the most inconclusive of any which has been submitted by any Government on this important subject. My Lords, without impugning the motives of the Government, or imputing to them or the persons employed by them any wish to deceive, we deny altogether the accuracy of the Returns which have been submitted to Parliament, and we are prepared to show that in regard to many boroughs they are notoriously erroneous. Every day almost I receive letters from persons offering evidence to show that such is the case in regard to this borough or that. That is a point which ought to be fairly and carefully inquired into, and the Committee might very advantageously make the inquiry. But, even admitting the Government Returns to be correct, what is the alteration which they are about to make? According to those Returns, the number of borough voters is now 440,000; to this it is proposed to make a gross addition of 240,000. Allowing a deduction of 20 per cent, there is a net addition of 203,000. That may seem to be an unimportant addition, but you will recollect that there is a very small addition to the metropolitan constituencies. Deducting the metropolitan and University constituencies from the whole body, the number of the present constituency is 288,540, and to this you are about to add 203,000. Therefore, according to the Government Returns, you are about to make an addition of 5-7ths to the existing constituencies; and the whole of this addition is not to be taken, as was proposed in our measure, from a number of classes, some higher and some lower, but all from the very lowest class, from the very lowest scale of voters. Of this gross addition of 254,000 not more than one-third are between £8 and £10 householders; the other two-thirds are between £6 and £8. If we are to assume, as I am afraid we must, that the lower we go in the scale of voters, the greater is the risk of a want of judgment, a want of due appreciation of the vote—of a liability to undue influence and corruption—then I say that, on the Government's own showing, the change which they propose is sufficiently important to make us pause and consider before we admit so large an infusion of what I must call, without offence, the democratic element into the House of Commons. But, if the information which reaches me is anything like correct, the numbers mentioned by the Government afford no just view of the real state of the case. The increase of 203,000 of which they speak, according to some, must be more than double; and no statement which I have heard places the addition which ought to be made to it at less than 50 per cent. And recollect that this addition is not made equally over the whole constituencies of the country. There are more than thirty towns in which, even assuming the correctness of the Government figures, the addition to the existing constituencies would range from 100 to 380 per cent. How is it possible to argue that these boroughs will not be in the possession and under the control of the very lowest class of voters; and that that which has happened by the reduction of the municipal franchise will happen also in regard to the Parliamentary franchise—that parties who have no concern whatever in the expenditure will be those who will virtually regulate taxation? Consequently, even if you have no corruption, if you have none of those scenes which the noble Earl opposite has so forcibly described as the result of a low franchise in the United States, you will, at any rate, set an irresistible temptation before the lowest class of voters to tax for their own benefit, with an ignorant prodigality of which no judgment can be formed, those higher classes whom they erroneously suppose to be the authors of the great expenditure. The noble Duke reminded us—and I can assure him there was no danger of our forgetting it—that this Reform Bill which is to give this great power to the lower classes is introduced simultaneously with an important Budget, I must say that the very fact of the simultaneous introduction of the two measures requires double caution from Parliament before taking the irrevocable step which is proposed to us. The noble Duke thinks that the noble Earl who introduced this Motion—in my opinion with much moderation, judgment, and power—went out of his way to point out the dangers which have resulted in the United States from the preponderance of the lower order of voters. But is that warning wholly to be thrown away in considering a Reform Bill for this country? Have we not those among us, exercising great influence over this very low class of voters, whose boast is that they desire to Americanize our institutions? Have we not too much sanction given by high authority, as connected with the Budget and prospective finance, to the notion that the present taxation presses too heavily upon the lower classes and too lightly upon the higher? Have we not heard rejoicing at the anticipated success of the Budget, on the ground that if we need to make any effort at any future time, either for defence or to carry on a war, the expense must fall upon the rich few and not on the many poor? and was not the impossibility of raising sufficient sums by direct taxation for military operations referred to with exultation, as being an important result of this valuable Budget? And now you are asked to give to a class of voters most likely to be under such influences a preponderating control over the finances of the country, at the very moment when such a Budget is introduced, and when the deficiency, too, promises to be even more serious next year than it has proved this present year. Nay, more; it was stated by the Government that we ought to leave financial questions to the unbiassed decision of the new Parliament. Is not that a reason why we should not constitute the new Parliament in such a manner that it will be open to those influences and temptations which are most likely to surround it? And is it an imaginary danger, when we are told by those who boast of their influence over the large body of non-electors, that their power will so far preponderate as to render any increase of revenue, except by direct taxation, wholly impossible, that this measure will cramp the resources, fetter the energies, and do away with the military power of the country? That alone is reason enough for a severe examination into the accuracy of the *data* and the amount of power which the Government are about to throw into the hands of a portion of the community whose loyalty and good feeling I do not doubt, but whose proneness to be acted upon by interested agitators, and whose inability to form a just view of political subjects, I venture, with all respect to their many virtues, greatly to fear and regret. I will only revert to one point with regard to the accuracy or inaccuracy of these Returns. It seems to be supposed that the discrepancy between the number of electors and the number of houses affording a qualification is because the persons for whom a composition is made do not appear. That is not the fallacy in the Return to which I wish to refer. But there are two fallacies which the noble Duke will see at once go to the very root of the basis which the Government have taken for their measure. Your Lordships will recollect that the argument of the Government is that only a certain number will be added to the present amount of electors. Two questions then arise:—What is the present amount? and, What is the number about to be added? For the purpose of ascertaining the present number of electors the Government have taken the parochial registers. Now, these registers do not give the number of electors, but they do give the number of names. Consequently, if one name is repeated half-a dozen times, it represents five more electors than is really the fact. I apprehend that no means have been taken by which that fallacy has been avoided. The Return certainly gives the names, and not the present number of electors. That is the less important fallacy of the two. The more important is this:—the Government have taken as their *data* the gross estimated rental, and have obtained Returns of the houses the gross estimated rental of which is £10 and upwards, £9, £8, £7, £6, and so on. By-the-by, the Government have a Return of the Houses the gross estimated rental of which is £5, and I should very much like to see it, for the reason which I am about to state. The gross estimated rental is taken as the basis on which the Government proceed, making a deduction of 20 per cent for tenements occupied by women and unoccupied. But though the gross estimated rental is taken for the purpose of rating, it is not the rental value, and it is notoriously, upon an average, 20 per cent below the rent actually paid. The qualification is not upon the gross estimated value, but on the actual rent which each individual can prove to the Revising Barrister that he pays. It has been found that in many cases persons rated at a gross estimated value of less than £10 are electors, because they can prove they are paying above £10, and that is the only mode in which to account for the fact that the registered electors are greater in number in some boroughs than the total number of £10 qualifying houses—because a few freemen or a few freeholders will not account for the discrepancy. If that is so, it is very likely a £5 or a £4 gross estimated rental will make a voter under a £6 qualification, and I should like, therefore, to see what is the Return which the Government have in their possession of the gross estimated rentals of £5. I know they have it. I know at least that they sent for it, and I can only suppose that they do not produce it because they are relying on the accuracy of their calculations, and, as they do not propose less than a £6 qualification they do not think it necessary to give the Return lower. But if an estimated value of £4 or £5 should give, as is very likely, votes under a £6 qualification, the Return may, perhaps, astonish Her Majesty's Government, and supply facts of which they are not at present aware. I am sorry that the observations of the noble Duke should have led me into so detailed a discussion of the operation of a measure which is not actually before us. But I do think it is of great importance that Parliament should not legislate upon this subject without full and accurate *data*, more especially seeing that there is no great public impatience; that, provided Parliament is seen to be dealing honestly with the question, there is no danger of any great or serious agitation, and that there is no deep anxiety among large classes of the community for any great alteration of the existing system; and, moreover, seeing that there is the utmost apprehension of the consequences among the more respectable even of the lower class of existing voters, I do think it is a matter of the deepest importance that there should be a full, searching, and impartial inquiry before the Committee moved for by the noble Earl. I hope that whatever time may be occupied by the Committee in *bonâ fide* inquiries, the Government will not attempt to force through, in ignorance of facts which are necessary for our proper judgment, a measure, whether for weal or woe, the most important which has ever been submitted to Parliament, and which, in its present state, I am painfully convinced is likely to endanger the whole balance of the constitution, to return a House of Commons irreconcilably at variance with this House, and to lead to perpetual collisions between the two Houses, which it is the bounden duty of every Minister to keep in harmonious action. If, unhappily, the Bill, unguarded by other provisions, should pass, and a preponderance of power be given to one class, I fear that the result will be not only to unsettle the constitution of the country, but either to make your Lordships' House a permanent obstruction to the legislation of the Lower House, or to sweep it away altogether, and with it to sweep away the Monarchy and our most cherished institutions. I do not say this to prevent its adoption after full discussion, if it be wise and practicable, but because it is of vital consequence that no step, which must be irrevocable, should be unadvisedly taken in a matter of such deep importance.

Earl GRANVILLE: My Lords, I have carefully listened to the three speeches which have been made this evening. The speech of the noble Earl who opened the discussion was moderate and philosophical, but it was certainly equally applicable against the Bill which became law in 1832. There was one argument which the noble Earl addressed to the opposite side of the House, which I can hardly think likely to have much effect. One of the disastrous consequences which we are told will follow if we lower the franchise too much, is that we shall have a Legislature that will have recourse to protective duties. I do not believe that if we went much lower than is proposed, such would be the result; but it is a singular argument to address to a party who have only very recently been converted from the doctrines of protection. I regret, also, the very strong attack made by the noble Earl upon the institutions of America, and am afraid that, coming from so distinguished a Member of the Upper House of this country, it will produce much irritation in the minds of the people of the United States. I agree in some of the remarks which he made, although generally they were much exaggerated; but the adoption of such a constitution as that of the United States is very different from the moderate extension of the franchise which has been proposed in this country. The noble Earl, as an instance of the injurious effects of democratic institutions, referred to the corruption by which Railway Bills had been promoted in one of the States; but I am afraid our own early legislation in such matters was not so entirely pure and free from reproach, as to justify us in attributing the bribery in America solely to the democratic character of the Government. I was surprised to hear the noble Earl opposite (the Earl of Derby) accuse my noble Friend (the Duke of Argyll) of having indulged in acrimonious language. In the whole of that able and closely-reasoned speech, I did not, for my own part, hear a single phrase fall from him to which that epithet could be justly applied. My noble Friend, it is true, quoted *Hansard;* and it is sometimes very disagreeable to remind noble Lords of what they and members of their party have formerly said; but he did so only in a historical way, for the purpose of showing how public men on both sides of the House have gradually arrived at the conclusion which Her Majesty's Government have now adopted. The noble Earl opposite has given us an account of his own conduct in connection with the Reform Bill of the late Government. He has made the very singular acknowledgment that when he, as the Prime Minister of this country, introduced his Reform Bill into Parliament, he entertained at the same time the deliberate and clear conviction, that such a measure was unnecessary. It is also not a little remarkable that the very strong declaration made by Mr. Disraeli, as leader of the House of Commons, on the part of the late Government, that it was necessary to deal with the lowering of the franchise in boroughs, should have remained uncontradicted and unqualified, so as to have its full effect on the vote of the House, and that the noble Earl should now tell us it was then, and is still, his firm conviction, that the only sound principle to be adopted is the maintenance of the two franchises on an equality. The noble Earl then made an attack on the principle of the Bill which has been introduced by the present Government. It is, however, quite irregular to discuss a Bill not before us, and I do not think it desirable to do so; but, as the noble Earl asserted that the Government, determined to get a large quantity of new voters, had gone down as low as they could to catch hold of them, I feel bound to state the principle upon which we have proceeded. Considering the great spread of intelligence of late years among the population of this country, the Government are of opinion that it is desirable to extend the franchise to a number of persons who may usefully exercise it. Entirely disagreeing with the view that as long as a man is well governed he has no interest in having his humble share in the Government of the country, and holding that an element of strength is added to the Constitution when all those who are capable of exercising the franchise properly are allowed to do so, we have thought it desirable to see how far down we can go, without producing that enormous increase of numbers which would swamp the other interests of the country. Both the noble Earl, who moved for the Committee, and the noble Earl opposite, say that we have gone too far. The noble Earl opposite, however, should recollect that, according to the admission of Mr. Disraeli, his own Bill would have increased the constituency of the country by something like half a million. The noble Earl said that, arguing from the returns of the Government, we proposed too large an increase of the constituency, but that he had reason to believe the Returns were altogether inaccurate. I can only repeat what has been already said, that the Government believe that they are as accurate as it is possible for Returns of that description to be. I will not go into details, which had better be left to the Committee to inquire into; but I may say, in answer to the noble Earl, that very generally the gross estimated rental is the actual rental paid. The noble Earl regards the willingness of the Government to agree to this Committee as an acknowledgment of our guilt; but our object is simply to satisfy those who question the accuracy of our Returns that their suspicions are groundless, and that we have framed our measure neither on erroneous nor insufficient *data*. I would ask the noble Earl whether, when he was eloquently advocating the Reform Bill of 1832, he had in any degree as distinct a notion of what would be the result of the extension of the franchise as we have in regard to the present measure? The Government consent to the appointment of this Committee with the most sincere desire to meet the wishes of those who are anxious to procure full and accurate information on this important subject; and any Returns which are in our possession, or which we can obtain, shall be unreservedly at the use of the Committee. I am not clear, however, that any great political advantage will be derived from this Committee; and I wish the noble Earl had explained more fully the manner in which the evidence required is to be procured. Much of it will, of course, consist merely of copies of rate-books and other official records; but a portion of it will take the shape of estimates, and the mode in which such estimates are to be formed seems a difficult point. I am not sorry that the Committee has been moved for, but there is much in the general tone of the speeches on the subject which I certainly do regret. The noble Earl, in deprecating the language employed in treating of the question of Reform, alluded, I understood, to what had been said by one speaker who has expressed his views of the effect of Parliamentary Reform on the financial arrangements of the country. Now, I believe that speaker to be a very earnest and sincere man, although I disagree with many of the views which he holds, and among others his representation of the aristocracy as selfish, illiberal, and opposed to the popular feeling. I believe that representation has made no impression on the public—it has fallen flat on the public ear, because hitherto they have seen reason to believe the contrary. But I must say I can hardly understand any course more likely to strengthen the hands of anybody who wishes to create a prejudice against the aristocracy than for the noble Earl to seize this early opportunity of attacking a measure which his own party in the other House do not venture to oppose on the second reading, of proclaiming the hostile feeling with which it will be received when it comes into your Lordships' House, and of expressing his opinion that it should be postponed for a Session or two. I do not think the noble Earl is justified in using such language to represent the feeling of the House of Lords. I believe that, while your Lordships are averse to any dangerous innovations, you are convinced of the desirability of disposing of this question at a moment when the working classes are moderate in their claims and hopeful of receiving justice at your hands without the exercise of any extraordinary pressure. I cannot believe that, either directly or indirectly, the adoption of this measure will produce the fearful consequences predicted by the noble Earl opposite—the destruction of all our institutions, the Monarchy not excepted. On the contrary, I hold the firm conviction that it will tend greatly to strengthen those institutions and promote the happiness and prosperity of the nation. As I have said, the Government do not oppose this Committee; but I wish to protest against the idea that its appointment is in any way to tie our hands in promoting our measure of reform, or that we are to be restricted in advancing it through Parliament by the length of time the Committee may think fit to bestow on any point of the inquiry.

EARL GREY: My Lords, I must in the first place apologise to a noble Earl on the other side (the Earl of Eglintoun) for having from inadvertence omitted to notice the suggestion he offered to me immediately before I rose to address your Lordships, that I should alter the terms of my Motion so as to extend the inquiry to Ireland and Scotland. I do not doubt that a similar inquiry to that which I have proposed for England is also wanted for the other parts of the United Kingdom; but I think in inquiring into the representation of England, one Committee will have quite as much work as it can well get through. My Lords, I turn now to a matter which affects myself personally—I mean the share which I had in the responsibility of proposing to Parliament the measure of Reform brought forward in 1852. The allusion which has been made to-night to that subject imposes on me the necessity—I assure your Lordships it is to me an unpleasant necessity—of explaining the circumstances which induced me to join in that course. Having had some anticipation that some remark might be made on that subject, I have obtained the permission of Her Majesty to refer to what took place in the Cabinet at that period. My explanation is a very simple one. I cheered the observation of the noble Duke when he said, I implied that the Reform Bill of 1852 originated from the indiscretion of my noble Friend then at the head of the Government. I am bound to say that such is my opinion; I think the original difficulty on this subject arose from the fact which is, I believe, well known to all your Lordships, although it may never perhaps have been publicly stated—namely, that three or four years before that Bill was introduced Lord John Russell, as the head of the Cabinet, without any previous concert or communication with his colleagues, committed himself by expressing in the House of Commons the opinion that the time was come when a change ought to be made in the measure of 1832. That opinion was expressed without the intention to express it having been intimated, as far as I know, to any one of his colleagues, and certainly not to the Cabinet. I believe when that announcement was made it was not approved by any, or at least not by more than one or two, members of the Cabinet. For myself, I can say it had my most entire disapproval—a feeling which I did not attempt to conceal, as Lord John Russell can testify. It is perfectly true, as the noble noble Duke (the Duke of Argyll) has remarked, that subsequently circumstances occurred in 1851, which rendered it exceedingly difficult for Lord John Russell's Government to avoid dealing with the question of reform. In that year, as the noble Duke has stated, the Government of Lord John Russell was defeated in the House of Commons on Mr. Locke King's Motion for extending the right of voting in counties to £10 householders, and in consequence of that defeat the members of the Administration unanimously agreed that they ought to tender their resignation to Her Majesty. But the task of forming a new Government having been abandoned or declined by the noble Earl opposite and by Lord Aberdeen, Lord John Russell and his colleagues found themselves almost compelled to resume their offices. For myself I must say that nothing but an apparently overruling necessity compelled me to concur in this determination, on account of the inconvenience that I foresaw would ensue from the pledge which Lord John Russell had previously given on the question of reform, and which he had renewed still more explicitly in the debate that preceded the defeat of the Government. With the opinion I entertained and avowed on this question, it was with extreme reluctance that I consented, after this occurrence, to continue a Member of that Administration. But, looking at all the circumstances of that time, I felt it to be my duty to remain in the Government; and I did so, distinctly reserving to myself the right not to be regarded as standing pledged to any measure of reform until I saw what might be proposed, and not disguising my conviction that to disturb the question at all was inexpedient if it could be avoided. Such was the situation of affairs when Parliament was about to meet in 1852. The Reform Bill, which was afterwards laid upon the table of the House of Commons, was submitted to the Cabinet. For my own part I never approved it. I thought it open to the gravest objection. But, my Lords, I was induced to consent to its being introduced into Parliament by this one consideration—I felt sure that the Government was on the eve of falling, and it so happened that at that time the principal attacks made upon it were directed against the particular department with which I was intrusted. I did not think that it would be honourable towards my colleagues, or right towards myself, that at such a moment I should appear to run away from the post which I held; and being persuaded that the Bill had not the remotest chance of passing—having stated that to the Cabinet before it was brought in—I undoubtedly acquiesced in its introduction. My Lords, I freely acknowledge that in doing so I made a grievous mistake. Although my anticipations, both as to the fall of the Government and the utter failure of that Bill—which I will say unreservedly deserved to fail—were fulfilled, I confess I had not sufficiently weighed the importance of having a measure of Reform recommended by the Crown to the attention of Parliament, or of having such a measure, even though it could not pass, introduced on the responsibility of a Government. I frankly admit that I was greatly to blame for allowing any consideration of any other kind to induce me to waive my objections to that measure and become a party to it. My Lords, I am afraid that, in the present state of public affairs, there is no public man on either side of this or the other House who can honestly acquit himself of having ever committed mistakes with regard to this important subject. I believe we have all been more or less to blame; but I think the time has come when, without reference to any feeling of reluctance to acknowledge past errors, or, indeed, any personal feeling whatever, we ought to deal with this grave question as the public interests demand. We were all, I think excusably, a little insensible to the extreme importance of this subject a few years ago. The discussions, however, of the last few years, I must own, have opened my eyes far more than before to the extreme danger of mooting this question. I believe that many of your Lordships, many Members of the other House, and the great majority of the nation, are now, in consequence of past discussions, far better aware than they were a few years ago of the real difficulties of this subject; and it follows that if we are convinced of these difficulties, and that there is no practicable mode of safely settling the subject, then I will say that prudence commends us not to deal with it. It has been said that the arguments I have used equally apply against all reform, and might have been urged against the Bill of 1832. Let me remind your Lordships how utterly different are the circumstances of the present time and those of the year 1831 when the first Reform Act was proposed. I believed then, and I am convinced now, that at that period it was a question between Reform and Revolution. A state of things then existed in which it was absolutely necessary that there should be a great displacement and transfer of political power from one class to another. For some time previous, and chiefly in the reigns of George III. and George IV., great abuses had arisen; owing to which the House of Commons had ceased to be any longer the organ of the enlightened opinion of the country. Its measures had come to be habitually directed not to the benefit of the community at large, but rather to the benefit of the few. So deep a sense of these abuses existed in the mind of the nation that a state of things prevailed which could by no possibility have been continued; and, unless a change had been accomplished by peaceful means, it would have been brought about by violence. Fortunately a measure of Reform was proposed, and, in spite of difficulties of which the public can now form no adequate estimate, was passed safely into law. The experience we have since had of its working is an ample justification of those who brought it in. The measure, no doubt, had its defects; but considering the excitement of the times in which it was carried, and the difficulties against which its advocates had to struggle, it is to me still matter of surprise that it should be marked by so few faults as are to be found in it. The fact of its having been passed as it was does great honour, if I may be permitted to say so, to the Government by whom it was introduced, and especially to the chiefs of that Government in both Houses of Parliament. The patience, the perseverance, and the ability with which the then Lord Althorp, as leader of the House of Commons, almost unassisted, sustained the whole burden of carrying that measure through Committee were beyond all praise. Is the situation now by any means to be compared to what then existed? Far from it. There is no urgent and pressing necessity for any violent displacement of political power from one class to another. Even the authors of the Bill do not contend that there is, but rest their arguments in its favour on other grounds, admitting that the House of Commons, as it is now constituted, discharges its high duties with success; that in the last twenty-eight years it has accomplished more useful and practical reforms than have been effected in any equal period of our history; and that it has shown an earnest desire to promote the good of the nation at large. The noble Duke stated that he was surprised at my speech as altogether wide of the mark, seeing the Government had not introduced a measure of universal suffrage and vote by ballot. I did not go into any discussion of the details of a Bill which is not before us, and which, if it does come before us, will, I trust and firmly believe, do so in a very altered shape. But I spoke of the general principle of the measure, the danger of greatly increasing the power of mere numbers, compared to the higher classes of society. I argued against making changes in that direction, leaving the extent to which they are to be carried to be determined by no new principle, but by mere arbitrary limits, while all the reasons assigned for the measure proposed are applicable to a larger one. I contended that by doing this we should be left without any ground to rest upon. It was against such a course that I cautioned your Lordships, and I have yet to learn that in moving for this Committee such an argument was misapplied or inappropriate. I believe, on the contrary, that it deserves your Lordships' best consideration. My noble Friend who spoke last (Earl Granville) deprecated the tone of my observations with reference to the United States of America. I trust I said nothing against the character of the American people. No one admires the character of the American people more than I do; there can be stronger proof of their great qualities than the fact that a Government so faulty in its construction and so imperfect in its arrangements should work even so well as it does. But while we feel at liberty to criticise the conduct and character of the potentates of Europe, I can see no reason why we should not express our views as to the institutions of America with equal freedom. My noble Friend expressed his fears that the effect of instituting these inquiries will be to lower this House in the opinion of the country. I, for one, do not feel the least afraid of such a result. Your Lordships' conduct will be judged rightly by the people. I firmly believe that at this moment there is among the most intelligent and educated classes of this country an earnest hope that your Lordships will perform your duty fearlessly and wisely; that upon that rest their main hopes; that they feel that while in the other House of Parliament a large proportion of the Members are, from various circumstances, afraid to act on their real opinions, and while we are told if that House were to be polled on this Bill by ballot it would be rejected by a large majority, and yet, that by an open vote it would pass by as large a one,—they feel while that language is held almost openly, that it does become this House to consider these matters with boldness, with fairness, and with determination. As to the sort of understanding of which the noble Duke has spoken on which this inquiry is to be conducted, I must profess my entire agreement with the noble Earl opposite. Most undoubtedly I do not move for this Committee with any intention of delaying the Bill. I believe we shall have time to obtain the information we require before we are called upon to consider the details of the Bill now before the other House of Parliament; but if the Bill comes before us earlier than I at present suppose, or if the inquiry should prove wider and lead us further—and I see important information bearing on the Bill, likely to be elicited—I utterly repudiate the idea that we ought to force the Bill forward without waiting for information.

Motion *agreed to.*

The Committee to be named To-morrow.

On the *Morrow* the following Lords were named of the Committee:—

Ld. President
Ld. Privy Seal
M. Salisbury
Ld. Steward.
E. Derby
E. Spencer
E. Grey
E. Lonsdale
E. Cathcart
E. Stradbroke
V. Stratford de Redcliffe
V. Eversley
L. Ashburton
L. Stanley of Alderley
L. Overstone
L. Belper
L. Egerton
L. Liveden
L. Llanover
L. Taunton
L. Stratheden

House adjourned at half-past Nine o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, April 19, 1860.

Minutes.] Public Bills. — 1^{o} Ecclesiastical Courts Jurisdiction.

EDUCATION IN IRELAND.—QUESTION.

Mr. HENNESSY said, he wished to ask the Chief Secretary for Ireland, What reply has been given by the Government to the Letter from the Roman Catholic Bishops, dated 18th March, 1860, with reference to National Education in Ireland?

Mr. CARDWELL stated that no reply had been sent except an acknowledgment of the receipt of the letter.

SUPPLY.

On Motion for the House to go into Committee of Supply,

OUR FOREIGN RELATIONS.

OBSERVATIONS.

Mr. HORSMAN, in calling the attention of the House to the state of our relations with foreign Powers and to ask some explanations on the subject from the Government, said:—Sir, I believe it is generally acknowledged that at the present moment the Government and nations of central Europe are more disturbed and alarmed than they have been since the beginning of the century. Every Continental country exposed to incursions from France is trembling with fear. England also has her interests to protect, her responsibilities to discharge, and her solemn engagements under stringent treaties are thickening and pressing upon her. Many anxious eyes are turned to England from the menaced States, inquiring their fate, which they feel to hang upon the fidelity of England to her engagements. Such are the feelings which pervade Europe at this moment. The nations are trembling, time is progressing, events are marching; and the very Power which is attempting to alter the face of Europe is making all speed to anticipate and shut out every possible combination for a successful resistance. In these circumstances I feel anxious, as far as I can do so without discussing the past policy of the Cabinet, or embarrassing pending negotiations, to ask for some explanations, which I hope and believe will tend to show that the Parliament and the Government of this country are of one mind as to our present position and duties; and that they may cordially and heartily unite in a direct, clear, and unmistakeable announcement of that which the world has a right to know—the policy which England, from a regard to her own interests and honour, is now determined to pursue in the face of these grave and threatening events. Just before the adjournment for the Easter recess there was laid on the table the reply of M. Thouvenel to a Despatch written by the noble Lord the Secretary for Foreign Affairs on the 22nd of March. In that document the French Minister states that the Despatch of the English Cabinet to which he replies makes no change in the relations subsisting between the two Governments, and particularly that it conveys no protest against the annexation of Savoy. We have reason to believe that this interpretation of the Despatch of the 22nd of March is not acquiesced in by the British Cabinet; and the first question, therefore, which I wish to ask is whether the Despatch of M. Thouvenel has been replied to, and, if so, whether consistently with the public interest, a copy of the reply can be laid on the table? I would ask, further, what is the exact state now of the question of the annexation of Savoy? Is that question still in any way pending as a discussion between the two Governments, or do we leave it where M. Thouvenel in his last Despatch has placed it, and are we content to consider it a settled question, as to which nothing further can be said? My third and last question is one of still greater importance—one upon which not only have we to come to an understanding with our own Government, but upon which our Government should also come to an understanding with foreign Powers. It is this—what is the principle upon which our policy is to be conducted with reference to those treaty obligations which we have incurred in the general interest and for the common safety of Europe? Are we to set out by assuming that the aggressions of France in Savoy and Switzerland are mere accidental and exceptional occurrences, the adjustment of which will be followed by the re-establishment of peace, security, and confidence; or are we to take them, as we know they have been taken by the noble Lord the Secretary for Foreign Affairs, as indications and portions of a deliberate policy on the part of France, of which the logical consequences are to be looked for in the harassing and unsettling of other parts of Europe? This last question is important, because there has been an impression, produced by some of the earlier despatches and speeches of our Government, that the policy of England has alternated between these two views. When the Savoy difficulty first arose the noble Lord the Secretary for Foreign Affairs addressed a Despatch, which was much approved and highly commended, to our Ambassador at Paris, in which he warned the Emperor of the French that the Savoy question was one interesting to the whole of Europe and calculated to create general alarm and apprehension. But from causes to which I need not now refer that question appears—perhaps only appears—to have subsided into a settlement in which Sardinia and France are the only Powers that are held to have an interest. The Swiss difficulty succeeded; and when it arose we felt there could be no doubt as to the consequences that would follow. The graver character of that aggression was announced authoritatively in this House. The noble Lord the Secretary for Foreign Affairs, with a fervour which could not be mistaken, reminded us that the independence of Switzerland was a matter of European guarantee, and, describing in firm and forcible language the restless and encroaching policy of France, he gave us to understand, amid the acclamations of the House, that our close and special alliance with that aggressive Power had come to an end. But in a short time rumours were set afloat by those to whom this change of policy was unpalatable, and who desired to do what was agreeable to France, perhaps to promote what had been designed by France, that the question of the independence of Switzerland had also subsided into a mere local quarrel; that the parties to that quarrel had settled it out of court, and that a compromise had been effected, by which France was to take only a portion of what she had determined to seize, and Switzerland was to be allowed to retain the remainder. We have happily had since a complete refutation of these sinister rumours. But it was natural to suppose that a small State, threatened by an overpowering neighbour, and abandoned by those on whose support she had a right to rely, should very gladly make a compromise by surrendering part of her dominions to retain the rest. In those who look at these things from a mere mercantile point of view, this was a pardonable supposition; but those who so judged the Swiss very much mistook the character of that people. They are a brave and patriotic, although they may appear rather a primitive race, because they are so uncivilized that love of country, love of liberty, with them is still a passion; and so benighted that they have not yet learnt to put freedom into one scale and bales of merchandise into another, and to sell the soul of their nation for improved trade returns. As they are not reigned over by a Prince who is ready to abandon them, or governed by an unscrupulous Minister willing to barter them away like sheep, they may still escape the degradation which was designed for them, and the Government of England may not be a party to a second crime. But I have said that M. Thouvenel states that the despatch of the noble Lord the Secretary for Foreign Affairs did not amount to a protest. No one who reads the despatch can fail to see that the French Minister anxiously labours to establish that fact. He attaches great importance to it; but not more than it deserves, for it would be difficult to exaggerate the immense advantage which is given to the present policy and the future designs of France by the absence of a protest; and more difficult still to overrate the additional danger entailed upon Europe by the impunity allowed to the first open act of French territorial aggression. In passing I would make only one remark upon the despatch of the noble Lord—that I saw with regret that, when he stated so clearly, so forcibly, and so convincingly, the case against the Emperor of the French, he stopped short of the conclusion to which his own arguments so inevitably led. M. Thouvenel quickly declared that there was no protest. But why was there no protest? A protest was not only the natural conclusion to the noble Lord's own reasoning, but was the natural proceeding in the face of such an outrage on the public law and opinion of Europe? I have heard some persons say, "What is the use of a protest? If you do not mean to follow it up by action, it is only a confession of your anger and your weakness, meaning nothing and effecting nothing; and what an idle matter it is to protest at this time of day against the violation of the Treaties of 1815, after the violation of them has been so commonly permitted!" I demur to both of those conclusions as being entirely false. In the first place, with respect to a protest, I have always understood that, instead of a protest being a thing to be followed up by action, a protest was a substitute for action; and that it was when you are not prepared to follow up your objections by war that you made a protest, in order that your inaction might not be taken for acquiescence. The value of a protest is the value attached to it by the usages of Europe. A protest once entered against an Act is a precaution against the Act being established as a precedent, and a protest not entered is to be interpreted into acquiescence. Thus a protest becomes a matter of great importance, and not a mere idle ceremony. The public proclamation of a principle by means of a protest against the violation of treaties, and the deliberate warning of the consequences which would follow from further Acts of a similar kind, become of importance in the eyes of Europe, and is a deliberate warning that the protest may be followed up by more effective measures which the public safety might require against the public enemy. When I am told that the Treaties of 1815 have been before violated, I would again ask, has the principle of those treaties ever been violated before? What was that principle? It was protection to Europe against French aggression. Those treaties bound together the allied Powers against the public enemy, who had overrun the Continent, pillaged every capital, shaken every throne, and inflicted countless miseries on every population; and the trampled nations of the Continent, led by England, combining and overthrowing their oppressor, framed the treaties for their own future safety against the traditional policy of France; and it was the deliberate judgment of Europe that fixed the boundaries and formed the frontiers of that country with the one sole aim and object of confining France within her own limits, and of providing effectual security to Europe against the perpetually recurring danger from the insatiable restlessness of French ambition. That was the principle of the Treaties of 1815, and when has that principle ever been violated before? It is because that principle never has been violated that France has always chafed under those treaties as humiliations imposed on her, and the present Emperor of the French always encouraged the idea that it was his work to efface those marks of French dishonour; and these are the first steps in that direction; and it is this principle of limiting France within a frontier defined by the unanimous judgment of Europe that is now for the first time assailed and overridden by the Emperor of the French. What France gains by the annexation of Savoy is emancipation from her own limits, and a precedent for the future enlargement of them; and it is of the utmost consequence to Europe not to allow that right, and not to permit France to plead that it has been granted. This M. Thouvenel knows, and hence his desire to show that no protest is made, and his ill-concealed exultation that the noble Lord the Foreign Secretary has not distinctly affirmed that the British Cabinet would not admit the principle. The noble Lord ably showed that the French arguments were untenable, but there the noble Lord stopped short, and has not guarded against the repetition of the act, though no one has stated more forcibly than he that a repetition was to be apprehended. It was on these grounds that he thought a protest on the part of England would be a valuable declaration of the public law of Europe against the principle of small States having the right to make cessions of territory to an aggressive and absorbing neighbour, without bringing the arrangements thereon distinctly under the notice of the Powers who were parties to previous treaties; and it would be also valuable as a declaration that acquisitions of territory, under such circumstances between Powers so unequal would be looked upon as similar to acquisitions by conquest, and as such requiring European sanction. But it may be said that this view with regard to the importance of a protest is a mere abstract view, without practical consequence; but I beg the House to consider of what an immediate and immense practical importance a protest is as bearing on passing events. At this time it is impossible for the House to shut its eyes to the marvellous and rapid fulfilment of that almost incredible scheme of policy attributed to the Emperor of the French from the day he mounted the throne of France. It was then authoritatively announced that his mission was to humble, one by one, the several Powers who contributed to the former defeat of France; to efface the Treaties of 1815, and, having avenged France on the Powers of the Continent, that then his last great crowning act would be to lower the pride and break down the power of England. It was with a view to the fulfilment of this policy that France beheld, not only with complacency, but with exultation, those immense warlike preparations which have been going on there for the last few years, both by sea and by land. Mark with what reason France may exult in the fulfilment of this policy. Russia has been defeated and weakened; Austria has been dismembered, the Treaties of 1815 have been trampled under foot in the cases of Savoy and Switzerland, and Prussia is now threatened. Indeed, there are rumours that Prussia is something more than threatened. Within the last few days there are rumours that overtures have been made to Prussia for the rectification of the Rhenish frontier, an equivalent being offered in the acquisition of some of the small States of Germany. These rumours may be premature; but the noble Lord the Foreign Secretary has himself shown that they may be only premature, and that this is the direction in which the policy of France may be expected to be developed. This shows how the policy of France is being accomplished in one direction; and let me show how parties in France at this moment are exulting at its apparent accomplishment in another. Two years ago a good deal of interest was excited by the appearance in this country of a map, published under the authority of the French Government, and sent to the principal map-sellers in London. It was entitled "Europe in 1860." This has passed out of the memory, probably, of most of those who saw the map at the time, but subsequent events have given, and not the least in the eyes of France, a significance and importance to the matter. This map was published in the middle of 1858, and no one then anticipated that within one year large territorial changes would be made in Europe, or that there was likely to be war in Italy; and the diplomatic Mentor of the Government who is never misled or outwitted by the Emperor of the French—our Ambassador in France—told the British Government, months after that map had appeared, that there was no danger of war in Italy, and that France was not arming; but the author of the map saw what was approaching, because Lombardy was taken from Austria in that map and placed as a territory of Sardinia. We are now only at the commencement of 1860, and the predicted change of territory has actually been accomplished. No one foresaw in 1858 that there was likely to be war between Spain and Morocco; but the author of that map foresaw that war and some of its results, because in the map to which I have adverted the territory of Morocco was transferred to the dominions of the Queen of Spain. War between Spain and Morocco has since the publication of the map broken out, and a cession of territory has been made, though not to the extent predicted by the map; but it is impossible to separate that war from the policy of the man who predicted it. But the most important changes of all were to take place in Germany. This remains to be realized; but I want the House to observe what would be the effect of a protest on the part of England against the annexation of Savoy on the policy of France in Germany, and with what good reason M. Thouvenel may congratulate his Imperial master that England has not the courage or foresight to make that protest. Prussia is at this moment threatened by France; and the danger of Prussia was first announced to the House by the Foreign Secretary, who has always frankly and manfully expressed himself on this matter. I want the House to observe how critical is the state of Germany, and particularly from its close analogy to the recent position of Italy. The minor Princes are the bane of Germany, whose constant and perpetual dread has been that they were going to be absorbed by Prussia—not by conquest, but by the movement of their own people, just as the Italian Duchies were afraid of being absorbed by Piedmont. Hence it is—and I beg the House to remark this well—that many of the Powers of Germany feel the necessity, which the Italian Sovereigns also felt, of having an external support to lean upon. They have not that support in their own people, because the people would willingly join Prussia. They are compelled, therefore, to look for support abroad, seeing that they must have a protector if they are to remain Sovereign Princes at all. Formerly, before the Crimean war, they had that protector in Russia, and partly in Austria; and this accounts for the great ascendancy of Russia over the affairs of Germany in times past. But all that is now altered. Russia is beaten, and is fully occupied at home. Austria is in the same position. Germany is alarmed; her people are drawing more towards Prussia; but the fears and the jealousies of their own rulers are excited precisely in the same degree. Anything to them is preferable to being merged in that dreaded Prussia; and hence there is an anxious desire to look in other quarters for a protector. And now comes the particular danger springing from the annexation of Savoy. The precedent of Savoy will be cited in the case of Germany. The population drawing more and more closely to Prussia, more and more urgent will be the cries for help addressed to France by the petty German Princes. One after another every petty Sovereign and Court may be driven to follow the example of Sardinia, and connect itself in some form or other with France; and, if England has not protested, they will all plead that their right to dispose of themselves to another Power is an established principle of European law. But then the position of Prussia is most embarrassing.

Without Germany she is weak; without Germany she is very vulnerable. She dreads France, and she dreads the ascendancy of France over the petty German Courts. She remembers the terrible outrages and sufferings that were inflicted by France during six years of tyranny. She would willingly fight if strong enough to do so, but she has no friend to rely on if England does not stand by her. Well, now, what assurance can any Prussian Minister feel that he will have the support of England? If he braves France, and if Prussia is suddenly attacked, what assurance has he that England will at once, and before Prussia is lost, throw her power into the scale and make common cause against a common danger? What guarantee of that can he have but the declaration of the British Parliament or the declaration of the British Ministry given publicly in Parliament? But if, on the other hand, Prussia feels that she cannot rely on England, may she not, against her own feelings and inclination, be driven to make her own terms with France, and, knowing that she has no hope of support elsewhere, may she not barter away the provinces coveted by France for an equivalent somewhere else? If she does so, what happens? Then comes the turn of the petty German Courts. A new Confederation of the Rhine springs up, German in name, but French in substance. Antwerp is not far off. The North Sea is lost. The maritime supremacy of France is doubled; and then what becomes of your trade, O ye worshippers of material interests and of the divine principle of commercial treaties at any price? Sir, I have often expressed in this House an opinion, which circumstances and reflection have more and more confirmed, that that special and exclusive alliance with France, estranging us from the other Powers of Europe, was a false, and unnatural, and a mistaken alliance. I am speaking of the special alliance which exists. In my opinion, there are no two great Powers of Europe which have so little in common, which have, in fact, so much that is directly and irreconcilably antagonistic, as France and England. My hon. Friend who interrupts me, the Member for Liskeard, has lately shown so much accurate knowledge as to Cracow and the Treaties of Vienna, that I am not at all surprised at his knowing so little about the analogy between the interests of different countries. I will explain what, perhaps, my hon. Friend has not considered—the difference which exists between the position of the two nations. The Government of England is a constitutional Government; that of France is a despotism. The Government of England is a peaceful; that of France is a military Government. We are a commercial nation; France is an aggressive State. The Government of England is a settled and legitimate Government; that of France is a Government of revolution. Above all, let me say the Government of England prides itself on being a highly moral Government, and the present Government of France I believe to be the most immoral Government in Europe. Under these circumstances, I feel that a special alliance between the two countries is a forced and precarious alliance. It is the alliance of peace with war, of constitutionalism with despotism, of the love of commerce with the lust for conquest, of legitimacy with revolution. And I believe that that special alliance will not last one day longer than it subserves the policy of aggrandizement in France, of which England has begun by being the tool, and of which she will end, I believe, by finding herself the victim. And even as regards the relations of commerce, I believe there can be no permanent commercial spirit in France as long as you have that law of perpetual subdivision of property, which prevents the formation of a permanent middle class, which discourages the acquisition of wealth and property, and which places the whole social system in France in a state of perpetual revolution. On the other hand, Prussia, which is now needing our assistance, is a kindred State, a constitutional, intelligent, progressive, and peaceful State. Compare her with France—France trampling down all the noblest interests of the nation, and diverting men's minds by the intoxication of war and military glory. Allied with Prussia, we form and we pursue a policy of our own. We stand forward as inculcating certain great principles, and upholding sound English influences. Allied with France, we incur the ridicule of every State of Europe, as duped, subordinate, led about—involved in what we hate and are ashamed of, struggling against our chains, which we are unable or afraid to break, and too feeble to give effect to our guarantees; forgetting that we are a European Power, much more, that we once were a Power of the first order, and the leading State of Europe. I ask again, what reliance can Germany place on us? What respect can she feel for us when she sees that we are the humble servants of France? I say that if the English Government are not prepared to rouse themselves to the declaration of a manly and a definite English policy, we must expect to see every Ally in turn abandon us, and to see Europe make her own terms with him who will then be the conqueror of the world. If we are not prepared to advocate a positive, a prompt, and a bold policy, we must be prepared at the same time to see every generous hope in Germany crushed. Nothing but the declaration of such a policy can save Prussia from the arms of France, and then many Savoys will rise up in succession, and we shall be beaten and humiliated on them all. It is for these reasons that I am anxious to see the Government of this country still enter their protest against the annexation of Savoy, as the first open act of French aggression—that they should make the meaning of that protest clearly understood in Europe — that they should make it the inauguration of a new alliance with Prussia, thus infusing new blood into Germany. It appears to me that the despatches of the French Minister have invited, have challenged us to some Parliamentary action on the subject. In one of these despatches he says that England has not protested, and he is rejoiced to find that she has not protested. That of itself is proof to us that a protest ought to be made; and, if necessary, Parliament should address the Queen, beseeching Her Majesty to instruct Her Ministers to make such a protest, and to follow it up, in concert with her Allies, by maintaining inviolable the neutrality of Switzerland, to the guarantee of which we were parties. I adhere to an opinion which I expressed in this House on a former occasion, that when Savoy was ceded to France, and the other great Powers of Europe refused to interfere, it would have been culpable and criminal folly on the part of England to have engaged single-handed in war with France to prevent that annexation. But the case of Switzerland is quite different, as we were told by the noble Lord himself. It is one in which the honour of England is involved. England has given a guarantee; her word has been solemnly passed; the danger is positive and real; the independence of Switzerland is an European question of the first order; and the Swiss have shown themselves true to themselves and to Europe, and have made known to the world that the loss of their freedom shall not be their own act. They have, indeed, appealed to Europe, but they have also startled Europe by a declaration, that if Europe abandons them in what is its own cause they are determined singlehanded to brave the colossal power of France rather than suffer extinction without a struggle. They had the spirit of their own poet, who said—

"The land we from our Fathers had in trust,
We to our children will transmit, or die:
This is our maxim, this our piety;
And God and nature say that it is just,
That which we *would* perform in arms we must;
We read the dictate in the infant's eye;
In the wife's smile; and in the placid sky;
And at our feet, amid the silent dust
Of them that were before us."

And, when Switzerland appeals to those who should guard the little citadel of freedom which has for so long shared with us the honour of affording a refuge to the persecuted and proscribed of other nations —when she is ready to send forth her little bands of patriots and heroes, with a devotion not surpassed in history, to fight for what the wise and good and great of all times have held to be the first possession of a people—is England to stand aloof, to forget her pledged word, to forfeit her honour, and to allow those territories which she has sworn to defend to become the scene of a tragedy which must leave a stain upon the honour of England in all after times? I know it is said that we can do nothing for Switzerland without a combination with all the other Powers. I say that in this case, which is for the prevention of war, such a general combination is not needed. I do not know what answer the Government may have received to the communications that were addressed to the different Powers of Europe; but we know this, that if we are true to ourselves we are sure of Prussia as well of Switzerland, and, in such a case, even those Allies alone are sufficient, with the help of England, not to make but to prevent war. The Emperor of France dares not make war in such a case as that of Chablais; the public opinion of Europe would overwhelm him; he could not rely upon the permanent support of his own people. We know that in the Italian war against Austria the French people, although at first reluctantly, did extend their support to the Emperor; but Austria was a wrong-doer and the public judgment of France condemned her; but in the case of Switzerland it would be different. Here France is entirely in the wrong. Chablais is not Sardinia's to give, it is not pretended to be necessary for the security of France, but it would be an act of pure aggression. I am confident that France would not endure that her men, money, and commerce should be sacrificed in such a cause. But then it is said, "If you interfere you incur the risk of war, which is a dreadful thing, expensive, and injurious to trade;" that "Chablais is a long way off, and it is no concern of ours." Those who say that this is no concern of England would say the same of the Rhine, or of Belgium; and if Kent and Sussex were invaded they would say that Kent and Sussex were no concern of the manufacturing districts of England. I say those are not the advisers to whom we should listen in a case of this kind. There is a maxim that those who are indifferent to the liberties of others will never defend their own; but it must be borne in mind that the trade and commerce of England are beyond anything affected by the development of the aggressive policy of France. We are not now deceived—we know what that policy means. We may hesitate to act, but that will not avail us, for we know that France will support the Emperor as long as our hesitating conduct makes his policy uninterruptedly successful ; but we have reason to believe she would abandon it if we resolutely opposed it. The question then is this —shall we oppose the Emperor's policy in Switzerland, or shall we wait until he has subjected Switzerland, divided Germany, overrun Belgium, and has only England to deal with? Shall we confront him now with the voice of all Europe against him, or wait until Europe, humiliated and disgusted, turns with him against us? When I am told—as I dare say I shall be told—that what I am saying tends to provoke war, I answer that no Gentlemen in this House have a right to monopolize a hatred of war and a love of peace; and those who have the least right to do so are the advocates and supporters of the Emperor of the French, who I believe to be the greatest enemy of peace in the world. There is a state of peace which is even worse than war—when it is a mere adjournment of war to a more convenient season, when the enemy who is determined to attack you may strike with more deadly effect. I grant you that the Minister who pronounces the word "War" incurs a fearful responsibility; but he incurs a responsibility still more fearful who, conscious of an impending danger, shrinks from his duty of meeting it like a man, but in a degenerate and craven spirit, tides over the difficulty of the day, bequeathing to his successors and his country the increasing difficulties of an unsettled question of which the dangers have been aggravated by his timidity and the disasters multiplied a thousandfold by delay. I do not believe the noble Lord the Secretary of State for Foreign Affairs is such a man. He has been called upon to conduct the foreign policy of this country at one of the most critical moments of our history; for it is my solemn conviction that the next few years, perhaps months, may be among the most memorable in the history of England, and may leave their mark for good or for evil on after generations. I have heard speeches lately from the noble Lord which indicate that he is not insensible to the danger. In that case he will not shrink from his duty. He bears a name which is associated with the past greatness of England, and I trust he will never allow it to go down to posterity linked with the darkest hour of England's dishonour and decline.

Mr. DUFF said, he wished to ascertain the opinion of the House upon a question connected with the important subject which had been raised by the right hon. Gentleman. At this critical moment, when Paris was the centre of all the intrigues of the Continent, was England efficiently represented in that capital? If they referred to the many despatches in which week after week Lord Cowley misled Lord Derby's Government, or looked to his journey to Vienna, which was a failure in itself and embarrassing to the Government, or considered the fact that a private Member of the House was in possession of important information which ought to have been known to our Ambassador in Paris, it would appear that the noble Earl was not sufficient for the post. He had been too long in Paris; a residence of eight years in that atmosphere was too long for one man;—for he (Mr. Duff) agreed with the right hon. Gentleman who spoke last, that politically the French Court was the most immoral Court of Europe.

Lord JOHN RUSSELL: Sir, I do not well understand what the right hon. Gentleman proposes by the speech which he has just addressed to the House. It is, no doubt, his privilege to address us upon any part of our foreign or domestic policy ; but, at the same time, it must be recollected that that privilege is accompanied by a deep responsibility; and I must say I think the right hon. Gentleman had not sufficiently weighed the importance of that responsibility, when he made that speech to which we have just listened. In the first place I must say, before I advert to the questions put by the right hon. Gentleman, that while he appeared to be preparing the House for war, while he seemed to be endeavouring to rouse the feelings of this House in favour of a contest with the Government of France, he never laid down what were to be the objects of that contest. The right hon. Gentleman seemed to suppose that Chablais and Faucigny were part of the Swiss territory, and that the French Government were about to invade and take possession of that territory, contrary to the rights of Switzerland. Whatever dangers we may have to encounter, whatever may be in future the position of affairs, that is not their present situation. The right hon. Gentleman asks me what is the present state of the Savoy question. I may explain to him, at least, a portion of that question—my duty forbidding me to go into details as to what has recently happened and is now happening—but in going into that subject, I must state that the question of Sardinia and its cession of Savoy, and the question of the neutralized portions of Savoy and their relations, first to Switzerland, and next to the great Powers of Europe, are two totally distinct questions. The right hon. Gentleman says we did not protest against the cession of Savoy by the King of Sardinia. There may be, and I think there are, cases in which it is right to enter a protest—where, for instance, a treaty is manifestly broken. There was the case of Cracow; but there we did not think our interests were so endangered, or our honour so much concerned, as to render it necessary for us to take up arms. Such an occasion is one for protest. But there are other cases. Undoubtedly the late Grand Duke of Tuscany, and the late Duke of Modena, found their territories violently taken possession of, and another Sovereign claiming the right to rule over them. Not certainly having any inferior interest in the matter, but not having at the same time the power to resume that sovereignty, they very properly protest; meaning thereby that they do not acknowledge the right to do what has been done: and that if it shall ever be in their power to resume their sovereignty, they are fully entitled to resume it. The subject in that case was a very proper one for a protest. But what is our position with regard to the cession of Savoy? When we first heard of the matter—when we were told that it was not at that time intended to be carried into effect, but that it might be carried into effect, we stated we thought such a transfer would have injurious consequences, both to France and to the general peace and tranquillity of Europe; but we were not entitled to say to the King of Sardinia that he should not cede his territory to France, nor were we entitled to say to the Emperor of the French that he should not accept the territory which the King of Sardinia intended to yield to him. So much is this the view of some of the Courts of Europe, that the Emperor of Russia, through his Minister, has said this is a matter which entirely concerns the two Sovereigns, and that the Emperor of France had a right to ask for that cession; and that the King of Sardinia had a right to make it; and that with regard to the pure cession, there was no room for question. I do not understand that any of the Powers of Europe have said even so much as we have said upon the subject. Some of them have considered that the Emperor of the French might take this territory, if it were yielded to him; some of them have considered it in the light in which we have done—as a most injurious example, and pregnant with future consequences of evil; but they have not said that they were entitled to protest on the subject. So far, therefore, I think we have not only acted in conformity with the law of nations, but in conformity with what has been the general sense of the other Powers of Europe. There is a question, however, intimately connected with this question, and it is a question of some complication, which has been partly discussed, and must be further discussed, and which at this time occupies the attention of the Cabinets of Europe. It was agreed in 1815 that certain portions of Savoy—Chablais, Faucigny, and part of the Genevois—should have all the benefits, in case of war between neighbouring Powers, which belonged to Switzerland; that the King of Sardinia should have the power to withdraw his troops through the neutral territory of Savoy and through the Valais; and that thereupon the only military authority which should have power in that district should be the troops of the Swiss Confederation. Well, there has been a discussion, and some of the diplomatic despatches on this subject have appeared in the newspaper. There has been, in the first place, a discussion as to what was the origin of this particular provision, which is contained in the 92nd Article of the General Treaty of Vienna, dated the 20th of November, 1815. The French Government have contended in more than one very able despatch that this very provision was made for the benefit of the King of Sardinia, and for the protection of his troops in case of war. It has been contended, on the other side, that it was intended for the security of Geneva, and for the general benefit of Switzerland. But, whatever may be the result of that discussion, the view which Her Majesty's Government take is, that it was a provision which was conducive to the general security of Switzerland, and of that neutrality which was declared to be part of the general policy of Europe. That being the case, a new question arises with regard to the change which has lately taken place. The Emperor of the French and the King of Sardinia have concluded a Treaty at Turin, by an Article of which the neutralized parts of Savoy are transferred with the rest of Savoy to the Emperor of the French; but it is declared that that territory is transferred with the same conditions on which it was held formerly by the King of Sardinia. That provision naturally gave occasion to a demand for explanation. And it has been said, and most frankly as I think, both by the French Government and by the Minister of Foreign Affairs of the King of Sardinia, that the meaning of that Article is not merely that the Emperor of the French takes that territory with the engagements as to neutrality to which I have alluded, and to which the King of Sardinia was subject; but he takes it, to use the phrase of Count Cavour, with the obligation of an efficacious neutrality for Switzerland. It being by general consent a great change that the neutrality which was formerly provided with regard to territory belonging to the King of Sardinia should be the condition of territory belonging to France, a most interesting and important question arises how that neutrality is to be efficiently maintained in the sense in which the Powers of Europe wished to establish it. But this is a question, let me remind the right hon. Gentleman, which is not at all like that which he seems to suppose of the French Government seizing upon the territories of an independent State. It is a question on which you may argue that this change of condition is such that the neutrality of Switzerland cannot be placed in so secure a position as it was, whatever may be the precautions which you may provide. But, at all events, that is a question which may be maturely examined and considered; and, so far from being a question of war, it is a question which deserves to be considered by the coolest heads, by men of the greatest experience and of the most mature judgment, having regard, as it does, to the provisions of Treaties which hold the nations of Europe together. Well, Sir, there has been no objection by the French Government to the examination of this question. It is in general terms stated in the Treaty of Turin that the Emperor of the French will come to an understanding with the Powers of Europe on this subject. The Swiss Confederation, through their Federal Council, have asked that there shall be a Conference on this question. The French Government, through their Minister here—their *Chargé d'Affaires*—have more than once said to me that they have no objection to make to that Conference. The Powers which may be called to it, the manner in which they should be called, the place where they should meet, and the time at which they should assemble, may be matters of friendly consideration and discussion; but as to the Conference itself and the principle on which it should meet—namely, the reconciling the Treaty of Vienna, by which that guarantee was provided, with the present state of things, and the Treaty lately concluded between the Emperor of the French and the King of Sardinia—to that principle they make not the slightest objection, and they declare themselves perfectly ready to enter into it. Well, then, I say it depends not merely upon England, nor upon what I must call somewhat of a boasting declaration that we are at any time ready to go to war. It requires, I must say, that the Powers of Europe should be in a certain manner agreed as to the guarantees they should take, as to the precautions which they should establish, in order to give Switzerland an effective guarantee for her neutrality. Of this the right hon. Gentleman may be assured, that, without speaking of other Powers, or of the regard which they may have for the interests of Switzerland, the Government of Great Britain feels the utmost desire to see Switzerland—that free and independent nation—that refuge of the politically proscribed—that old and classical land of liberty—possessed of every guarantee that can secure to her the maintenance of that independence and that freedom which she has so long enjoyed. The right hon. Gentleman asks what course the Government of England means to pursue in regard to our treaty engagements in respect to other parts of Europe. That is a very wide and important question, and I should be greatly embarrassed, if I were to go over our treaties with the different countries of Europe, and attempt to say what course should be taken with regard to each of them. It is enough for the present to say that we have now a critical question before us—that we are about to enter into negotiations on that subject—and that the eight Powers of Europe who were parties to the Treaty of Vienna will probably meet and take part in the consideration of it. I should therefore not only think it unwise, but a dereliction of my duty to go into details. The right hon. Gentleman seems to think that our position is such as to reflect disgrace upon us; he considers that this country is the slave of France, and that we are too cowardly to stand by our guarantees. If that opinion of the right hon. Gentleman be a correct one, then the present Government must be unworthy of the confidence of this House or the country, and it would be the duty of the right hon. Gentleman to call for a declaration by this House of another and more decided line of policy, and to take the management of public affairs out of the hands of those who have made the country a byword in Europe. But the right hon. Gentleman makes no proposition of that kind. He has made a speech, but so far as I could see there was no practical end in it. To be sure, the right hon. Gentleman did at one time somewhat inconsistently represent this country, and especially all concerned in commerce and manufactures, as being bribed by the advantages to be obtained by the late Treaty of Commerce with France. Now, it is not six weeks ago since I heard the right hon. Gentleman, along with many others, declare that we had been completly duped in that Treaty, and that, so far from gaining advantages by it, we had made ourselves the dupes of France. Then all the advantages were on the side of France, and all the loss on the part of England; and now it is represented as a bribe so manifest as to make us forget the independence of all other nations and the honour of our own. That is not a very consistent representation on the part of the right hon. Gentleman. But with respect to the right hon. Gentleman's reference to that Treaty I consider that, while those matters which concern one of the nations of Europe in whose independence we take a deep interest require our attention, and while other questions that may arise affecting the independence and safety of other nations may, no doubt, also require our immediate attention, yet an extension of commercial relations and the mutual advantages derived by the people of France and England from an exchange of manufactures and the conveniences and comforts of life—France obtaining from us our manufactures, and we obtaining from them the productions of their more fertile soil and of the fine climate with which they have been blessed—will tend to bring the two nations nearer and nearer to each other—that they will make men think when any questions arise between them, not, shall we sacrifice our honour? not, shall we forfeit our good faith? not, shall we sacrifice the independence of other nations, and rush into war in order that the world may admire the brilliant and showy deeds of hostility?—but that they will rather induce them to consider whether the subject-matters in dispute cannot obtain a solution by peaceful means. These, I believe, will be the effects of this Treaty; and I am glad to think that when those in power in this country and in France have passed away, and when these particular questions may have lost their interest, the effect will be to induce the people of the two countries to draw closer together, and to form that alliance of nations which, after all, is more secure than any mere alliance of Cabinets or Kings. The right hon. Gentleman asks whether any despatch has been sent in answer to the last despatch of M. Thouvenel? The despatch of Her Majesty's Government was a despatch stating our reasons for not agreeing to the statement made by the Government of France in favour of the annexation of Savoy. M. Thouvenel did not answer that despatch. He took notice that it was not a protest, and contented himself with doing so; consequently, there was no further answer. We have stated our case, and have gone fully into it, and there was no reason for prolonging the discussion. Our opinions naturally differed from those of the French people. The French people thought with their Government that the annexation of Savoy would be an advantage to the defences of France; they were glad to see their Government put forward a claim to Savoy, and to see it assented to by Sardinia. The Government and the people of England took a different view of the question. We could not conceive that there was any practical necessity for the annexation of Savoy, and we gave our reasons for not assenting to such a policy. With regard to the future, this is not the time to enter into it. If the House leaves us to conduct these negotiations, I trust we shall not be unmindful of the honour of England, or of the interests of Europe, and that the right hon. Gentleman will find when the papers are laid before the House that we have done that which became us as British statesmen, and as the representatives of an important part of the community of European nations.

Mr. CLIFFORD defended Lord Cowley from the attack made on him by the hon. Member for Elgin (Mr. Duff). He had known Lord Cowley for many years as one of the most able and intelligent public servants the country ever possessed.

Viscount PALMERSTON: Sir, It is unnecessary to add anything to what has been so fully, so ably, and I trust, so satisfactorily said by my noble Friend; but I must advert to the remarks which were made by the hon. Member behind me (Mr. Duff) in regard to the character and conduct of Lord Cowley, our Ambassador at Paris. I take leave to say that, having known that noble Lord for many years, having followed his course of duty in the various foreign States to which he has been accredited, and having had the honour to be his superior in office during periods of great difficulty, and when the duties he had to perform required all the qualities which an Ambassador ought to possess—I am bound to say that the attack made on him by the hon. Member behind me was founded on a complete mistake, on a great error as to the character and conduct of the person to whom his observations applied, and conveyed as unjust a censure as ever was passed on one who has ever shown himself to be a meritorious and deserving public servant. Lord Cowley has upon all occasions in which he has had to act as the Ambassador of England combined in a most remarkable degree that spirit of personal conciliation which is so essential to a proper performance of diplomatic duties with the strictest regard to the interests, the dignity, and the honour of this country. I am sure that those hon. and right hon. Gentlemen on the other side of the House who had an opportunity during the period they had the conduct of affairs of marking the conduct of Lord Cowley—of examining the manner in which he performed his duties — will concur in the opinion I have expressed, and in bearing that testimony which he so fully deserves to his transcendent merits as the representative of England to a most important foreign State.

Mr. A. W. KINGLAKE said, that the cause in which he felt such a deep interest had been so ably advocated by his right hon. Friend the Member for Stroud, that it was not without pain that he found himself differing from him in even a minute point. But it was his opinion that a protest was an indication rather of weakness than of strength, and he was not one of those who thought that the House would do well to press upon Her Majesty's Ministers the adoption of that particular course. His right hon. Friend had spoken of a protest as being the natural conclusion of such an affair. It was precisely because it would be the conclusion of this affair, that he (Mr. Kinglake) objected to a protest. He did not by any means acquiesce in that which had been done; but it was precisely because a protest would be the termination of this business that M. Thouvenel was anxious to incite Her Majesty's Government to a course which would enable him to treat the affair as having been brought to its end. He (Mr. Kinglake) could not help thinking that the noble Lord, the Foreign Secretary, was under great misapprehension as to what fell from his right hon. Friend, the Member for Stroud. The noble Lord seemed to impute to his right hon. Friend that he was ignorant of the position of Chablais and Faucigny, and that he imagined that these provinces were part of the Swiss territory. But with the knowledge that was possessed by his right hon. Friend, it was impossible that he should have fallen into such an error. What his right hon. Friend probably meant was something equivalent to what he (Mr. Kinglake) had the honour to say when he first introduced this subject to the House, namely, that Chablais and Faucigny, and the neutralized part of the Genevese territory, though they were, for domestic purposes, under the sovereignty of Sardinia, yet for European purposes they belonged to Switzerland; because the Treaty of Vienna expressly provided that, when war broke out between France and Austria, then the Sardinian troops should march out of these provinces, and that Swiss troops should enter. Well, M. Thouvenel had contended that this particular provision, with regard to the neutralized districts, was one inserted for the benefit of Sardinia, and that therefore Sardinia had a right to cede these provinces to France. But he (Mr. Kinglake) thought that M. Thouvenel, or any one who put forward or accepted that view must be unacquainted with the documents upon which this question rested. By the Treaty of Cession, dated, he believed, in March 1815, it was expressly declared that this cession was in favour of the Canton of Geneva—expressly showing that it was an arrangement intended for the benefit of Switzerland, and not of Sardinia. It was not therefore, possible, for Sardinia, with any colour of right or justice, to surrender these provinces to the Emperor of the French. Now, the noble Lord, the Foreign Secretary, had said that the provisions of this Treaty were such that he felt that he had no right to go to the King of Sardinia, on the one hand, and say, "You must not cede this territory;" or to go to the Emperor of the French on the other, and say, "You have no right to accept this cession." Well, he (Mr. Kinglake) could not understand how, with the knowledge the noble Lord must have of the Treaty of Vienna, he could possibly come to such a conclusion. By the treaty of peace, to which France herself was a party, it was stated in the most direct terms that the frontiers of France should be what they were then described to be—namely, such as they were before the recent annexation. It was also solemnly provided by united Europe that each Power that was a party to that treaty should be a guarantee for its maintenance. Then how was it possible for the noble Lord and the representatives of the rights of England in this quarrel to say that she is without the right—without the privilege of questioning this transaction? He could not but think, also, that the noble Lord was wrong in endeavouring to attribute to his right hon. Friend inconsistency, because he said that the Treaty of Commerce had been a bad bargain. It was very possible, as he imagined, that a portion of the community should be very much conciliated by the Treaty, whilst the general interests of the country were very little benefited by its provisions. Many of those who were interested in the trade of the country no doubt were conciliated by this Commercial Treaty; and his right hon. Friend might say that in perfect consistency with what he before stated—namely, that the whole was not beneficial to the country at large. He wished, now, to say a few words with regard to what had been done in the progress of our relations with the French Emperor since the House last met. The Emperor of the French had entered into three very strict engagements with England and the other Powers of Europe. He engaged in the first place that he would consult the great Powers of Europe. Well, the House knew that an attempt to fulfil that pledge was made by the despatch which was addressed by M. Thouvenel to the French Ambassador in London. The grounds upon which M. Thouvenel relied were combated by the noble Lord, who showed that they were altogether untenable. What was the reply to that despatch on the part of M. Thouvenel? Why he simply said that the prolongation of this discussion could produce no practical effect. He treated the noble Lord as one who was engaged in a mere barren discussion that could produce no practical result. If the noble Lord was the Secretary for Foreign Affairs—if he was one of the representatives of England in this quarrel, and England was still a great Power, he (Mr. Kinglake) thought the noble Lord had a right to expect a reply something different from this. Was this consulting England, to state certain reasons why the annexation should take place, and then, when those reasons were combated, to say that it was a mere barren discussion and a polemic that had better cease? He (Mr. Kinglake) denied that the French Emperor had fulfilled his promise or had consulted the Great Powers of Europe if this was the way in which the consultation was to be made. Then another engagement entered into by the Emperor of the French was that he would take the opinion of the populations of the countries proposed to be annexed. Now he (Mr. Kinglake) believed that throughout all Europe, before this question of annexation was raised, there were no more contented populations than those of Savoy and Nice. Well, when these questions were first raised they gave, he thought, every indication they could well be expected to give of the feeling they entertained on the subject. The population of North Savoy was animated not only by attachment to the throne of Sardinia, but by a strong dislike of being annexed to France; at any rate there was no question as to the authenticity of the 12,000 signatures to the petition against annexation to France, and to the prayer that if any change took place they might be annexed to Switzerland. But in the county of Nice the feeling was still more strong—it amounted indeed almost to unanimity. He was well informed that the proportion of those who objected to annexation to France was not less than five-eighths of the population. Was the conduct of the people of Nice inconsistent with this? The Municipal Juntas came to a resolution contrary to the annexation. The Colonel of the National Guard, who is chosen by the men, was opposed to it; a deputation was sent to Turin to entreat the King not to abandon them; and lastly, they elected Garibaldi and another, both of them men who were strongly attached to Sardinia. M. Laity was sent to Savoy, and M. Pietri to Nice. M. Laity was one of the fellow-labourers and associates of the Emperor in his Strasburg enterprise. That gentleman was sent to Savoy with instructions to promote there the principle of annexation to France, and M. Pietri, who was *chef de police*, and also a senator, went to Nice for the same purpose. He arrived there on the 30th of March, the French troops, who affected to be passing through on their return from Italy, being to reach the city on the 1st of April. The arrangements which were made for their reception were these: the gates were opened, no passports were required, the Provençals were admitted into the town with tri-coloured flags, the sailors were landed from the French vessels of war which were in the port, and an attempt was made to get up a demonstration in favour of annexation to France. That attempt was a failure. If he (Mr. Kinglake) could inform the House of the source from which he obtained his information they would be satisfied of the truth of the report—it was from one who was present —that amongst the assembled people not a hand was raised, not a single voice was heard in favour of the scheme. Even a bust of the French Emperor drawn in procession by six grey horses failed to obtain a single cheer. On the 2nd of April a Provisional Government was formed; and the formation of that Provisional Government was, he asserted, one of the basest contrivances for shifting the allegiance of a loyal people ever resorted to by a Sovereign. The Sardinian authorities were displaced, and were succeeded not by French ones, but by men who were still to be called Sardinian *employés*, but who were to be nominated by France, and who were informed that if the annexation took place they would retain the places which had been conferred upon them. Nor was this all. Count Cavour addressed letters to the civil authorities urging them to do all they could to bring about the annexation; and also wrote to the Bishop of the county a nominee of his own, requesting him to obtain from the parochial clergy the use of their influence to induce the people of the villages to agree to it as an act of loyalty to their King. Was there ever a more cruel abandonment of a loyal people, or could anything be imagined more intolerable than that a Sovereign, not content with transferring his subjects to a foreign Power, should appeal to their loyalty to wards himself as an engine which was to induce them to renounce their allegiance? And this, as an hon. Friend reminded him, was done by Count Cavour, who declared in the most solemn and precise manner, and who succeeded in persuading many people of his fidelity, that he would never sell, concede, or exchange these dominions of the Sardinian King. On the 3rd of April, M. Pietri had the entire control of the Government of Nice. He had the direction of the police, and was really the governor of the place. On the 5th of April there was issued a proclamation, to a passage from which he must call the attention of the House. In all countries there were to be found persons of varying degrees of honour and of baseness. In the county of Nice, Count Cavour found a person named Luboni to act as Provisional Governor of the country, and this person addressed to the people a proclamation, in which, after saying,

> "At the august voice of the King all uncertainty with regard to our future must cease; at those august words must disappear all dissensions and rivalries:"

he continued,

> "Public demonstrations from this moment have no reason in them. Let us hasten to affirm by our suffrages the annexation of our county to France. In rendering ourselves to echo the intentions of the King let us press round the flag of that noble and generous nation which has always excited our lively sympathies. Let us rally round the throne of the glorious Emperor Napoleon III. Let us surround him with that fidelity peculiar to our country, which we have hitherto reserved for King Victor Emmanuel;"

and the proclamation ended with the words, "*Vive la France! Vive l'Empereur Napoleon III.!*" Under such circumstances as these, the candidate upon whom the people had set their hearts having declared himself disqualified, and entreated his supporters to have nothing to do with the election, it was not surprising that the National Committee of Nice determined to abstain from voting, and he believed that no further precaution on the part of M. Pietri was necessary. That gentleman, however, seemed to have been determined to make assurance doubly sure, and therefore the urns in which the votes were to be deposited were committed to the superintendence of four persons who were known to be favourable to the plan of annexation to France. All hope of a fair election was at once extinguished. And this was how the Emperor had kept his second promise, this was how he had annexed these provinces by what he called universal suffrage. It was a great evil to mankind when brute force was used to overcome a free people; but that was not the utmost wrong which the Emperor of the French had perpetrated; because to that wrong he had added a semblance of consulting the population, but had adopted such means to mislead and overawe them as to render anything like a free choice or election absolutely impossible. This being the way in which the Emperor of the French had kept his two promises to consult the Powers of Europe, and to be bound by the free expression of the wishes of the peoples also were to be annexed, there was a third promise, the result of which was still open—namely, that in case of the annexation of Savoy and Nice to France Chablais and Faucigny should be joined to Switzerland. That promise was made to Lord Cowley, not only by M. Thouvenel, but also personally by the Emperor himself, as was shown in the despatch of the 5th of February, and therefore the House would see that the personal honour of the Emperor of the French was pledged to the performance of a promise thus deliberately made to the British Ambassador. Upon this subject, however, he forbore from saying another word, because he collected from the statement of the noble Lord that it was now the subject of negotiation; but he must, before sitting down, express his hope that that negotiation would be conducted with a due sense of the importance of the question. The annexation of Faucigny, Chablais, and the Genevoise to France would absolutely destroy the neutrality of Switzerland by making it, as every military man knew, perfectly impossible to defend the western portion of that country. He was not, therefore, exaggerating when he said that in this question there was involved the neutrality and integrity of Switzerland; and that with the neutrality and integrity of Switzerland, there was at stake the safety of Germany, and the peace and tranquillity of Europe for many years to come.

Afterwards,

Mr. SEYMOUR FITZGERALD said, he was unwilling that it should be taken for granted that he acquiesced in the observation that the explanation given by the noble Foreign Secretary was satisfactory, as that depended on the answer that might be given to the question he desired to put. The Swiss Confederation had appealed to the Powers of Europe, requiring that there might be a Conference to consider the condition of the neutralized provinces, and demanding at the same time that until the Conference met and a decision was come to, that the neutralized provinces should not be occupied in a military sense by France. What he wished then to know was, whether the noble Foreign Secretary, when he said that the Government of France was willing to submit this question to a Conference of the great Powers of Europe, and that in the opinion of the Government that Conference would conduce to the settlement of the question in a manner to secure the independence and neutrality of Switzerland, means to imply that matters would in the meantime remain in *statu quo*, and that the neutralized provinces would not be militarily occupied by France. On this the whole question turned, for it was obvious, as pointed out in one of Lord Cowley's despatches, that if this neutralized territory should be put in the hands of France, any stipulation with regard to the matter would not be worth the paper on which it was written. Lord Cowley had pointed out to the Government that it would be in the power of France in a moment to pour her legions, without the smallest resistance, into Switzerland, and it was perfectly obvious that if France entered into possession that anything like a retirement from it at a suggestion from a Conference was what the noble Lord, in the most sanguine moment of his existence, could not possibly anticipate.

THE CURRENCY.

QUESTION.

Mr. Alderman SALOMONS said, he had given notice of the following Question, which he wished to put to Mr. Chancellor of the Exchequer—"Whether his attention has been directed to the Bank of England Return, published in *The Gazette* of Friday last, in so far as regards a diminution of notes in the hands of the Bank, and an addition to those in circulation; and whether he could give any information as to the report that this has not been produced by the ordinary requirements of trade, but by some concerted action on the Bank's Reserve, to produce a disturbance in the Currency of the Country." The proper use of the currency was a matter which not only interested the metropolis, and banks and bankers here, but it affected every part of the country, and all engaged in the operations of commerce. At the beginning of this year the rate of discount was 2½ per cent; on the 19th January it was advanced to 3 per cent; on the 31st January to 4 per cent, and at the end of March to 4½. The reserve of the Bank of England then stood at £8,083,000. On the 4th April, although there had been no alteration in the rate of discount, the reserve had diminished to £6,842,000. Last Thursday the rate of discount was raised to 5 per cent, and the figures in *The Gazette* of Saturday showed that the Bank reserve had fallen from near £7,000,000 to under £5,000,000. This astonishing diminution in the reserve naturally attracted considerable attention and caused much inquiry as to its cause. Last Saturday the well-informed and intelligent writer of the "City Article" of *The Times* announced that the diminution had not arisen from any extraordinary demand upon the Bank in the ordinary operations of trade; but from some concerted action on the part of the discount houses, by which a large amount of notes had been taken from the Bank and withdrawn from circulation; and that statement was confirmed in *The Times* of Monday last. It appeared to him that a charge of that kind—an amount which, from the analogy of previous years, would require the rate of discount to be 6 per cent and upwards. A charge of that kind was so disparaging to the character of London, and so injurious to the monetary interests, that he had thought it his duty, as connected with a large banking establishment, to ask this question, with a view to ascertain, on behalf of the public at large, whether there was any truth in the rumour that, by concert, a quantity of bank notes had been withdrawn from circulation and locked up in a box, where they were of no use to anybody. The public were now told that two days since the very same notes—£1,000 notes—had been returned to the Bank. He hoped the Chancellor of the Exchequer would be able to throw some light on the transaction.

INCOME-TAX COLLECTORS.

QUESTION.

SIR STAFFORD NORTHCOTE wished to put the following Question to Mr. Chancellor of the Exchequer:—"Whether persons who may have become sureties for Income Tax Collectors at a time when the rate of the Income Tax was *5d.* or *7d.* in the pound, are liable for any default made by the Collector when the rate of the Income Tax is *9d.* or *10d.* in the pound; and if they are not, whether in the event of a Collector making default, the tax-payer will be held liable to make a further payment to cover the deficiency." He understood that a case of the kind had occurred some years ago, where the Collector became a defaulter, and his sureties contended that they were not bound under the higher rate of tax to make good the deficiency; and the revenue officers had come to the conclusion that they could not call upon the sureties. He would also ask what was to be the first business of the evening after Supply, and whether any of the Bills on the paper would be proceeded with?

INLAND BONDING WAREHOUSES.

QUESTION.

MR. HADFIELD said, he would beg to ask Mr. Chancellor of the Exchequer when he expects to be able to bring in his intended Bill to authorize Inland Bonding Warehouses.

THE CHANCELLOR OF THE EXCHEQUER said, he would answer the last question first. The course to be taken on the subject of inland bonding depended a good deal on what the House had voted or might vote in connection with the Customs' Duties Bill. As soon as that Bill had passed the House, which he hoped would be very soon, he would state what he proposed with respect to inland bonding.

In reply to the Question as to the liabilities of income tax collectors and their sureties, the House was aware that the appointment of collectors, and the arrangements in general, were not under the direct control of the Executive Government, but under the superintendence of local authorities. But there was some misapprehension in the hon. Baronet's Question. The appointments of collectors were not permanent appointments, but were made from year to year; the bonds were taken from year to year; and consequently the liabilities of the sureties of the bonds could not be carried forward from year to year. A great deal of attention was therefore requisite on the part of the local authorities to see that the bonds were kept up, and that the sureties were renewed with the appointments. But this was a part of the system somewhat difficult to work under the superintendence of the local authorities, and he thought that the attention of the House might be advantageously called to it—he hoped during the present Session; for the liability of tax-payers to be called on for second payments was a most serious matter, and the state of the law was not satisfactory.

As to the order of business, he proposed to take the Committee on the Customs Bill if he could do so by eleven o'clock. If not, he would not that night proceed with any of the measures under his care, except the Bill for repealing Sir John Barnard's Act. The Refreshment Houses and Wine Licecnes Bill could not come on; he would place it for Monday, and then state when it would be brought forward.

The next Question was that of the hon. Member for Greenwich (Alderman Salomons), who asked if his attention had been directed to the Bank Return in *The Gazette* of Friday last? It had; for as the hon. Member correctly stated, that Return was regarded by the whole mercantile community as an index to the state of the country, and undoubtedly it was the duty of a person in his position to keep it in view. The principal facts relating to that Return were well shown in the Parliamentary paper moved for by the hon. Member himself, and published that morning, by which any one would at once see the most material facts. The first page of that paper showed that the diminution in the Bank reserve was almost entirely caused by the withdrawal of notes of £1,000 each. The notes of that description held by the Bank at the last Return amounted to £1,927,000 only; while on the 11th April, the date of the previous Return, they were £3,585,000. So large a difference as that having occurred in a single denomination of notes was of itself a demonstration which supplied the answer to the latter part of the hon. Gentleman's Question—namely, that the diminution of the reserve was not produced by the ordinary requirements of trade, but by some special operation. The latter part of the Question seemed, however, to imply that that result had been produced by some concerted action on the Bank's reserve, and with the view to produce a disturbance in the currency. He was not prepared to give any decided answer upon that point, further than to say that he did not think it was a "concerted action" in the natural interpretation of the words—namely, an action determined on by a combination among a variety of parties. There was no variety of parties; for it was entirely owing to a proceeding of a single house of great eminence and enormous transactions, which had thought fit, in the exercise of its own discretion, to adopt measures that had had that effect. There certainly was intention, though, perhaps, it did not amount to concert. The hon. Gentleman asked if this had been done in order to produce a disturbance of the currency of the country. He should go beyond his duty if he gave an opinion on that subject. Nothing would be more inexpedient than for the Chancellor of the Exchequer to presume, by opinions given in that House, to interfere with the freedom of mercantile houses carrying on their ordinary business, who might do what was not prudent or imprudent, and who might take measures which they were perfectly free to take, but which, if they were of great extent, might injuriously affect the public interests. Every customer of a Bank was free to do what he liked with his balance, whether that balance was at a private bank or the Bank of England. On this, and on more general grounds, it was not fitting in him to pronounce an opinion on the matter. He had, however, seen the Governor and Deputy-Governor of the Bank of England, and one of the partners in the house of Overend and Co.—the house concerned—who, he must say, had invited communication, and had stated all the facts, and their view of the case, with the most perfect frankness. The Bank of England being a public institution, if there was anything to blame in its conduct, it might be a very proper subject of complaint in that House. But all persons were agreed that there was nothing that could be made the subject of censure in the proceedings of the Bank for the last fortnight. On that he believed there was unanimity of opinion.

On the other hand, if the proceedings of a private house had been imprudent or injurious to the public interests it would be a very bad way of curing that evil if the Chancellor of the Exchequer should presume to pass sentence on their proceedings. It was within the knowledge of all that whatever had been done in this case had been done, not so much as a private transaction, but rather in the exercise of the power which every mercantile house might think itself entitled to exercise in order to expose what it might think wrong in the existing state of the law, so as to bring into view what it might consider a public evil, and thereby to produce and promote a disposition to apply a remedy to that evil. He gave no opinion on the existence of any such public evil. The state of the case he apprehended to be this. After the crisis of 1857, the Directors of the Bank of England were gravely impressed, as all must be, with the extreme inconvenience and mischief that resulted from repeated suspensions of the law at the discretion of the Government: yet the Bank of England and the Government had jointly found that that suspension was unavoidable, under the circumstances of the crisis when they occurred. The Bank of England had subsequently a rule for what he might term, not invidiously, the exclusion of a particular class of traders from discount; because the Directors of the Bank thought that such a rule was necessary to enable that establishment, under critical circumstances, to maintain their position, and to preclude the necessity of the interference of the Executive Government for the suspension of the law. The parties affected by that rule, on the contrary, thought that it was a very bad and injurious rule—that it tended very greatly, not only to their inconvenience, but to that of the public—and that it tended to throw what they considered their legitimate business into the hands of the Bank of England. These were very grave matters on both sides. They might well deserve careful investigation, but they were matters lying far above the region of the mere selfish or personal interests of any mercantile establishment whatever: they, in fact, cut deeply into the whole question of the policy of the present law; and nothing should be said tending to prejudge such a question. But this ought to be said in justice to the Bank—that everybody admitted that they had acted with the most perfect propriety and prudence under the circumstances of the case; and in justice, on the other hand, to the house of Overend, Gurney, and Co., that they had not the smallest objection to giving publicity to all the circumstances, because they consider that they have acted within their own right and discretion, and likewise in conformity with what they believe to be the public interests. Under these circumstances he did not think it necessary to go further into the matter.

THE NAVAL RESERVE.

OBSERVATIONS.

Sir CHARLES NAPIER said, there was such a wide difference of opinion on the subject of the Coastguard between the Secretary to the Admiralty and himself, that he must again refer to the matter. The number of the Coastguard was stated in the Estimates at 9,500. Seven years ago, Sir Charles Wood informed the House that they had a reserve of 8,500 men. The exact strength of the Coastguard at the present moment he found from Returns was 576 officers, 5,631 seamen, and 655 boys, who, together with the 800 Naval Volunteers, constituted the whole Reserve force which the country possessed. And out of those 5,631 seamen, only 3,200 would be ready for the defence of the country in the event of anything unpleasant taking place on the Continent; yet the Manning Commission reported that for the safety of the country a Reserve force of not less than 70,000 men was necessary. If he were wrong in these figures, he hoped he should be corrected; but he had obtained them from head-quarters. In the present posture of affairs, the House would surely not be satisfied with so small a reserve as he had mentioned to fall back upon in any emergency.

Lord CLARENCE PAGET did not suppose that anything he could say as representing the Admiralty would lead the gallant Admiral to believe that he was honestly endeavouring to give a true statement of the number of men available for sea service. Once for all, however, he would inform the gallant Admiral that, by a return just published by the Controller General of the Coastguard, the number of men and boys available for immediate sea service was 6,862. [Sir Charles Napier: Then my figures are quite correct.] He presumed, then, that the gallant Admiral had no complaint to make on that score. With regard to the Royal Naval Volunteers, it was true that only 800 of these had yet been enrolled; but there was, in his opinion, a very unnecessary alarm, both in Parliament and out of doors, upon the supposed failure of the scheme. From the first he never felt that seamen would join the new force all on a sudden, but, so far was he from regarding the progress of the Reserve force as unsatisfactory, that he was beginning to think it promised well. There was now a progressive increase weekly in the entry of men. In point of fact, they had only been ready to enrol the men since the 1st of the present month. The training ships had not before been in a state of preparation, and, as the men knew perfectly well that they could not begin exercising until the beginning of April, that fact, it might naturally be supposed, operated to prevent them from coming forward before. At the outset 30 or 40 a week were enrolled. The number was now increased to 100 per week, and if this rate could only be maintained there would soon be a very respectable force of Volunteers. It appeared to him that the gallant Admiral, by continually bringing before the House these statements as to the deficiency of our forces, acted very unreasonably, and did not tend either to advance his own credit or to promote the good of the country. The Government had this year taken money Votes for 11,000 men more than were demanded for the service of the last year. They had no difficulty in getting men, who were entering—he would not say freely—but in a satisfactory way. So far were the Admiralty from finding any difficulty in obtaining men that they were declining to enter any but able seamen, unless they were men who had before been in the service. With respect to the Channel fleet, he was constantly visited by officers of high and low rank, who said, "Cannot you persuade the Member for Southwark to cease from offering continual encouragement to discontent among the crews?" He was bound to tell the gallant Admiral that his brother officers felt poignantly the continual complaints which he made about the men not having sufficient leave, when he could assure the House the fact was that they had more leave than had ever been conceded in former days. The cause of almost all the late disasters had been the prevalent practice of breaking leave; but, irrespective of that, the fleet was in a healthy and satisfactory state considering how lately it had been created. There had been individual cases of insubordination, arising out of this question of leave, but the men were making good progress, and general contentment existed throughout the fleet. The gallant Admiral complained of the want of petty officers. No doubt there was. Could anybody expect, when a fleet had been created in so marvellously short a time, that it would have its full complement of experienced petty officers? At present, whenever a ship came home from foreign service, men who had behaved well were allowed to enter the Coastguard. This system accounted for the want of petty officers, for otherwise the men in question would now be petty officers on board the Channel fleet. The gallant Admiral's complaint on this score, therefore, was unfounded. He had made another more unreasonable than any. He stated that he had found the men were very overworked, were made to undergo excessive drill, and that great discontent existed in consequence. These complaints of course had gone down to the lower decks. [SIR CHARLES NAPIER: I complained of the system, not of the quantity.] He could not see the force of this distinction. He had that day received a visit from Admiral Elliott, who was Captain of the Channel fleet, who was much distressed at the statements that had been made, and he produced a statement showing that the utmost amount of drill on board his ships did not exceed two hours a day, and upon an average of a week only one hour a day. That certainly was not an excessive amount of drill. He fully admitted that the gallant Admiral honestly desired to improve the service, but a strong feeling prevailed at the Admiralty and on board the ships, that his speeches in that House were doing incalculable mischief to a young fleet, which was now well-disposed, because they led the sailors to imagine grievances which really had no existence. He would not enter then upon the question of shipbuilding, because a notice had been given by an hon. Member on the subject. He hoped that when it came on the whole matter would be thoroughly sifted.

MR. DIGBY SEYMOUR wished to know whether any school-ships were to be established, according to the recommendation of the Manning Commission, who said that they were the best source of supply for our naval force. The important subject of our Naval Reserve had been most ably treated in an article in that day's *Times*, and the question of school-ships was intimately connected with it. The Commission suggested that twelve school-ships should be placed in the principal ports of the kingdom. He hoped a supplemental Estimate would be introduced to provide for that want, and if no one else moved he would move such an Estimate. The great steamship companies of Southampton were willing to give liberal assistance in the formation of a Naval Reserve, and he hoped that at least Government would meet half way those ports which were inclined to contribute towards the establishment of school-ships.

Sir JAMES ELPHINSTONE warmly supported the establishment of school-ships, which, he said, the Manning Commission looked upon as the foundation of their scheme. If that plan was not carried on simultaneously with, or in advance of, the Naval Reserve, it would take away from it half its efficacy. He was perfectly satisfied that the great shipping ports would gladly defray part of the expense of the school-ships. The late troubles in the fleet had arisen not from drilling or working too much, but entirely from the breaking of leave, which showed a great laxity of morals among the men. One cause of this was the desperately bad places the seaman got into when he went ashore — places where he was fleeced of all his money, and utterly prostrated both in body and mind. He had seen, in the streets of Portsmouth, sailors of the Royal Navy lying about disgracefully drunk, with nobody to look after them. It was not so in the army, for if soldiers kept out beyond a certain hour the pickets were sent to bring them in. He would therefore press upon the Government the necessity of establishing a police at the different dockyards and naval ports who would know where every man who landed would be found. As to the drill, the men suffered from a want of work rather than from an excess of it.

Mr. WHITBREAD, in reply to what had been said about establishing more training ships, explained that as yet they were rather a novelty, and there were many questions of detail to be considered before the Government could form an exact estimate of the annual expense of maintaining them. One vessel had been appropriated for the training of the boys, and as soon as the Admiralty had some little experience in the matter, they would shape their future course accordingly. The proposition to go halves with Southampton was one which the Admiralty were not yet prepared to deal with. It was perfectly correct that an offer had been made to the Admiralty by the Peninsular and Oriental Steam Packet Company to allow the sailors of their magnificent vessels to be trained in the Royal Naval Reserve, while continuing to receive their wages from the Peninsular and Oriental Company.

Mr. JACKSON said, he would postpone until the next Supply night the Motion of which he had given notice for a Commission of Inquiry into the control and management of the dockyards.

Motion *agreed to.*
House in Committee.

SUPPLY.—NAVY ESTIMATES.

Mr. Massey in the Chair.

(In the Committee.)

Motion made, and Question proposed,—

"That a sum not exceeding £174,378, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of Her Majesty's Naval Establishment at Home, which will come in course of payment during the year ending on the 31st day of March 1861."

Mr. W. WILLIAMS, going into the Estimates in detail, called attention to the great increase of several items over the Estimates of last year, especially for the appointment of additional clerks in dockyards at Chatham and Sheerness. He also remarked that, at Portsmouth and at Devonport, a new officer, called an assistant-superintendent, had been created, each with a salary of £800 a year. At Devonport, moreover, there was another new officer, called an acting accountant, with £500 a year, and at the Haslar Hospital an Inspector-general. The increase of this Vote altogether for the salaries of different officers in the dockyards, victualling, and medical establishments was not less than £24,700. The waste and extravagance in this Department could never be justified.

Mr. CORRY asked what were the special duties of the assistant superintendents of the dockyards whom it was now proposed to appoint? If they were to be naval officers he did not think they were the best persons to overlook the work of the shipwrights.

Sir MICHAEL SEYMOUR also wished to know the distinct grounds on which these new appointments were to be made, and whether it was in consequence of any representations from the superior officers who had the control of our dockyards.

Lord CLARENCE PAGET said, it was true that the officers in charge of Portsmouth and Devonport had not made any strong representations asking for this additional assistance, but we had now nearly double the number of men working in the dockyards that we had some time ago; and there was a corresponding increase of clerks and officers in almost every department, and it was not reasonable to expect that the chief superintendents, whose correspondence was so enormously increased, could now look over the whole of the work and business of the dockyards, as they did before. He was sorry to say also that several very serious cases of embezzlement had lately occurred; but he was persuaded that if the superintendents, and the officers under them, were not so excessively pressed with an increase of work, they would be better able to ascertain what was going on. It was, therefore, the opinion of the Admiralty, that it would be a piece of good economy to appoint these additional superintendents. But they were about to have a regular inquiry into the dockyards, on the Motion of the hon. Member for Newcastle; an inquiry, which as he trusted, would be conducted by persons of high position, and would embrace the whole consideration of these important matters. It was, therefore, intended not to appoint these officers, until the inquiry should have taken place to see whether it was absolutely necessary or not. He proposed that the amount allotted for their salaries should stand on the Estimates in the meantime. As for the number of additional clerks employed it arose from the extraordinary amount of shipbuilding and other work that had been going on, and if that were to be continued the establishments must be enormously increased; but he trusted it would not always be necessary to make such great exertions in our dockyards, and that the present state of things would prove to be merely exceptional. The Admiralty had, therefore, preferred to provide for it by the employment of temporary clerks.

Admiral WALCOTT expressed his opinion that amongst the half-pay Naval officers who were on shore unemployed the Admiralty could select very competent persons for assistant superintendents of dockyards.

Mr. BRISTOW urged that the sum of £1,600 for the salaries of those two officers should be withdrawn from the Vote, if it were not intended to appoint them now.

Mr. JACKSON also supported the recommendation to reduce the Vote by that amount.

Mr. W. WILLIAMS also appealed to the noble Lord to strike out this item. He did not see why there should be such an extraordinary amount of work just now in our dockyards, for we were told that we had ships enough, and only wanted men.

Mr. BENTINCK should be glad to know the number of men discharged from Portsmouth since the commencement of the financial year.

Lord CLARENCE PAGET said, that the total number of persons employed in the dockyards on the 1st of March was 20,032; but in the Estimates of 1860-61, the number was only 16,071. The number of shipwrights on the establishment on the 1st of March was 4,057; but the number proposed in the Estimates was 4,000. Of hired shipwrights the number on the 1st of March was 3,632; but in the present Estimates the number was only 1,950.

Mr. W. WILLIAMS asked how it was, seeing that a number of men had been discharged in the dockyards, that the charges for clerks was £1,872 more than last year?

Sir HENRY WILLOUGHBY wished to know the number of the new officers appointed under this Estimate, and the amount of the salaries they were entitled to receive? Would they be entitled to superannuation? Because if they were, and if, after two or three years, the office was found not to answer, the country might be saddled with the officer for life.

Lord CLARENCE PAGET said, the only new offices created were those of two assistant-superintendents, and as they would be naval officers, there would be no superannuation allowance attached to the appointment. The other additions were made under Vote 11, by which a sum was taken for the whole staff of the Director of the Works, each dockyard having its own. There were a number of additional temporary clerks.

Sir HENRY LEEKE said, that hon. Members seemed to forget that the work in the dockyards and in every department of the service had more than trebled within the last two or three years, and he thought it was an excellent plan to appoint assistants to the superintendents.

Mr. LYGON said, the business of the dockyards generally had considerably increased, and it was necessary to place

Deptford and Pembroke dockyards on the same footing as those of Sheerness and Chatham.

MR. ALDERMAN SALOMONS asked, whether there was any intelligible principle in the appointment or dismissal of the shipwrights? A great many extra men had been engaged, but some of them were dismissed. He wished to know whether the principle of seniority prevailed in respect to this. It was rumoured that private interests were brought to bear in regard to those officers. He hoped that such a rumour was unfounded.

LORD CLARENCE PAGET said, that the persons responsible for the discharge of shipwrights were the superintendents of the yard, who invariably retained the best workmen, provided they were not near the age of thirty-five, after which they were not allowed to be placed upon the establishment.

SIR JOHN TRELAWNY said, there was a general impression abroad that there was a great advantage in obtaining the influence of a Member of Parliament in procuring appointments in those dockyards; and that an application by a Member to the Board of Admiralty was frequently successful in obtaining a situation in those places. It was alleged that private influence was often successful in obtaining those appointments without due consideration of the merits of the individuals selected. He thought that no persons should be appointed over those dockyards who were not shown to be fully competent for the office, and who did not understand the building of ships. He wished for some explanation as to the repeated changes that had taken place lately amongst the superintendents of dockyards.

LORD CLARENCE PAGET said, the hon. Baronet did not quite understand the various duties which a superintendent had to perform. If the works of the dockyards were confined to the building of ships it was evident that the individual appointed as superintendent should be thoroughly acquainted with the mode of constructing ships. But ships were not only to be built in those places but also to be rigged and turned out fit for sea. He admitted that in consequence of a chapter of accidents there had been many changes made amongst the superintendents of the dockyards, but those changes were wholly unavoidable. He could assure the hon. Baronet that political influence had not now, nor had it under the late Board of Admiralty, anything to do with dockyard appointments. He believed that those appointments of late years, at all events, depended substantially upon the merits of the individuals themselves.

MR. CORRY wished to know what the right hon. Baronet (Sir John Trelawny) meant by saying that political influence was used in respect of appointments.

SIR JOHN TRELAWNY said, that the right hon. Gentleman would find it stated in a Report of a Committee of the House that "corrupt expedients" had been used in the obtainment of contracts.

MR. CORRY would remind the hon. Baronet that the "corrupt expedients" were not charged by the Committee against the Admiralty or to the late Government, but against a gentleman who had obtained a contract. The Committee to which the hon. Baronet referred was that on steam-packet and telegraph contracts; but neither it nor the Committee which had during the present Session inquired into the petition against the return for Dovor accused the late Government of corrupt expedients.

SIR CHARLES NAPIER thought it would be advisable when a Rear-Admiral who was superintendent of the dockyard was promoted, to allow him to continue his five years in office.

MR. FREELAND said, he had had an application made to him with regard to a situation in one of the yards, and he was glad to say that on making inquiries he found that any interference on his part would be rather injurious than otherwise to the person on whose behalf he had been requested to exert himself. He hoped the House would assist the Admiralty in putting a stop to political interference with the dockyards.

MR. JACKSON agreed that it was absurd to remove a superintendent as soon as he had learnt his business.

SIR JAMES ELPHINSTONE found in the Votes, items of £120 per year for Roman Catholic Chaplains in some ports, while in two others he believed the amount was somewhat more. There was also a place fitted up for Roman Catholic worship in some of those ports. The Presbyterians in the navy were ten to one to the Roman Catholics, yet the only item he saw down for a clergyman for the Presbyterians was a sum of £20 paid at Woolwich.

LORD CLARENCE PAGET said, that the question of making any increase to the stipends allowed to clergymen was a very serious one. If the Presbyterians in any port made an application to the Admiralty it should receive due consideration.

Motion, by leave, *withdrawn.*

(1.) £172,778, Salaries and Expenses, Naval Establishments at Home.

Vote *agreed to.*

(2.) £30,953, Salaries and Expenses, Naval Establishments Abroad.

Mr. W. WILLIAMS said, there was an increase of £2,870 on the Vote; though he could not see that any additional work was done.

Lord CLARENCE PAGET said, the increase was not so large as was supposed by his hon. Friend. An increase had been made in the salaries of the medical officers; and the salary of the Director of Works had been transferred from Vote No. 11 to this Vote.

Vote *agreed to.*

Motion made, and Question proposed,—

"That a sum, not exceeding £1,440,681, be granted to Her Majesty, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March 1861."

Mr. LINDSAY said, that unless a satisfactory explanation was given of a statement contained in the Report of the Dockyard Committee which sat last year, he should feel it necessary to move a considerable reduction of this important Vote. In the first place the Committee pointed out the remarkable variation in the charge for wages in different yards, it was stated that the cost of labour for building certain ships at Chatham had been £5 8*s.* per ton, whereas at Woolwich the cost had been £8 16*s.* It was moreover stated by four of the members of the Dockyard Committee that the sum expended by private builders in labour would not have been more than £2 12*s.* per ton—that was, not more than a third that was paid by the Royal Navy.

Lord CLARENCE PAGET said, he would endeavour to show the Committee the reason why the discrepancy existed in the cost of building ships in different dockyards. There was great difference in the price of a vessel built at Chatham and the cost of two others which had been built at Woolwich. It should be observed, however, that these vessels were built in the midst and, he might add, during the confusion of the Russian war. He would state the reason why the vessel built at Chatham (the *Cadmus*) cost so much less per ton than the vessels built at Woolwich (the *Pearl* and the *Scout*). At Chatham there happened to be plenty of timber lying in the yard, which at a very small expense could be converted into the frame of a corvette. At Woolwich, where two similar vessels (corvettes) were built, there was no timber proper for the particular purpose, and old timber, which had originally been prepared for other vessels, had to be altered at considerable expense into the frames of the two vessels. Another circumstance should be taken into consideration, and that was that Chatham was not a fitting yard, whereas Woolwich was; consequently, the vessel at Chatham could be built without interruption, while at Woolwich, where there was a great amount of shipfitting done, the artificers on the two corvettes were continually withdrawn from their work to do something else which it was necessary to do in a hurry. These interruptions necessarily entailed expense. Another cause of the difference of expense was that at the different yards there was a different system of calculating when a ship was properly prepared; and consequently less money would, of course, have been spent on the less forward vessels, though equally styled "prepared." It appeared, also, that at the time the vessels were built there was such an excess of duty in the dockyard at Woolwich that certain clerks were appointed to value the expenditure on timber and stores, and, to make a long story short, the account referred to by the hon. Gentleman was not a correct one. The Controller had sent down an experienced officer, and a strict investigation was going on respecting some other vessels mentioned by the Committee which had been alluded to, and the Admiralty were most anxious to improve the system of taking the accounts of vessels.

Mr. LINDSAY said, that the statement was satisfactory as far as it went; but though the noble Lord had answered his question with regard to the difference in the price of shipbuilding in Woolwich and Chatham dockyards, but not as to the discrepancy in price between the Government and private yards. But besides that difference of 173*s.* to 52*s.* there must be added to the former all the interest in the capital which was sunk in the public yards, inasmuch as every private builder took into his estimate the interest upon the capital engaged in his business. So that the comparison would really stand, not as 52*s.* against 173*s.*, but as 52*s.* against 173*s.*

plus another figure, which would perhaps bring it up to 200*s*. He repeated that he had received no answer to this important question.

MR. JACKSON said, that even this did not represent the whole case, because the private shipbuilder had rent to pay for his yard, and local taxes, from which the Government were exempt, so that the comparison was extremely favourable to the Government. He had had considerable correspondence with individuals employed in dockyards upon this subject, and was told by one holding a high official position, that every Commission and Committee yet appointed on this subject had been thoroughly humbugged by the dockyard authorities; and, looking at the small results which had accrued from these inquiries, he was inclined to think so too. As a man of business, he felt confident that if the same system were pursued by a manufacturer or a private builder as was maintained in the Royal yards, bankruptcy must very speedily ensue, and not one penny in the pound would be left to pay the creditors. It was a system rotten to the core, and ought to be at once put a stop to.

LORD CLARENCE PAGET read a letter from Mr. Pitcher, the builder of the vessels which were said to have been constructed so extremely cheap. It was dated Northfleet, July 1, 1859, and the writer contradicted a statement which he had seen in *The Times*, declaring that the expense for building a vessel of war in the merchant yards did not exceed the sum of £2 8*s*. per ton for shipwrights' labour. Mr. Pitcher said,—

> "It should be understood that the ships alluded to were mere shells when sent to Her Majesty's yard at Chatham to be fitted as might be required, as the cost of such fittings would depend very much upon the service they were intended for. I am of opinion that the vessels built for the Government in private yards, when compared with those built in the Royal dockyards, according to the evidence published, amounts to very near the same sum for the total completion of the hull; for instance, in the labour for building about 13,500 tons of the gun-vessels at Northfleet, they cost on an average, complete, about £6 per ton."

MR. LINDSAY said, it was no answer to him to read a letter written a month before the Committee made their Report.

LORD LOVAINE said, that the work in a private yard differed entirely from that executed in a Royal dockyard, and you got in the former a much worse article for the money you expended. As far as his experience went, contract vessels were notoriously bad in every instance. He knew nothing more difficult than to keep contractors to the fair terms of their contract. We had seen ships handed over to the Government from private yards which were in a most disgraceful state from incomplete workmanship, which was concealed by several coats of paint. In his opinion, it was far better to pay £8 per ton for a good article than £4 for a bad one.

MR. LINDSAY observed, that he had advanced no charges against the Royal yards, but had merely quoted a statement made by the Committee appointed by the Government themselves, four out of five of the members being officers in those very yards. It was said that ships built under contract were badly built; but did Her Majesty's ships never stand in need of repairs? Were they not, when at sea, constantly putting into port to be refitted? Did we hear of one of the Cunard or the Peninsular and Oriental Company's boats putting back in every press of wind and requiring large repairs? There were, of course, failings in all establishments, but he questioned very much whether there were so many defects in ships of the first class built in private yards as there were in vessels constructed in the Royal yards at a much higher cost to the country.

LORD LOVAINE referred to some instances of defective workmanship in vessels built by contract.

SIR CHARLES NAPIER said, that what the noble Lord had stated as to the defects in ships from private yards was perfectly true. It was only the other day that he saw a basket of copper bolts intended for Her Majesty's ship *Caroline*, which ought to have been eleven inches long, and were only five. Some of the ships built by contract during the last war had since come in for repairs, and it was then found that the planks which ought to have been bent round the bows by the aid of steam had been sawn half way through to facilitate warping. He left the Committee to consider what would be the fate of these vessels in a gale of wind.

MR. JACKSON would like to know what kind of superintendence there could be for such things to be permitted? Three-fourths of the business of this country was done by contract; and he believed there were as honest men in the contracting world as there were noble Lords in the kingdom.

LORD LOVAINE would only say this,

that his experience in the navy had not been very long, but his impression decidedly was that there was a great disposition on the part of contractors to give very short measure indeed. Their work required the constant supervision of a most careful eye; and he appealed to any hon. Member acquainted with the subject to confirm his statement. The question of the damages sustained by the navy was an evasion of the original question, which related simply to the imperfection of the original work.

Sir CHARLES NAPIER said, the noble Lord had not answered the question as to who attended to see whether the work was properly executed or not. If the pay—£400 or £500 a year—of the present superintendents was not sufficient, they ought to give more to get honest men—men who were above being bribed.

Lord LOVAINE said, that the gallant Admiral's remarks had confirmed his statement in every respect.

Mr. BENTINCK said, that the gallant Admiral had intimated that it was impossible to get an honest man for £500 a year. But the fact was, he had never heard of a man who ever trusted a contractor. This was not a question of impugning the honesty of the contractor; it was their way of transacting business; and the real defect was the want of proper superintendence at the Admiralty. He believed that the work was better done in the dockyards than anywhere else, and that the country got more for their money. He was, however, very much struck with the comparison instituted by the hon. Member for Sunderland between the wear-and-tear of ships in the navy and those on the lines of packet service. There could be no comparison between the two services in this respect.

Sir JOHN TRELAWNY referred to the different cost of vessels in different yards, and said, that there was great anxiety to get new ships laid down at certain yards; it was even made a matter of political influence. Looking at the money wasted in times past, the Government ought now to practise economy.

Mr. HENLEY wished to know whether it was true that a vessel going out with Admiral Keppel was obliged to put in at Portsmouth, and to be docked for repairs: was that vessel an old or a new vessel; and was it built by contract or otherwise?

Lord CLARENCE PAGET replied, she was a vessel built at one of Her Majesty's dockyards. She was going a very long distance, and it was desirable that she should be made as perfect as possible; therefore, when a slight leak was discovered in her stern, which would otherwise have scarcely been important enough for such treatment, the vessel was immediately taken into Portsmouth and examined.

Mr. HENLEY asked again, was she a new or an old vessel?

Lord CLARENCE PAGET said, she was quite new. It had been said by various hon. Members that sufficient superintendence was not applied by the Admiralty. There were sometimes as many as a hundred vessels under repair or building at the same time, and if the Admiralty had to supply a superintendent for every bolt it would be found an impossibility to comply with such a requisition.

Sir HENRY WILLOUGHBY pointed attention to a discrepancy in the cost of shipbuilding at Woolwich as compared with Sheerness, adding that there was a growing impression abroad that great waste prevailed in the Government dockyards, and that though Parliament voted the money it had nothing like an effective control over the economical expenditure of it.

Lord CLARENCE PAGET said, an inquiry was now pending as to the difference in cost.

Sir JAMES ELPHINSTONE believed the discrepancies in question were partly due to the different mode of measuring the work done in the various yards, and would be found not so great as they appeared to be. He adverted to the manifest superiority of the workmanship in Her Majesty's as compared with that in private dockyards, citing in proof of that the case of the *Agamemnon*, which on her return to Plymouth from her memorable voyage on laying the Atlantic telegraph cable, in which she was exposed to a terrific storm under circumstances altogether peculiar, and which would have resulted in the certain destruction of any ordinary ship, was found to require only a few trivial repairs.

Mr. Alderman SALOMONS wished for further information as to the ships said to be of equal size but of unequal cost. Inquiry would probably show that there was much more work in some than in others. He thought an improved method of keeping the accounts desirable.

Mr. LINDSAY said, that the Admiralty had had eight months to consider the charges in the report of the Committee to which such frequent reference had been made. Under these circumstances he should move that this Vote be reduced by £100,000; he ought to move that it be reduced by two-thirds.

Admiral WALCOTT said, vessels should be able to keep company if they were to be of any service to each other in a fleet, and therefore it was most important they should be made both to sail and steam, and capable of bearing rough or fair weather with equal results.

Lord LOVAINE referred to the gunboats built by contract, and quoted the opinion of a private builder to the effect that the cost was much the same in Government dockyards and in private yards. So far from the cost in private yards being only 48*s*. per ton, it was nearly £6 per ton, including all the fittings.

Mr. LYGON also spoke of the economy of the Government yards.

Mr. W. WILLIAMS complained that no answer had yet been given by any Member of the Government to the discrepancy which had been pointed out between expenditure relatively in Government and private dockyards.

Sir JOHN PAKINGTON said, if the Amendment of the hon. Member for Sunderland (Mr. Lindsay) were pressed to a division, he should be unable to support it, as he was unwilling, in the present state of public affairs, to withhold from the Government any sum of money which they declared to be necessary in order to carry out the proposed alterations and additions in the navy. At the same time he could not refrain from expressing regret that the Government were not disposed to pay more attention to the Report of the Dockyard Committee appointed by the late Board of Admiralty, which had deservedly attracted considerable notice. In his opinion, the Gentlemen composing that Committee were entitled to the gratitude of the country for the ability and public spirit with which they had conducted their inquiries, and he was sorry that their proceedings should have been ignored in so unaccountable a manner, and that they themselves had been treated with such disregard by the present Board of Admiralty. The only official notice taken of their labours that he had seen consisted of a memorandum written by the present First Lord of the Admiralty, and from its tone of discourtesy and sarcasm towards the Members of that Committee he was induced to think the noble Duke must rather have had in his mind the fact that the Committee had been appointed by his predecessors than any regard to the contents of their Report. He could account in no other way for the course pursued by the Board of Admiralty, who had entered into no explanations, but had continued to act just as if the Committee had never sat, or as if those startling statements which the House had heard that night had never been put forward. Entire disregard of such a document came with peculiarly bad grace from the noble Lord who now held the office of Secretary to the Admiralty, because no one had made such sweeping charges against extravagance in the dockyards as fell from him in the course of last year. He it was who was then loud in his complaints, and who told the House that in the course of the last eleven years £5,000,000 had been wasted by successive Boards of Admiralty. At the time he stated that the noble Lord was bound to sustain the charges which he had made, and he had given notice of his intention to move for the appointment of a Committee, before which the noble Lord could have come face to face with the parties against whom he brought the charges, and would have been compelled either to prove or to withdraw them. But just at that moment the change of Government took place, and the accusation in consequence was merely dealt with by an answer from the Surveyor of the Navy, Sir Baldwin Walker; though, in the absence of closer disproof, he must, in justice to the Committee, say that Sir Baldin Walker's report entirely negatived the wild and loose assertions of the noble Lord. From the general and well-deserved character for fairness and plain dealing enjoyed by the noble Lord (Lord Clarence Paget), he expected that he would have had the generosity to state that on reflection he found those charges could not be substantiated; but instead of this, he had merely declared in general terms that he adhered to his former statement. He must say he thought the able and zealous labours of the Committee, which tended to throw great light on the important question of dockyard expenditure, had been but ill-requited.

Mr. BRISCOE said, he was desirous of doing all that was possible to reduce the expenditure, but he could not support the Amendment, and he hoped it would not be pressed to a division.

Lord CLARENCE PAGET said, he could not allow the remarks of the right hon. Baronet (Sir John Pakington) to pass unnoticed. So far from the Report of the Committee having been wholly ignored, it had received the careful attention of the Board of Admiralty, and many of their recommendations either had been, or were about to be, carried out. The right hon. Baronet had deprecated the tone of the Memorandum of the noble Duke now at the head of the Admiralty; but he was bound to say that the tone of the Report itself was somewhat offensive to the officers of the dockyards, against whom a very grave accusation was preferred. The Commissioners attributed many of the evils which they stated in detail "to the want of zeal and activity on the part of the officers of the yards." On going over the evidence he had been unable to discover upon what evidence they based this decision, and they themselves admitted that many of their recommendations were unsupported by evidence. The weight attaching to their Report was further shaken by the fact that one of the Commissioners refused to sign it. Then, with regard to the proposal for the appointment of a Committee and his meeting Sir Baldwin Walker face to face, everybody who knew him was aware that, though he would not shrink from it if it was thought proper, he had no desire to enter into any such encounter. This was a very adroit method of turning certain representations which he had made condemnatory of the system into an attack on one individual. It was a very old dodge, but fortunately it would not go down with the House of Commons. He distinctly denied that he had ever attacked Sir Baldwin Walker, and he was surprised that any Member should have imputed such a thing to him. He stated so last year when he was called upon to make the *amende honorable* to Sir Baldwin Walker. He declined to do so, simply because he had never made any attack or imputation against him. He had last year called the attention of the House to the great cost of shipbuilding, and to the total absence of anything like a detailed account of the expenditure under the Votes 8, 9, and 10. To ascertain the real cost was the great object of his Motion last year, and the present Board of Admiralty, as might be seen by a Return on the table, had done all in their power to promote that end.

Sir CHARLES NAPIER said, Sir Baldwin Walker had not only been attacked by the noble Lord the Secretary to the Admiralty, but he had written an answer to those attacks. He (Sir Charles Napier) read to the House the attacks of the noble Lord, and he also read Sir Baldwin Walker's answers to them, from which it appeared that not one of the vessels referred to by the noble Lord had been altered by Sir Baldwin. He stated that only two vessels had been altered—the reasons for which he gave—and showed that the cost was not more than £500. The noble Lord spoke of £6,000,000 as unaccounted for; but Sir Baldwin Walker, in his reply, accounted for the whole of that sum, with the exception of £6,000. The noble Lord now thought proper to say that he had made no charges against Sir Baldwin Walker. Whom, then, did he attack? Sir Baldwin Walker, as Surveyor of the Navy, was the person responsible, and the charges could apply to no other. That gallant officer had done more for the navy, and the improvement of ships than any other person. The noble Lord ought to make an apology to Sir Baldwin Walker, and it would have been an honourable thing on the part of the noble Lord had he done so.

Mr. JACKSON, in justice to the noble Lord the Secretary to the Admiralty, explained that he had done everything in his power to give him facilities for bringing forward his Motion for a Commission to inquire into the expenditure of the dockyards, though as yet he had not been able to bring the Motion before the House.

Mr. MONSELL wished to ask how it was that there was a large amount for wages to be spent in every harbour except that of Haulbowline, which was admirably adapted to make a good harbour, and which would, no doubt, have been much improved if it had been in England, instead of Ireland.

Mr. BENTINCK thought that the gallant Admiral (Sir C. Napier) had unnecessarily attacked the Secretary to the Admiralty, who, he recollected perfectly well, had stated in the speech in question that he had no intention to attack Sir Baldwin Walker.

Colonel DICKSON remarked that this naval expenditure was growing frightful to contemplate, although he believed shipbuilding was carried on better in the Royal dockyards than in private yards. By way of coming to some practical conclusion on the matter, he should vote for the reduction of the Vote as proposed by the hon. Member for Sunderland (Mr. Lindsay). He also concurred in the complaint of his right hon. Friend (Mr. Monsell) respecting the small amount of money expended on Haulbowline, which he thought was utterly disproportioned to the large amount of taxation contributed by Ireland, and the unrivalled natural capabilities of some of her harbours.

Motion made, and Question,

"That a sum, not exceeding £1,340,681 be granted to Her Majesty to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March 1861."

put, and *negatived.*

Original Question put, and *agreed to.*

(4.) £63,686, Wages in Naval Establishments Abroad.

Mr. W. WILLIAMS objected to an increase of £3,010 for the establishment at Hong Kong.

Sir WILLIAM JOLLIFFE said, it was obvious that the additional outlay was rendered necessary by the continuance of the Chinese war.

Lord CLARENCE PAGET said, an additional outlay upon the dockyard at Hong Kong necessitated the increased Vote.

Vote *agreed to.*

(5) £3,204,434 Naval Stores.

Lord CLARENCE PAGET said, he wished to say a few words in answer to a very interesting statement of the right hon. Gentleman (Mr. Henley), made on a former evening, with respect to the supply of timber in the dockyards. The allegation of the right hon. Gentleman amounted, he thought, to this—that, whereas it was usual in former days to keep a three years' stock of shipbuilding timber on hand for seasoning, successive Boards of Admiralty had neglected their duty in not keeping up that stock, and had reduced their three years' stock to a two years' stock, and that within the last year or two it had been reduced to even less than that. He might say, in the first place, that this was rather an attack upon the right hon. Gentleman's own colleague (Sir J. Pakington), because it would, he believed, be found that in the Estimates of the late Administration no more money was taken for timber than was necessary to keep up a two years' stock at the ordinary consumption. He was, however, prepared to contend that a two years' stock was ample. The right hon. Gentleman had quoted the evidence taken before the Committee on Dockyard Economy, in which certain dockyard authorities had complained that green timber was employed, and that certain ships were built of timber that had not been properly seasoned. The right hon. Gentleman had drawn the inference therefrom that the dockyard authorities themselves were of opinion that the Government did not keep up a proper stock of timber. If the right hon. Gentleman accused the Board of Admiralty of not keeping up an establishment of timber commensurate with the wants of the year, the answer must be that if the Admiralty went on building ships at the same rate as at present it would be manifestly necessary to increase the present establishment of timber. The expenditure of timber expected to take place during the present year was 60,000 loads, and the amount of stock at the commencement of this year was about the same amount—namely, 59,000 loads. In expectation that the consumption this year would be 60,000 loads, the Government had taken a sum of £500,000; so that at the end of this year there would still be two years' stock in hand for ordinary consumption, namely, about 30,000 loads. It might be necessary to explain that circumstances had very much changed since the days when three years' stock was required. The hard foreign woods now used were then comparatively unknown. The English oak was then principally used, and it required greater seasoning than foreign wood. It was cut and purchased upon the spot, and was brought to the dockyards without loss of time; while Italian oak, for example, was cut in a hot climate, the voyage took a certain time, and it was partly seasoned on its way. Two-thirds of the shipbuilding wood now used in the dockyards did not require seasoning; it was foreign timber, like African oak, teak, and mahogany, and therefore no comparison could be made between the stocks formerly in hand and the stocks kept at present. The right hon. Gentleman said that the officers of the dockyard declared that timber ought to be kept three years in stock. [Mr. Henley: Some say four.] Well, there was a difference of opinion on that subject. A gentleman, who was an eminent shipbuilder and owner, Mr. Green, who had 30,000 tons of shipping of his own, said, that two years were quite sufficient to season English oak timber, and that it deteriorated after that period. If this were so it was a strong argument for not keeping a stock for more than two years' consumption in hand. The right hon. Gentleman talked as if the Government had only to ask the House for an additional £100,000 and to buy so many thousand more loads of timber. But if they asked Parliament for a larger sum they would not get the timber. The stock of timber was restricted, and the Government could not get above a certain quantity. No doubt, if circumstances were pressing and the Government were obliged to purchase without regard to price, they might obtain an addition to the present supply; but it was no easy matter to increase the quantity of such timber as they required. He admitted that it would be a very great thing if the Government had the means of keeping up a larger supply of timber. It would be unwise for him to state exactly what the Admiralty were doing in this respect, but they were using every possible endeavour to get a more regular and better supply of timber from abroad. In justice to the dockyards, he ought to state that when hon. Members heard of the green wood employed, it was generally confined to one particular timber in a ship which it was very difficult to find at all of a sufficient size, much less of seasoned timber—he referred to rudder pieces. Take a first-rate for example, of which the Admiralty were building a good many. The rudder-piece of a first-rate must be a piece of English oak. It must be 26 feet long and 28 inches square. It had happened lately that as many as six of these rudder pieces were cut up and found defective, for the trees being necessarily of great age were found rotten at the heart. Of teak there was a very large supply, which required no seasoning. One reason why it was not desirable to increase the stock of timber was that we were now building four iron-cased ships; and though he was not prepared to say whether they would fulfil all that was anticipated from them, yet, if they were successful, probably not so many line-of-battle ships would be required, and it was the line-of-battle ships which required the large establishments of timber, for there never was any difficulty in finding timber for frigates, corvettes, and vessels of a smaller class. If these iron-cased ships succeeded, it would be unwise to do what the right hon. Gentleman wished—to increase our establishments of timber merely because we had consumed more than our ordinary quantity within the last two years. He had often heard it stated that the Admiralty did not go to work properly to get their timber cheaply; that they confined themselves to one or two contractors, who charged their own prices. No doubt from the necessity of the case, the contracts did come into the hands of two or three great contractors, who might meet and arrange about the price; but if any landed proprietor or other person of respectability, having a large quantity of proper timber on his estate, or for sale, were to come and make an offer to the Admiralty, they would be very glad to enter into a bargain with him.

Mr. HENLEY said, he had given no opinion as to the time timber took to season; he only quoted that of certain officers of Her Majesty's dockyards, and he was quite willing to leave it to be settled between them and the private authorities the noble Lord had quoted, whether it took two years or four years to season oak timber of the largest dimensions. He had not blamed any Board of Admiralty, but had expressly guarded himself from doing so, for he had read the statement of the Storekeeper General as to the enormous difficulty of getting timber, and he could not put it stronger than he had done. What he complained of, however, was that the First Lord should have put it on record that 60,000 loads was a sufficient quantity to keep in stock. The noble Lord the Secretary of the Admiralty stated most distinctly that we ought to keep two years' consumption in stock; but 60,000 loads would not suffice for that. Sir Baldwin Walker had stated that the proper yearly addition to the navy was three ships of the line, three frigates, and four small vessels, the construction of which would take 32,000 loads of timber; adding to that 10,000 loads for necessary repairs, they would have the total yearly consumption of timber at 42,000 loads; and, as according to the statement of the noble Lord, it would require two years' consumption in stock, it was plain that 60,000 loads was not sufficient. The noble Lord would not find any indication in his speech that three or four years' seasoning was necessary for all kind of timber. African oak, teak, and mahogany, perhaps, he knew could be used almost as soon as imported, and the Italian and Sardinian oak required less seasoning than the English oak; but every master shipwright would tell them that English oak required three or four years' seasoning, nor would ny of them venture to say that large 15-inch square timber would be ready to use in two years. The noble Lord admitted that it would be very desirable to obtain as large a stock of timber as possible for the navy, which was all that he (Mr. Henley) contended for, and he was glad to find that their views did not differ on the real point, though they might as to the actual supply.

MR. BENTINCK had already stated that in his opinion the work done in the dockyards was better than that which was done elsewhere, and that we got our money's worth out of those establishments; but he wished to call attention to an item that related to work done out of dockyard by contract—he meant the anchors and chain cables. If he was rightly informed the Admiralty paid a very much larger sum for those articles than they ought to pay. Although there had been a great diminution in the price of iron, there had been no deduction in that paid by the Admiralty to the contractor. He quite admitted that the articles supplied were of the best quality, but that was no reason for paying a much larger sum than they were called on to pay. Great improvements had been made in the machinery used in the construction; but, inasmuch as the Admiralty had obtained no advantage whatever from that circumstance an unnecessary and therefore an objectionable expenditure of money had prevailed in this department. He wished to refer to a Return he had moved for, not with a view of advocating Mr. Trotman's anchors, but to show the price at which the best anchors could be manufactured in the best yards by the best firms. He found that the cost of seventeen anchors of various sizes, made of the best material, was £1,428; while the contract price for the same weight of anchors supplied to the Admiralty, and which were in no way superior, was £3,434, or nearly treble the amount. Amongst other things there was a tender advertised to supply to Her Majesty's navy iron chain-cables and anchors thereto. It was stated that parties intending to make a tender were requested to take notice that the whole supply would not be given to any one firm, but the contract would be equally divided amongst three firms. Now, he was given to understand that so far from that arrangement being carried out, the whole of the contracts had been given to the one and the same firm since 1841 up to the present time, in direct contradiction to the wording of the tenders asked for from the public, and inviting persons to come forward. He believed a discrepancy also existed as to the prices of anchors and chains, between those furnished to the Admiralty and to private yards. He wanted to know whether his information was correct as to those facts.

MR. RIDLEY thought it would be a fault on the part of the Government to incur the expense of providing too large a stock of timber for building line-of-battle ships, when the more powerful means of destruction which modern science provided might soon render ships built of timber no longer available for war. They should consider the advantage of building iron ships to meet the improved gunnery of the present day. He wished to know whether the item of £722,000 for timber was for the sole purpose of building line-of-battle ships of timber?

SIR CHARLES NAPIER, referring to the sum of £798,500 for steam machinery, suggested that the ships' bunkers should be furnished with some apparatus for taking in water, when the stock of coal was consumed, in order that the ship might not become so extremely light as to be unable to remain in the proper position. It would not be difficult to provide some apparatus for doing this, and he had experienced the disadvantage of not doing so when he came home in the *Duke of Wellington*, from the Baltic.

SIR WILLIAM JOLLIFFE called attention to another item of considerable magnitude for the building of iron-cased ships, steam vessels, and gun-boats by contract. The noble Lord had said that four iron-cased ships were now building. Did they include all under that head? The Vote taken for that item last year, including the Supplementary Estimate, was £500,000. In the present year it was £640,000, making no less in the two years than £1,140,000. Now, those iron-cased ships had never been tried in actual war: the sum was, therefore, a large one to expend for a mere experiment. He viewed those experiments with no feeling of satisfaction. He thought that they were very apt to make great mistakes in those experiments upon ships as well as upon fortifications. He looked upon the national defences of the country as being best supplied by highly-trained seamen and soldiers. We could not have too many of them. Now the noble Lord ought to consider in what way those experiments of iron-cased ships were to be tested. He knew that France was building ships of that description; but that was not a reason why we should embark in any blind system merely for the purpose of coping with France. He wanted to know the number of those iron-cased ships that had been or were to be built, how many steam vessels, and whether there were to be any gun-boats in addition?

Sir MORTON PETO said, it was the opinion of scientific men that the new inventions in gunnery would alter the whole system of ship-building. He wished to impress on the Government the importance of keeping in view those improvements, in order to guard against not only a useless expenditure of the public money, but also the sacrifice of their seamen's lives by the sinking of a vessel in consequence of a shot through her timbers.

Mr. FREELAND inquired, whether at those ports at which the fleet might be expected to rendezvous, such as Milford, Plymouth, Portsmouth, and Sheerness, arrangements had been made for improving our coal depôts, and for getting the coal on board, in case of an emergency, with the least possible delay? He understood that at Portland great efforts had been made to effect these objects. He had, however, been informed that what had been done at Portland must still be regarded as an experiment—that it was still a question whether it was best and most economical that the great ships should go to the coal, or that the coal should be brought to the great ships. He wished to know whether the subject was engaging the attention of the Government? No doubt the question of expense was a serious matter; but it was rumoured that large sums were about to be spent on fortifications, some of which were said to be of questionable value. In the event of war our wooden walls would have to bear the brunt of battle before our stone walls could be required for defence, and he would respectfully submit it to the consideration of the Government whether a portion of the sum to be expended on fortifications might not be advantageously applied to the improvement of our means of getting coals shipped, in case of emergency, with the least possible delay.

Lord CLARENCE PAGET, in reply to the suggestion of the hon. and gallant Admiral (Sir C. Napier) with regard to the putting coals on board men-of-war, said that they had not made any great progress with regard to the mechanical contrivances for the hoisting of coal on board our ships. Our men of war, however, had naturally a large crew on board, and it was marvellous the amount of coals they were capable of conveying into the ship within a very short space of time. They had at Woolwich a very clever machine, which lifted the coal by steam power, and dropped it into the ship. There was one also on board a coal depôt at Portland. With respect to the anchors and chains, it was quite true that the Admiralty had but one manufacturer, the firm of Brown and Lennox; but the reason was that the prices which that firm charged for anchors were lower than those of other manufacturers who had offered their anchors for sale to the Admiralty. The others he would refer to were Mr. Rogers, Mr. Porter, and Mr. Trotman. The price charged by Brown and Lennox for an anchor suitable for a 90-gun ship was £2 16*s.* 6*d.* per cwt., whereas Mr. Rogers charged £2 18*s.*, and Mr. Porter £3 5*s.* Anchors of a smaller class were sold by Messrs. Brown and Lennox at £2 3*s.*, and by Mr. Rogers at £2 4*s.*, while Mr. Porter charged £2 8*s.*, and Mr. Trotman £2 10*s.* This showed that the anchors which were purchased of Brown and Lennox were of the cheapest quality. He did not mean to say, however, that it would be unadvisable to consider the propriety of opening this contract. The hon. Member for Sunderland, however, when he said the other night that, taking the average of four different classes of anchors, the Admiralty were paying 180*s.* per cwt., made a great mistake. He added the prices of the four different classes together, in order to take the average, but he forgot to divide the amount again by four, so that he made the result four times as great as it really was. The real average, instead of being 180*s.*, was 45*s.*, which made rather an important difference. With regard to the question that was put by his hon. Friend opposite (Sir W. Jolliffe), who asked what was the cost of these enormous ships that were being built, there were four iron-cased ships that would cost £734,325, and their engines would cost £210,075; making a total of £944,400, merely for the hull and machinery of the four vessels. Then there were 6 sloops of 200 horse power, which would cost £88,574, and their engines £60,000. There were 12 gun-vessels of 80 horse power, which would cost £119,255 for the hulls, and £48,960 for the machinery; and there were 10 gun-boats of 60 horse power each, costing £62,383, and their engines £32,235; making a total of 6 ships, 12 gun-vessels, and 10 gun-boats, costing £271,000, and £141,000 for their engines and machinery; and the grand total of the vessels building by contract, including their engines, but exclusive of fitments, was a cost of £1,355,875. His hon. Friend behind him (Mr. Ridley) asked what wooden vessels they were building? There were 11 line-of-battle ships, 5 corvettes, 15 sloops, and 23 gun-vessels and gun-boats.

Sir JAMES ELPHINSTONE said, the evidence produced before the Select Committee over which he had lately presided showed that as far as anchors and cables were concerned, the Royal Navy was admirably served. He wished to know whether it was proposed that the navy should be supplied with apparatus for the consumption of smoke. He believed that machinery for the perfect attainment of that object could now be obtained.

Mr. LINDSAY said, he had the same objection to this Vote that he had to some of the others, namely, that they did not get full value for their money. They paid for their anchors 94*s.* per cwt., and he believed that was 100 per cent more than they could get anchors and cables of equal quality for. Until he called the attention of the House two years ago to the subject, he believed the Admiralty were under the impression that there were only two firms in England who could construct steam-engines for ships; but now there were a dozen firms tendering, and he believed that the same result would follow if they wanted the leading firms to tender for the supply of anchors and cables.

Lord LOVAINE asked, whether it was intended to introduce into the navy the use of super-heated steam?

Mr. H. A. BRUCE asked what course was taken with regard to the tenders for coals. It was well known that from the same pit, coals of various qualities were obtained, and the great steam-packet companies had agents to see that they got the coal from the vein they wanted it from. Government ought to adopt the same course. He did not think, however, that public tender was the best mode of obtaining coal. It was perfectly notorious that the best coal was not supplied to Her Majesty's navy.

Mr. CORRY agreed with his right hon. Friend the Member for Oxfordshire (Mr. Henley) that 60,000 loads of timber were not a sufficient establishment for the dockyards. Although it was true, as stated by the Secretary to the Admiralty, that foreign timber did not require seasoning to the same degree as English timber, yet, as our supply from abroad might be interrupted at any time, care ought to be taken to have a large stock always on hand.

Mr. BENTINCK said, that a great discrepancy existed between the statement he had made on a former occasion with regard to the price of anchors and the answer of the noble Lord the Secretary of the Admiralty. He understood the noble Lord to say that the prices under the Admiralty contract were lower than those offered by other parties. In 1841 the prices of anchors offered to be supplied to the Admiralty appeared from a list he had in his hand to be 20*s.* per cwt., while the price of the Admiralty contract was 44*s.* per cwt., or rather more than double.

Lord CLARENCE PAGET said, the case was so in 1841, but since then the contract prices had been greatly reduced. Three frigates were now being fitted with engines with an apparatus for superheating steam. An engineer had recently been appointed to inspect every cargo of coal put on board a ship, and ascertain that the coal was of the denomination specified in the contract, was properly screened, and was free from dust. He made a weekly report, and since his appointment there had been no complaints of the coal supplied to the fleet. The Admiralty were willing to adopt any economical plan for consuming smoke, and at the present moment several vessels were fitted with various descriptions of smoke-consuming apparatus.

Admiral WALCOTT observed that about £400,000 was to be expended on coal in the ensuing year. He thought that stringent orders should be given that ships should not use steam except when compelled to do so; for, besides the economy, it would be of great advantage both to officers and men to have a little more practice under canvass.

Sir JOHN PAKINGTON wished for some further information with respect to the four iron steam-vessels ordered by the Admiralty. The first of these vessels was ordered by the late Government, and he understood the second was to be of the same class, size, and character. He had been informed, however, that the two others were to be different in size and character, and he wished to know what would be their tonnage and the strength of their iron coating. He should also be glad to hear when these vessels would be finished.

Lord CLARENCE PAGET said that he should be glad to see at the Admiralty any firms prepared to make proposals with respect to anchors and chains. With respect to the iron-cased ships the one ordered by the right hon. Baronet ought to have been launched by this time; but some delay had occurred in consequence of the novel construction of the stern-post, the one which was first put in not proving strong enough. He believed that she would be launched in the beginning of July. With regard to the others, he was not prepared to say when they would be ready, but all of them were contracted for. The tonnage of the *Warrior* and the *Black Prince* was 6,035 tons each; and of the *Resistance* and the *Defence* 3,668 tons each. The *Warrior* and the *Black Prince* would carry thirty-six guns, and the two smaller ones, the *Resistance* and the *Defence*, would carry sixteen guns. Their scantling was the same, and there was the same thickness in the iron plates.

Sir JAMES ELPHINSTONE complained that the engineers in the navy set their faces against smoke-consuming apparatus, and hence inventors did not get fair play.

Vote *agreed to.*

The House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

SIR JOHN BARNARD'S ACT, &c., REPEAL BILL.

SECOND READING.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER moved the second reading of this Bill.

Motion made, and Question proposed—"That the Bill be now read a second time."

Mr. BENTINCK objected to proceeding with the measure at so late an hour (twenty-five minutes past twelve o'clock), and moved that the debate be adjourned.

The CHANCELLOR of the EXCHEQUER thought that if they were to make any progress at all in business there was no reason why they should not now proceed with Sir John Barnard's Act Repeal Bill. The question involved had been debated twice before, and he must persist in going on with the measure.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 67; Noes 156: Majority 89.

Question again proposed, "That the Bill be now read a second time."

Mr. BOVILL said, that three totally different explanations of the object of that measure had been given by the Chancellor of the Exchequer, the Secretary to the Treasury, and the Solicitor General respectively. The principle of the Bill was an important one—namely, whether gambling of the worst description should be sanctioned by the Legislature, and as it was impossible that it could be duly discussed at that late hour he should move that the House do now adjourn.

The SOLICITOR GENERAL said, he hoped the hon. and learned Gentleman would not persevere in his Motion, after the unmistakeable proof they had just had of the sense of the House on the subject. The importance of this Bill had been greatly exaggerated. The Act was only suggestive of *qui-tam* actions and bills in Chancery. It had been stated, and the statement remained uncontradicted, that the Gambling and Wagering Act provided an efficient guard against gambling and wagering, so far as by law the prevention could be effected. Therefore, in repealing this Act, they would only place the British funds on the same footing as every other kind of property. It was absurd to enact that it should not be lawful to contract for the sale of property not in the possession of the person contracting to sell it. Was a merchant not to contract on the 1st of January to deliver to another on the 1st of February, cotton, or indigo, or wool, or sugar, unless it was in his possession at the time of the contract? It was lawful to do so at present with regard to all property excepting the British funds. Lord Tenterden once laid it down that such a contract was void in law to whatever kind of property it related. That decision was speedily reversed, and the observation was made from the Bench that if such a rule were adopted it would be fatal to half the commerce of London. Why did not the learned Gentleman propose to extend the Act to every other kind of executory bargain? Either the Act ought to be repealed or it ought to be extended. He trusted that the House would proceed to business, and pass its judgment on the matter instead of interposing these delays.

Motion made and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 60; Noes 153: Majority, 93.

Question again proposed, "That the Bill be now read a second time."

An HON. MEMBER moved that the debate be adjourned.

SIR JOHN TRELAWNY remarked, that whatever the House might think, the public would say the object of these Motions was to get rid of the third reading of the Church Rate Bill which stood lower on the paper. The House had passed judgment on the measure, and the sooner the Bill was in the other House the better.

MR. ADDERLEY rose to order. The hon. Baronet was not entitled upon the Motion for Adjournment to speak upon a Bill which was not the subject of the Motion.

MR. SPEAKER said, the hon. Baronet was not out of order.

SIR JOHN TRELAWNY: The debate on Sir John Barnard's Act was made the means of attacking the Church Rate Bill. There must be other divisions; but let it be clearly understood that they were church rate divisions.

MR. COLLINS protested against the assertion that the divisions were on the church-rate question. He had voted twice, and both times on Sir John Barnard's Act. It was too late to go on with the discussion at one o'clock in the morning.

MR. BOVILL said, that in making the Motion for adjournment the subject of church rates had never entered into his mind, but he moved it in order that the principle of the Bill of Sir John Barnard might be fully and fairly discussed. The Solicitor General had expounded a principle totally different from that of the Secretary of the Treasury, who told them it was intended by the Bill to legalize transactions in time bargains, which were really gambling transactions, which was a statement entirely different from that made by the Solicitor General.

MR. JOHN LOCKE thought the hon. Gentleman the Chancellor of the Exchequer might make his speech in a few minutes, and the House might dispose of the Bill that evening.

MR. MALINS said, he should be sorry to be misunderstood to be in favour of Sir John Barnard's Act because he had voted in the minority upon the last division. He so voted because he thought that those who objected to it were entitled to express their opinions upon it, and it had been an understood rule that no opposed business should be taken after twelve o'clock.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Gentleman was wrong as to the rule he supposed to prevail, for if no opposed business were taken after twelve o'clock the Government would not be able to proceed with their measures. The hon. Baronet the Member for Tavistock was perfectly willing to go on with the Church Rate Bill at this hour. He denied that the clear and lucid statement of the Solicitor General was at all in contradiction with that given by the Secretary to the Treasury. A zealous minority might induce a prudent majority to think that the best course was to give way and go home, but the public took its own notice of such proceedings. After the determination that had been exhibited, however, he should, for the comfort of the House, give way, and would not now proceed with the Bill, but he must deny that it was at all a measure for the encouragement of gambling. It was one simply to legalize transactions on the Stock Exchange, which had long been virtually legal.

SIR FITZROY KELLY considered that those who had a conscientious objection to the Bill had not been fairly dealt with. The effect of the Bill would be to legalize a system of gambling against law and morality, and the matter ought to be fully considered before Sir John Barnard's Act was repealed. The assimilation to an executory contract for goods was quite inconsistent, and wanting in analogy.

Debate *adjourned* till *To-morrow.*

CHURCH RATES ABOLITION BILL.

THIRD READING.

Order for Third Reading read.

SIR JOHN TRELAWNY moved the third reading of the Church Rates Abolition Bill.

Motion made, and Question proposed, "That the Bill be now read the third time."

LORD JOHN MANNERS said, he could not believe that the hon. Baronet was serious in proposing to take that stage of the Bill at so late an hour. There was no wish to offer anything like a factious opposition to it, but it could not be expected that so important a Bill could be read a third time without discussion at half-past 1 o'clock. He moved that the debate be adjourned.

Sir JOHN TRELAWNY said, he could not consent to postponing the Question to that day three months, which would practically be the case. He resisted the adjournment unless the Government would give him a morning sitting.

Mr. BENTINCK could not conceive how the right hon. Gentleman connected Sir J. Barnard's Act with any opposition to the Church Rates Bill. He took the course he had adopted because he thought the proposal an immoral one.

Viscount PALMERSTON suggested whether there would be any objection to taking the debate on Tuesday morning.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 76; Noes 131: Majority 55.

Question again proposed "That the Bill be now read the third time."

Mr. LYGON then moved the adjournment of the House.

Motion made, and Question put, "That this House do now adjourn."

The House *divided:*—Ayes 73; Noes 124: Majority 51.

Question again proposed, "That the Bill be now read a third time."

Mr. SOTHERON ESTCOURT suggested that the third reading of the Bill should be adjourned to Friday week, which was the first open day.

Sir JOHN TRELAWNY announced that he would follow his original intention of proceeding with the Bill on the first available opportunity, and he would therefore put down the third reading for to-morrow evening.

Motion made, and Question proposed,—"That the Debate be adjourned till Friday next, at Twelve of the Clock."

Motion, by leave, *withdrawn.*

Debate *adjourned* till *To-morrow.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, April 20, 1860.

Minutes.] Public Bills.—3ª Marriages (Extra-Parochial Places.)

ANNEXATION OF SAVOY WITH FRANCE.

OFFICIAL CORRESPONDENCE.

MOTION POSTPONED.

The Marquess of NORMANBY said, that in reference to his Motion which stood for that evening on the subject of the recent Correspondence between Earl Cowley and the Foreign Secretary respecting the annexation of Savoy, and the subject of Official and Private Correspondence, he had been placed in a situation of embarrassment by a communication which had been made to him by his noble Friend (Earl Granville). It was impossible that he could resist the appeal which had been made to him to postpone his Motion, but he must at the same time throw himself on the kind disposition of his noble Friend, and also on the indulgence of the House, in fixing another day on which he might be enabled to bring forward the Motion of which he had given notice. The appeal made to him was founded on the fact that Her Majesty's Ambassador at Paris, intending to come over to assist at the discussion, was detained at Calais, owing to the state of the weather, which prevented the mail packet putting to sea. It appeared that Lord Cowley regarded the notice as an intended censure; he (the Marquess of Normanby) had therefore announced to him that such was very far from his intention and from the scope of his Motion, and, unless it were perfectly convenient for him, he need not be present. However, the noble Earl was now at Calais. Monday, which had been named by his noble Friend, would be very satisfactory to him, if that could be fixed for the discussion, but he found so many Motions fixed for that day that he should be glad to know what disposition there was in the House to facilitate that arrangement.

Earl GRANVILLE observed that the following telegram had just been received from his noble Friend Earl Cowley, dated Dover 4·30:—

> "Does Lord Normanby persist in his Motion for to-night? I am only this moment arrived, and as I have not yet taken my seat it is impossible for me to be in the House to-night. If Lord Normanby persists, pray say to the House that I wished to be present and have come over on purpose."

As his noble Friend had not yet taken his seat it would be more convenient to postpone the matter till Monday.

The Marquess of NORMANBY inquired if his noble Friend the Marquess of Clanricarde, who had a notice on the paper for Monday, would give way.

The Marquess of CLANRICARDE said, that the Motion of which he had given notice for Monday, appeared to him to be of far more importance than that of his noble Friend. It was on the subject of India; and the people of India complained of too little notice being taken of their affairs in Parliament, and the question to which he was to call attention was very important. If the object of the noble Marquess was to pass a vote of censure and charge the Government of course he would give way; but the abstract Resolution of which the noble Marquess had given notice was one which might as well be discussed that day month. He asked if it could not be brought on after his Motion had been disposed of?

THE MARQUESS OF NORMANBY said, that his Motion, though not intended as a vote of censure either upon the Government or upon Her Majesty's Ambassador at Paris, was most important, as affecting the conduct of our diplomatic relations, and he thought he should be able to show that if the recognized principles which should regulate such relations had been observed on the occasion referred to, matters would not have been in the present predicament. He had no objection to proceed with the discussion that evening, if their Lordships were of opinion that that was the best course to pursue; but he was not prepared to consent to the proposition of the noble Marquess opposite that his Motion should come on at the close of a long debate upon India.

EARL GRANVILLE said, it would be extremely inconvenient to Lord Cowley, and in some measure injurious to the public service, that the Motion should be postponed beyond Monday next; and under those circumstances he hoped that the noble Marquess near him (the Marquess of Clanricarde) would postpone the Motion which stood in his name for that day.

THE MARQUESS OF CLANRICARDE said, he should not object to act upon the suggestion of his noble Friend, inasmuch as it was based upon the ground of convenience to the public service.

THE MARQUESS OF NORMANBY said, that another difficulty had arisen in reference to the debate to take place on Monday next. He had found from his noble and learned Friend (Lord St. Leonards) that the Divorce Bill was fixed for Committee on Monday evening, and that it was his intention that it should be brought on. The subject of the Divorce Court would therefore take precedence unless his noble and learned Friend on the woolsack would consent to its postponement.

THE LORD CHANCELLOR said, that so far as he was concerned, he should be most willing to postpone the Committee on the Divorce Bill till a later hour of the evening in order that the noble Marquess might have precedence; but he must for the credit of the House protest against its being supposed that they could not entertain more than one subject on any evening. He must refuse to enter into any arrangement of that sort.

LORD ST. LEONARDS then said the Divorce Bill must keep its place in the paper.

THE MARQUESS OF NORMANBY said, he must again appeal to his noble and learned Friend on the woolsack to postpone the Divorce Bill to another evening. It would be very inconvenient to many noble Lords if a discussion on another subject should precede the one of which he had given notice.

THE LORD CHANCELLOR said, he would repeat that, so far as he was concerned, he was willing to postpone the Bill to a later hour of the evening, and he could do no more than that.

THE MARQUESS OF NORMANBY then fixed his Motion for Monday.

GENERAL DECAVERO.

EXPLANATION.

THE MARQUESS OF NORMANBY said, he wished for a moment to call the attention of the House to a personal explanation which he had to make in reference to a letter which he had only yesterday received from General Decavero, who lately held the office of Minister for War in Tuscany, in answer to a communication which he had addressed to the gallant General six weeks ago. In that communication he had stated to General Decavero that great complaints had been made with respect to his conduct as War Minister, in several letters which had reached him (the Marquess of Normanby) from correspondents in Florence in whose statements he placed the utmost reliance; remarking at the same time that, if the General would send him every authentic information showing that he had no knowledge of the irregularities of which complaint was made, and which were said to have taken place during the last autumn, he would take the earliest opportunity of offering an explanation on the subject in public. Now, in the letter which he had received from General Decavero a most distinct disclaimer of the charges which had been advanced against him was contained; while a further statement, it appeared, was made, on the authority of the present Minister for War, to the effect that the contracts for the Commissariat did not come under the direct control of the person who occupied the position which he filled. He, under these circumstances, felt bound, while declining in the present agitated circumstances of their country to give up the names of his correspondents, to express the regret which he felt at having stated anything which could have caused pain to General Decavero, and to say that he most frankly accepted his distinct disclaimer of the truth of the reports to which he alluded. In justification of his correspondents, however, he must add that their statement as to the dilapidated condition into which the finances of Tuscany had fallen was based not upon their own authority, but rested on the official report of the Minister of Finance. It could be shown by the Acts of the Finance Deparment to what an awful extent the Tuscan finances had been burdened by unprofitable expenditure. The expenditure of the War department alone had been 17,000,000 Tuscan lire—more than half of the entire revenue under the Grand Duke.

House adjourned at Six o'clock, to Monday next, Eleven o'clock.

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HOUSE OF COMMONS,

Friday, April 20, 1860.

Minutes.] Public Bills.—1° Newspapers, Conveyance, &c.

GREENWICH HOSPITAL.

QUESTION.

Mr. JOHN LOCKE said, he would beg to ask the Secretary to the Admiralty when it is likely the Report of the Royal Commissioners on the management of Greenwich Hospital will be laid upon the Table?

Lord CLARENCE PAGET said, he was informed by his hon. Friend, the Vice-President of the Board of Trade, that the Report would be ready to be laid before the Admiralty in about a week, and he hoped that within a day or two after it would be laid upon the Table.

Moved, That the House at its rising do adjourn till Monday next.

CHURCH RATES BILL.—QUESTION.

Mr. SOTHERON ESTCOURT said, he wished to ask the hon. Baronet the Member for Tavistock whether he intended to proceed with the Church Rates Bill that evening; and if not—as he could hardly suppose that he would—whether he would fix a day which the House generally might recognise as a proper one on which to take the discussion upon the third reading of that Measure?

Sir JOHN TRELAWNY replied that, as at present advised he was disposed to take his chance that evening; but that if there was a general wish that he should postpone the third reading of the Church Rates Bill, and if he could arrange with the Government that it should come on upon a particular day, he should not object to take that course.

Mr. DISRAELI: Sir, I was not in the House when this question was brought forward last night; but I can assure the hon. Baronet that, so far as I am concerned —and I know I speak the opinions of many hon. Gentlemen on this side—there is not the slightest wish on their part to offer any impediment to the fair discussion of the important question in which he is interested. But a full and fair discussion we certainly have a right to ask. And, while I should be very happy myself to assist in any way to bring about a fair discussion, I protest against any hon. Member, entrusted with the conduct of so important a Measure, attempting to force it upon the consideration of the House at an hour when it is utterly impossible that anything like such a discussion could take place. If the hon. Baronet, who has always been a very fair opponent, will take into consideration the circumstances under which this question is now brought before the House, he will see that they are very different from those under which it formerly engaged its attention. No one on either side of the House will deny, all hon. Members will agree, that there has been a great exhibition of public feeling on both sides of the question. We have had before us nearly 10,000 petitions, with nearly a million of signatures; and I am sure that there is no one on either side of the House who would not speak with due and proper respect of such a demonstration of public feeling. Is it unreasonable, therefore, that under such circumstances we, who are opposed to the policy recommended by the hon. Baronet, should require that the third reading of such a Measure should be submitted to the House at a time when a full and fair discussion of its principles and objects could take place, and when the feeling which is exhibited out of doors could be adequately represented in the House? I therefore trust that the hon. Baronet will not resume a course which would be looked upon as very vexatious, by attempting at too late a hour of the night to introduce such a question. At the same time I distinctly say that if any arrangement can be made by which the question may be brought forward on Friday, by an understanding with hon. Gentlemen who have notices of Motion for that evening, I shall be in favour of it. There is another consideration which we have a right to look for, namely, that a fair, not an unreasonable, notice shall be given to the House generally of the day on which the third reading will take place. If by any understanding we can arrive at some satisfactory conclusion on that head, I shall myself be very glad. The more the question is discussed, the more public attention is fixed upon it, so much the better for the cause I wish to uphold. We have a right, therefore, to assume that the third reading will not be moved at too late an hour of the night, and that it will not be brought forward without reasonable notice.

Mr. CONINGHAM said, he also would appeal to the hon. Baronet not to bring forward the question at a late hour of the night.

Mr. SOTHERON ESTCOURT said, that on the previous night he had taken the liberty of suggesting to the hon. Baronet that he would do well to take next Friday, but the hon. Baronet objected, on the ground that there would be so many notices of Motion that the question might again be put off until a late hour. There was, however, a mode by which that difficulty could be overcome—namely, that the House should resolve, that the third reading, being an order of the day, should have precedence of the notices of Motion on Friday next. He thought, under the circumstances, the hon. Baronet had a right to expect that the House would concede so much.

Sir JOHN TRELAWNY said, he was willing to adopt the suggestion, and gave notice accordingly that he would move that the third reading be taken before the notices of Motion on Friday next.

Mr. Disraeli

IMPRISONMENT OF CHILDREN.

OBSERVATIONS.

Mr. T. J. MILLER said, he rose to call the attention of the right hon. Gentleman the Secretary of State for the Home Department to the operation of the Police Act, in reference to the imprisonment of young children for playing at games in the streets. By the provisions of the Act to which he alluded, it was enacted that all persons found playing in the streets should be sent to prison for not exceeding one month, unless they could pay a fine of not exceeding 40*s*. The House would be surprised to hear that under that Act, no fewer than forty-four children were sent to prison in the metropolis last year, and since the commencement of this year twenty-five had been sent to prison. He would mention particularly two or three of these cases. George Dunn, aged twelve years, was sent to gaol for five days for playing at a game called "rounders" in which the boys stood in a ring and knocked a ball from one to another. When the policeman saw them, he was bound by the Act to take them into custody. It generally happened that the smallest child of the number was the person taken and made prisoner, because the others were old enough and their legs were long enough to run away; but the little one, with the shortest legs, was captured. Another case was that of John Evans, aged twelve. He was sent to prison for seven days for playing at "tipcat." That was a game in which a short piece of stick was knocked with another stick, to throw it as far as possible. Cases of imprisonment for these offences occurred very frequently, and the prisons were really crowded with them. In almost every one of these cases the children had been guilty of no other offence than that of playing at these games; and although they might be good and honest children when they were sent to prison, they were almost sure to come out more or less contaminated by the society with which they had mixed. The right hon. Gentleman the Home Secretary might ask him to point out a remedy for this, but it would be presumptuous in him (Mr. Miller) to point out the remedy when the right hon. Gentleman himself, with all the appliances of his office, was so well able to provide against the evil. He would rather rely on the well-known humanity and intelligence of the right hon. Gentleman himself. He believed that the necessity for imprisoning children for playing games in the street was not found to exist in any other county except Middlesex, and even in Middlesex children were never imprisoned from certain quarters of the metropolis, while multitudes of the children of other quarters were sent to prison. He had ascertained from the mayor of Manchester that to the honour of that populous city, that although since 1844 it had possessed an Act giving the police magistrates of that city the same powers as were given to those of London and Middlesex, they had never found it necessary in any one case to carry these powers into effect. Nevertheless the city had a population of 400,000 or 500,000 persons, and a vast number of poor, whose children played in the streets; but if any annoyance existed, a remedy was found for it without converting honest children into thieves. He believed the games for which these children were sent to prison had been invented since the Police Act was passed; at any rate, the Act never contemplated sending children to prison for playing those games. He would impress on the right hon. Gentleman and on the House the ruinous effects, both on society and on the children themselves, of sending them to prison for such a trivial cause. It created criminals, and inverted the intention of punishment. Instead of deterring from crime, it broke the heart of the child and stamped him as a criminal for life. He was locked up and became the associate of felons, and never got rid of the stain which was thus cast upon him. In this way the prospects of the child and of the man were ruined, and society was yearly supplied with a large number of criminals. The facts which he had stated were such as he could verify, and he hoped the right hon. Gentleman the Home Secretary would receive them in a fair spirit, and find some remedy for this disgrace to our criminal code.

SIR JOHN PAKINGTON said, he wished to say a few words in support of the remonstrances of his hon. Friend behind (Mr. Miller). He really thought there must have been some mistake as to the meaning of those provisions of the Metropolitan Police Act. There was no question upon which public opinion had been more completely agreed for the last few years than upon the impropriety of exposing children to the contaminations of a prison. This was held to be upon every ground most undesirable, and it was absolutely shocking that young children should be sent to prison and exposed to all this danger because they had carried on their little sports in the street, they having unhappily, no other place, in all probability, to resort to for the purpose. Some mode might surely be devised of checking any improper indulgence of this kind, without sending the children to prison, and he wished the right hon. Gentleman would consider the subject.

MR. SLANEY suggested that it would be a great public benefit if places were provided in large towns in which children could amuse themselves. It would conduce equally to their health, their comfort, and their morals. If the Government would set such a movement on foot he was sure that private benevolence would assist in carrying it out. He thought an impartial Committee should be appointed to consider the subject.

SMITHFIELD MARKET.

QUESTION.

MR. HANBURY said, he would beg to ask the Secretary of State for the Home Department, Whether the consent of the Government is likely to be given to any proposition of the Corporation of the City of London to build over the site of Smithfield Market, whether for a Dead-Meat Market or for any other purpose? In 1856 a Committee was appointed to ascertain what would be the best appropriation for the general advantage of the metropolis of so much of the site as reverted to the Crown, and the opinion of that Committee was that the existing site of Smithfield should be kept free from buildings.

ROMAN CATHOLIC CHARITIES.

QUESTION.

MR. NEWDEGATE said, he was anxious to put a question to the Home Secretary respecting Roman Catholic charities. There was a Bill before the House having reference to them, and at the conclusion of the last Session the House decided that the present Act, which limited them to the jurisdiction of the Charity Commissioners should cease on the 1st of July. As time was running on perhaps the right hon. Gentleman would then, or at some other time convenient to him, inform the House what course the Government intended to recommend with respect to the subject.

PRIZE FIGHTING.—QUESTION.

MR. W. EWART said, that he felt he owed the right hon. Gentleman an apology for troubling him with a legal question, but he would beg leave to ask the Secretary of State for the Home Department, whether the Government could not adopt some means by legislation, if the existing law did not suffice, for preventing the recurrence of such scenes as the one which had lately taken place for determining the "Championship of England"? He wished to know from the Home Secretary how far the parties promoting such contests were amenable to the law as abettors and accessories before the fact. He believed that there was a lingering notion in the minds of many persons that the continuation of these "prize-fights" was favourable to the manliness of the English character. That there was any truth in such a notion he distinctly denied. In 1800, Mr. Windham opposed a Bill to abolish bull-baiting, stating that the abolition of such sports would be "destructive to the English character," and went so far as to affirm that sports like those were "favourable to the continuance of the connection between Church and State." There was no fear of such an argument in favour of such cruelty being brought forward in the present time; but he should like to know, now that many barbarous sports had been abolished, whether the manliness of the English character had suffered deterioration, or whether, on the contrary, the British soldiers had not shown more bravery than ever in their recent campaigns in the Crimea or in India. He acknowledged that the public took a deep interest in these matters, and he was ready to admit that no person could attend the prize fighting meetings or read the account of them without feeling a certain amount of interest in them. So they might even in a Spanish bull-fight. If by any magic power we could revive the scenes of ancient Rome, and be transported into the Colisseum to witness the encounters of the gladiators, it would be impossible, however much persons might be opposed to them, not to feel a deep interest in them. But this was no evidence that our judgment or our conscience approved of them. He objected to the late contest being regarded as an international contest. Such encounters could do no good to either country. If we were to have an importation of pugilists, he hoped the Chancellor of the Exchequer would put the highest duty possible upon the imported article. He was grateful to the right hon. Gentleman the Home Secretary, and to the police, who seemed to have exerted themselves to the utmost to prevent the recent encounter, and he hoped that in future they would be more successful. He would also express his regret at hearing that one of the railway companies had given great facilities to the parties engaged in the violation of the public peace. He thought their conduct deserving of grave censure, the more so as on a previous occasion they had done the same in defiance of the orders of the Home Office, and the solicitations of the magistrates.

MR. VINCENT SCULLY said, the various topics which had been already introduced into this evening's discussion, in which they had gone from boys' games in the streets up to prize-fighting—"from pitch-and-toss to manslaughter"—was an apt illustration of the variety of subjects that might be discussed in that Assembly, upon the Friday's Motion for an adjournment until Monday. He thought it was disgraceful that two human beings should be allowed, in open day, for two hours and a half, to pommel each other in one of the most civilized counties in England, without the interference of any magistrate. It could not be said by the Home Secretary that it was impossible to prevent so gross a public outrage, and the absence of a magistrate afforded no excuse. Now, if such a fight had occurred in his own country [*Laughter*], he repeated if such a brutal business had occurred in Ireland, there would have been an outcry against the Irish as a nation of savages. Much milder offences against public propriety in Ireland had given rise to much more severe language. If unpaid magistrates would not interfere to put down these disgraceful scenes, why not imitate the Irish law, by the appointment in every county of resident stipendiary magistrates, whose duty it should be to do so? It was idle to say that the scene of the fight could not be ascertained beforehand. Was there a single Member of this House who, at 2 o'clock on Tuesday morning, could not have gone there if he had chosen? He was not in the way of such things at all; but he was sure that he could have gone, and he might have figured there with impunity, because if the newspapers had even inserted his name as being present not one of his constituents would have believed them. [*Laughter.*] There was a time when a speech against duelling would have been received in that House with shouts of even greater derision than had greeted his present remarks; but the time would assuredly come when prize-fighting would sink into equal disfavour with duelling. He did not wish to attack the English character in making these observations. Indeed, he had heard that both these gentlemen—what were their names? [*Cries of* "Sayers," "the Benicia Boy"]—that Sayers and the Benicia Boy were both Irishmen, and that Morrissey, who beat the Benicia Boy in America, was also an Irishman. All he could say was that these persons were a disgrace to their country. He thought that such exhibitions were as bad as the gladiatorial displays in old Rome, and it was due to the civilization of England that they should be put a stop to. He trusted that the Home Secretary would endeavour to have this subject treated in a more serious mood.

Sir GEORGE LEWIS: I will first answer the question put respecting the commitment of boys for playing in the streets of London. I understood the hon. Gentleman (Mr. T. Miller) to exclude from his remarks all games of chance; but the number of commitments under the Vagrant Act for playing in the streets at games of that description is considerable, and among the persons so committed there are many boys and young persons. To that class of offenders the hon. Gentleman does not address his remarks. As to the other class convicted under the Police Act, there seems to be no complaint of the commission of any illegality by the authorities. It is not imputed to the police that they have exceeded their powers, or to the magistrates that they have committed boys for acts which do not come within the scope of the statute. Nor does the question seem to point to any alteration in the law; it is merely one affecting the discretion of the persons who administer the law. Now, I have communicated with the Chief Commissioner of the Metropolitan Police on the subject, and he states that there has been no increase in the strictness with which the law on this subject has been of late years administered. On the contrary, his instructions have been to administer it with great lenity. But in the crowded streets of London great inconvenience often arises from these games, which may be the means of inflicting serious injury on persons passing along the streets, and often frighten horses, with very serious consequences both to life and property. For the convenience and safety of passengers, therefore, it is absolutely necessary that the law should not be allowed to lie perfectly dormant. There must be some exercise of power on the part of the police, and some punishment must in such cases be inflicted by the magistrates, when the boys are brought before them. It is impossible to send children for a long period to a reformatory, and the only punishment possible, therefore, is a short period of imprisonment. My own feeling is, that the best mode of dealing with those cases would be by the infliction of a slight corporal punishment upon the boys who are charged with this offence; but I do not know whether the law would warrant that punishment. I will make inquiry into the number of cases; but the information which I have received, makes me believe that there has been no undue severity in the application of the law.

The hon. Member for Dumfries (Mr. W. Ewart) has made a speech condemning the practice of prize-fighting, and travelling over a wide range of topics, but he ends by simply asking me what is the law upon the subject. An hon. Gentleman (Mr. V. Scully), following him, has expatiated still more widely on the subject, and has expressed his opinion that it is utterly impossible that any event of this sort could have occurred in that part of the kingdom with which he is more immediately connected. He certainly adverted, in passing, to the slight accident that both the combatants on this occasion were Irishmen. However, without narrowing the question in that manner, I would take leave to call his attention to the fact that those who deliberately defend the practice of prize-fighting, do so, I apprehend, on this ground:—They say that it affords a model of fair fighting between two persons who engage in a pugilistic encounter; that it lays down certain rules which may be observed by all who fight in a less regular manner; that in the fights arising out of quarrels, which must be frequent in every community, the rules laid down by the professional members of the ring are looked to for guidance; that in that way you avoid the casualties which are inflicted where similar rules are not observed; and that an inducement is thus afforded for the adoption of a mode of fighting much better than the bowie knife, the stiletto, or, even, let me add, the shillelagh, the use of which, I understand, is not very uncommon in Ireland. There certainly did occur in former years, and perhaps do now sometimes occur, encounters at Irish fairs, which the hon. Gentleman must admit are somewhat more dangerous to the public peace than encounters such as we are now considering. Having merely adverted to what fell from the hon. Gentleman, I will now answer the question of my hon. Friend behind me as to what is the state of the law. I do not find there is the slightest doubt that a fight of this nature is an illegal act. It is clearly a breach of the peace. An assemblage of persons to aid and abet such a breach of the peace is an unlawful assemblage, and any person present and taking part in it may undoubtedly be indicted for a misdemeanour. It has not been the habit of the Government of this country to institute prosecutions in cases of this sort, even at a time when they were much more common than they are now, and therefore more likely to cause inconvenience and confusion. But it is open to the local authorities, when any fight takes place, to institute a prosecution in the ordinary way, and bring the matter before the proper tribunals.

Now, as to the question of the hon. Member for Middlesex (Mr. Hanbury) respecting the site of Smithfield Market, I must say that the matter is not so simple as he seems to think. It is true there was a grant from Charles I. to the City of the site of Smithfield for a market, but it is held by the Government that when the site of Smithfield ceases to be used as a market the ground, according to the terms of the grant, reverts to the Crown. The City does not admit that construction, and questions the right of the Crown to re-enter. The Crown, under those circumstances, could only re-enter after litigation, and the course of which the Government is prepared provisionally to approve is this:—The site of the old market in Smithfield consisted, for the most part, of land that had been granted by the Crown, but also in some part of land which had been purchased by the City, and of which they are unquestionably the owners. The plan provisionally approved by the Government is that the smaller portion of the ground claimed by the Crown, together with that portion of which the City is the undoubted owner, and a third portion to be hereafter purchased by the City, be dedicated to the purposes of a dead-meat market; the chief portion of the ancient site of Smithfield which belongs to the Crown to remain open and dedicated to the general purposes of the public, the other part to be covered with buildings of a moderate height. In order to carry this plan into effect it will be necessary for the City to introduce a private Bill into Parliament, and there will be ample opportunities before the Select Committees of either House for individuals or public or private bodies to raise any question which they may desire to raise.

The hon. Member for Warwickshire (Mr. Newdegate) asks me about a Bill relating to Roman Catholic Charities. A Bill was introduced by the hon. Member for Dundalk (Mr. Bowyer), which was not proceeded with; but I understand that hon. Gentleman is prepared to take a course in which the Government will acquiesce, and will shortly move that the Order be restored, that he may proceed with the Bill in an altered shape.

VISITORS TO THE ARMSTRONG GUN FACTORY.—QUESTION.

Sir DE LACY EVANS said, he rose to ask the Secretary of State for War on what principle it is, that English Officers of high rank have been refused permission to examine the Armstrong Gun Foundry at Woolwich, and at whose instance, or by whom, the Special Order of Admission has been given to certain Foreigners of high rank and distinction? General Officers had been refused admission, while some foreign Princes, with a military suite, had been admitted by virtue of a special order from the Secretary of State.

THE FRAUDULENT SALE OF ARMY EXAMINATION PAPERS.

QUESTION.

Mr. GREGORY said, he rose to put a question to the Secretary for War upon a subject of great importance to many persons. On Saturday last the ordinary examinations for commissions in the army were concluded, and many of the candidates, as he was informed, left town on Saturday evening. On the Monday morning, at 10 o'clock, when the candidates for supplementary examination entered the room, a letter was delivered to the examiner, who upon perusing it said he was informed that the examination paper had been previously placed in the hands of many of the candidates, and therefore he could not proceed further until he took the directions of the Commander-in-Chief. After communicating with his Royal Highness the examiner announced that all previous examinations would be cancelled. Many of the candidates, however, lived at great distance, and would be put to great expense by being compelled to return, on account of no fault of their own, but of an irregularity in a public department. He understood that this was not the first time the examination papers had got into the hands of candidates before the examination. It was notorious that upon the last occasion those papers were on sale at a house not far from that where the examinations took place, at prices varying from £2 to £5. He knew the names of the persons who were instrumental in selling these papers, and thought the term "irregularity" was too mild a term to apply to such a transaction. If it were true that the papers had been obtained, as he had heard, for some time past in that way, a great injustice had been done to some young men, and great injury to the public service, by creating a false standard of efficiency. He wished to know whether the Secretary for War would make a full investigation into the circumstances, and publish the names of the guilty parties, if they could be dealt with in no other way. He therefore wished to ask the Secretary of State for War whether due notice has been given to the Candidates for Military Commissions that the late Examinations are null and void; and, as many of the candidates have left London, and will be compelled to return from distant parts of the country at considerable expense, whether such expenses will be made good to them?

Mr. C. WYNNE said, he would also beg to ask the Secretary of State for War, Whether he is aware that during the recent "examination for direct Commissions for the Army," it was discovered that the Examination Papers had been stolen or surreptitiously obtained from the Office of the Council of Military Education, for the purpose of being sold to Candidates for the said Examination; and whether any steps have been or will be taken for the detection and prosecution of the person or persons by whom they were so stolen or obtained?

BARRACK MASTERS.

QUESTION.

Colonel FRENCH said, he wished to ask the Secretary of State for War, are Barrack Masters Military or Civil Servants; if Civil, are they included in the 4th Section of the Superannuation Act of last year?

Mr. SIDNEY HERBERT: Sir, in answer to the questions put to me I will first of all say, with regard to the admission to the Armstrong gun factory at Woolwich, when I came into office there was no admission except by special order. But I ought to premise by saying there was no secrecy necessary to be observed, and the object of limiting the admission of strangers was not to conceal from the public that which the public already perfectly well knew—namely, how those welded guns were made, but to prevent the incursion of great numbers of persons anxious to see those guns from interrupting the work going on. At one time, when the strictness of these admissions was relaxed, there came complaints from the foundry that the number of persons visiting the works was so great that the works and the workmen were interfered with materially. With respect to the particular instance alluded to by the gallant Gentleman (Sir De Lacy Evans), I will shortly state the circumstances. At that time no man could be admitted without special order. I gave a special order to a person, who, though described as a foreign Prince, was in fact the son-in-law of the Queen of England—I mean Prince Frederick William of Prussia—who had seen all the other works in the public dockyards, and wished to see the Armstrong factory. Accordingly the Prince was admitted, but General Sir Richard Dacres, not having a special order, was not admitted. When I heard of that, I thought it was very improper that an officer holding the position of Sir Richard Dacres, as Commandant of the garrison at Woolwich, should not have the right of admission to the Armstrong factory. The rule that now obtains is this, that Sir Richard Dacres, as Commandant of the garrison, Colonel Bingham, as Deputy-Adjutant General of Artillery at the Horse Guards, and Colonel St. George, Chairman of the Ordnance Commission, should have the power to give orders of admission to inspect the factory to naval and military officers. It is scarcely necessary for me to add that professors of fortifications engaged in giving instruction to officers at Woolwich have always had free access to the factory.

Now, with respect to the question put by my hon. Friend behind me (Mr. Gregory), I confess I could have satisfied him at once if he had put the question to me privately, because certainly I cannot conceive that any hesitation could have existed as to the right of those young gentlemen who had passed their examination and had returned to their homes to have their expenses repaid them if recalled for a second examination. I may as well state the facts of the case as they have come to my knowledge. They are somewhat different from those given by my hon. Friend. General Romilly, the head of the Council of Education, was present when a communication was made by one of the candidates that some of the papers had been surreptitiously obtained by the payment of money or some other means, in order to enable the candidates to get up their answers to the questions that were to be put to them on the following day. The moment that communication was made to General Romilly, he took what I think was a proper and wise course. He instantly, and without waiting for explanations from any one, proclaimed in the hall that all the examinations that had taken place in the hall up to that time were null and void; that the examination papers should be cancelled; and that a new examination should commence on the following morning. On the following day all the candidates were present, with four exceptions. There were only four absent, and one of these sent a medical certificate, so that the inconvenience was not very great. It is not right to say that this irregularity has been general; nor does it appear that it arose in the department conducting the examinations. I believe, so far as I have been able to ascertain, the paper was stolen from the printing-office of Messrs. Eyre and Spottiswoode. The moment the circumstance came to my knowledge I sent to Sir Richard Mayne, authorizing him to offer a reward, and left the matter in his hands. All I can say is that I trust we shall have the means of instituting a prosecution. Whether or not this practice has obtained on previous examinations I cannot say. The hon. Gentleman (Mr. Gregory) says he is aware that it has, and that he is acquainted with the names of persons reported to have been concerned in these transactions. If he will have the goodness to communicate that information to Sir Richard Mayne he will do a great service to the public. Nothing can be more destructive of the confidence which the public have in these examinations than that such practices should prevail; and I can assure the hon. Gentleman that the Government will spare no exertion or expense in order, if possible, to bring the guilty parties to conviction, and to put a stop to this very discreditable and mischievous practice.

With respect to the question of my hon. and gallant Friend the Member for Roscommon (Colonel French), I have to say that barrackmasters are almost invariably military men, or men who have sold out. The situation, however, is not a military one, because civilians can be appointed to it. Barrack-masters, therefore, come under the Superannuation Act, but under the 7th, and not the 4th clause.

SPANISH NAVIGATION LAWS.

QUESTION.

Mr. LYALL said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, in consequence of the great advantages granted to Spain by the recent alterations of our Tariff, he does not think it right to take this opportunity of representing to the Spanish Government the injustice with which British Shipping is treated by the continued refusal of that State to reciprocate with this Country in its Navigation Laws?

REPRESENTATION OF THE PEOPLE BILL.—QUESTION.

Mr. EDWIN JAMES said, he wished to ask the Secretary of State for Foreign Affairs, Whether, in the event of the Reform Bill being read a second time during the present Session, it is the intention of Her Majesty's Government at once to proceed with the Bill, or to agree to any Motion to refer such Bill to a Select Committee? As there would shortly be an abundant opportunity for discussing the measure, he would not abuse the indulgence of the House by making many prefatory remarks, or explaining at any length his reasons for putting this question. He trusted, however, that the noble Lord would not think for one instant that he questioned his sincerity on the Reform question, or doubted that it was his most anxious desire to proceed with the Bill. Nevertheless, it was rumoured that on the part of Her Majesty's Government there was a little apathy on the subject; and from all the external *indicia*, there certainly seemed to have been a struggle for precedence between the measures of the Government for political and for financial reform, in which the latter appeared to have triumphed. The House were probably aware that there had been a sort of preparation made for the Bill in "another place;" and his belief that that preparation was quite unnecessary was one of the reasons he had for putting this question. But that was not all. The hon. Member for Salford (Mr. Massey), a Gentleman whose name had necessarily great weight in this House, and than whom no one had more claims to be considered a statesman from his great historical knowledge and his experience in all questions relating to the constitution of the country —that hon. Gentleman had given notice of a Motion in the event of the Bill being read a second time to refer it to a Select Committee. It was, therefore, only just to the hon. Gentleman and to Her Majesty's Government that the House should know whether there had been any arrangement come to, or any intention formed by Her Majesty's Government to support that Motion, or whether it had originated in the independent action on the part of the hon. Member for Salford.

Lord JOHN RUSSELL: In answer to the question put to me by the hon. Member for Whitehaven (Mr. Lyall), I have to state that we have already represented to the Spanish Government the great advantages which they would derive from the commercial legislation of this House in the present year, without any benefit being required in return by this country from Spain. The position of the navigation laws is what the hon. Gentleman has described it to be. The repeal of the navigation laws of this country has not led to any corresponding relaxation on the part of Spain. I quite admit that that is a proper question to bring before the Spanish Government, and every endeavour will be made to induce them to adopt a more liberal policy. I shall accordingly pursue further that negotiation.

With regard to the question put by the hon. and learned Member for Marylebone (Mr. Edwin James) I must express to him my thanks for having put that question, and for giving me an opportunity of stating the course which the Government means to take with respect to the Reform Bill. The postponement of that Bill has taken place partly in consequence of there having been very long debates on other subjects, and partly in consequence of an apprehension lest those debates should not end before the Easter holidays, and from the inutility of attempting to force on the discussion on the second reading when a great portion of the House were determined, with the holidays before them, to oppose the course. It is not in any way the apathy of the Government that has led to the postponement of the adjourned debate on the second reading, and I have now to state that that adjourned debate will come on on Monday next, when, I trust, there will not be much prolonged discussion. After the second reading, it is my intention, after a short interval—the ordinary interval between the second reading and the Committee, to ask the House to go into a Committee of the whole House on the Bill.

The hon. Gentleman further asks what the Government propose to do with regard to the Motion of which notice has been given by the hon. Member for Salford, the Chairman of the Committees of Ways and Means. It appears to me that that Motion, though not so direct and straightforward as a proposition to read the Bill a second time that day six months, is, nevertheless, a Motion intended to destroy the Bill. That Motion, therefore, will be treated by the Government as if it was a Motion to postpone for six months the second reading of the Bill, and to destroy it altogether. Our reasons for opposing that Motion, then, are obvious. It is obvious besides that the proposal of such a course as the hon. Member for Salford has given notice of would be most unusual. I do not believe that there ever has been an instance in which the principal measure of a Session has been referred to a Select Committee, it being obvious that that Select Committee would be intrusted with the alteration, and thereby the framing of the measure. In fact, that Committee would take upon itself the most important functions connected with the Executive Government. I can conceive that any Gentleman, even after the second reading of the Bill, might think it desirable to propose that the House shall enter into Committee upon it six months afterwards; but I cannot conceive that any great portion of the House will think that a Bill of this importance, which will affect the constitution of the country, and the right of voting of a great many persons, ought to be sent to a Select Committee. It is the intention of the Government, therefore, to proceed with the measure, and, after the regular interval, to move that the Bill be considered by a Committee of the whole House. In that Committee of the whole House every question of an alteration of the franchise and of the number of boroughs to be partially disfranchised can be discussed. There is yet time enough for the Bill to be carefully considered, and I hope there will be sufficient time before the close of the Session for its being fully discussed in "another place."

THE NEW STAMP ACT.

QUESTION.

MR. MITCHELL said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to persevere in exacting, under the new Stamp Act, a Stamp Duty on every successive endorsement of Delivery Orders? The Dock Companies, and the principal wharfingers insisted upon a new stamp for every fresh indorsement; so that in the case of some articles in which there was much speculation the tax might amount to as much as 10*d.* or 20*d.* In the commonest cases it would be at least 3*d.*, whereas the understanding of Parliament when it agreed to the measure was that it should be only a 1*d.* It seemed doubtful whether the Dock Companies and wharfingers were acting under positive instructions received from the Department of Inland Revenue, and he was therefore anxious to have the point cleared up?

MR. HUBBARD said, he also wished to ask Mr. Chancellor of the Exchequer, Whether, in the event of Dock Warrants or Delivery Orders being impressed with the required Stamp, it can become necessary to affix other Stamps upon their transfer from hand to hand, with or without endorsement, prior to their being acted upon?

MR. T. BARING said, he understood the Board of Inland Revenue had intimated that there was to be not only a charge of 3*d.* on the dock warrants, but a charge of 3*d.* on weigh notes also. Now, as these two documents represented the same property that would be a charge of 6*d.* instead of 3*d.* He wished therefore to know how the matter really stood.

SAVINGS BANKS AND FRIENDLY SOCIETIES INVESTMENT BILL.

QUESTION.

MR. SOTHERON ESTCOURT said, he hoped the right hon. Gentleman the Chancellor of the Exchequer would state at the same time what course he intends pursuing that evening with respect to the Government business; and more especially whether he intends to proceed with the Committee on the Savings Banks and Friendly Societies Investment Bill, which stands on the Paper?

THE CHANCELLOR OF THE EXCHEQUER said, that the course which the Government would take with their business generally, for that evening, must depend on the progress of the other business. He did not, however, intend to proceed that evening with the Savings Banks Bill; and in consequence of having received from the hon. and learned Gentleman (Sir F. Kelly) a representation that it would be exceedingly inconvenient to him to have the Resolution with respect to the malt duties discussed that night he would not proceed with that Resolution — the Government would not proceed with it, even if it was reached on the paper.

With regard to the question which had been put to him by the hon. Member for Huntingdon (Mr. T. Baring), he might say that he had not heard anything on the subject of an intention to charge a threepenny stamp on the documents called weigh notes. He would, if the hon. Member permitted him, ask for particular information as to the circumstances and statistics, before he assumed that the hon. Member was correctly informed. But there were two observations which, perhaps, he might venture to make on the subject. One was, that the Government had no authority to construe the law; and any opinion they might give as to the effect of an Act of Parliament might possibly tend to mislead the public, inasmuch as it could not be an authoritative opinion, and could have no influence in a court of justice. If the intentions of the Government were asked it might be their duty to give an opinion. But with respect to the interpretation of the law, that was neither a common, nor, in point of fact, a necessary practice. In any case he would submit that this question of interpretation of necessity fell into the hands of the Revenue Department; and he thought it was the most convenient course in all cases that the interpretation should in the first instance be sought from them.

With respect to the question of the stamp upon dock warrants, there clearly could be no necessity for such a stamp upon their transfer from hand to hand, either with or without an endorsement. In any case that he was aware of—he spoke generally on the subject, because he was not acquainted with the particulars of any circumstance that had arisen, but undoubtedly the intention with which the House of Commons assented to a stamp upon dock warrants was that a dock warrant should be sufficient for all purposes upon having a single stamp affixed. With respect to delivery orders the case was not precisely analogous to that of dock warrants; but he would endeavour to give an explanation at once clear and sufficient. In order to make a document liable to a stamp as a delivery order three conditions were required. The first was that the goods must be in a warehouse or other place, if on shore, where they were kept for order—he meant that if the goods were in a warehouse, or were not kept for hire, there was no question of a delivery order. The second was that the stamp only accrued upon the delivery order under the double condition of there being both a transfer and a delivery. Whenever there was a transfer of property, accompanied with what in law constituted a delivery, then there was a liability to a stamp. He apprehended that it was a possible case that the same delivery order should be so used as to require both transfer and delivery by endorsement. In that case undoubtedly it would become liable, as he believed, under the terms of and in conformity with the Act to a second stamp. But that was not the case, he thought, to which the hon. Gentleman referred; and he confessed that he was misled by the question of the hon. Gentleman, because he seemed to imply that in ordinary cases it had been the intention of the Government to exact a stamp duty upon every successive endorsement of a delivery order. Now there was no such intention; and he was not aware that the Government had taken any step whatever in that direction. If the goods represented by delivery order were transferred by endorsement without what constituted delivery in law first taking place there would be no necessity for a second stamp.

As to the case of endorsement to which the hon. Gentleman had referred, and a charge of another stamp, he could only say it had no sanction from any officer of the Government, and if it had occurred it could only have been through gross error. In short, the essence of the delivery orders depended on the transfer of the property in the goods, and even then not without delivery.

Motion *agreed to.*

House at rising to adjourn to *Monday* next.

CHARITY TRUSTEES.—LEAVE.

MR. MELLOR said, he rose to move for leave to bring in a Bill to remove doubts as to the eligibility of certain persons to be trustees of certain charities. The single object of the proposed measure was, that for the future, in the event of a vacancy occurring in the trusteeship of a charity, no person should be deemed ineligible by reason of his belonging to any particular religious denomination, unless it were expressly provided by the deed or charter under which the charity was constituted, that members of that particular class should be excluded, or that members of only one class should be admitted. This appeared so reasonable a provision that he anticipated no objection to it, particularly as it had received the approval of the right hon. Gentleman.

LORD JOHN MANNERS said, he had no intention to oppose the introduction of the Bill, but it must not be supposed that the acquiescence of hon. Gentlemen on that side of the House implied any assent to its principles.

Leave given.

"Bill to remove doubts as to the eligibility of certain persons to be Trustees of certain Charities, *ordered* to be brought in by Mr. MELLOR, Mr. EVANS, and Mr. BAINES."

ANNEXATION OF SAVOY AND NICE WITH FRANCE.—OBSERVATIONS.

MR. HENNESSY said, he had given notice of a Motion—

"That it appears to this House from the papers which have been placed before Parliament by command of Her Majesty, that the French Government was ready to submit the question of the annexation of Savoy and the arrondissement of Nice to France to a Congress of all the Great Powers of Europe, provided that Her Majesty's Government would agree to have the question of the annexation of the States of Central Italy, namely, Tuscany, Parma, Modena, and the Roman Legations also submitted to a Congress of all the Great Powers; and that this House regrets that those territorial additions to France and Sardinia have been arranged without the convocation of such a Congress."

After the explanation on the part of the Government on the previous night he would not bring forward his Motion that evening; but he wished to give notice of his intention on an early Supply night of addressing the House on the subject.

ROYAL PROCLAMATION (PIETY AND VIRTUE, &c.)—ADDRESS MOVED.

Mr. LOCKE KING said, he wished to move

> "That an humble Address be presented to Her Majesty praying that She will be graciously pleased to cause the Royal Proclamation for the encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Profaneness, and Immorality, issued at the commencement of Her Majesty's reign, to be revised, or to authorize the discontinuance of reading the same at Assizes and Quarter Sessions, and in Churches and Chapels."

Everybody who had attended assizes and quarter sessions must have been struck with the demeanour of the Court during the reading of the proclamation, which was extremely ill-worded. The commencement of the reading was a signal for every one in Court, from the Judge to the humblest person present, to commence talking with his neighbour, and the proceeding, he was sure, did not promote piety and virtue in any way. The proclamation was directed to be read in these Courts immediately before the charge was given to the grand jury, a most important moment for all persons having business there. The grand and petty juries, witnesses, and others were thus kept waiting to their extreme inconvenience. But although magistrates and Judges obeyed the order, there was a class of persons who did not obey it—he meant the clergy. It had never been his good fortune or his bad fortune to be in a church when this proclamation was read. And yet the proclamation issued by the Head of the Church ran thus:—

> "We do hereby further charge and command every minister in his respective church or chapel to read, or cause to be read, this our proclamation, at least four times in every year, after Divine service, and to incite and stir up their congregations to the practice of piety and virtue."

He thought the clergy were wise in their generation in withholding their obedience, when they had other more effectual means of inciting to piety and virtue than by reading a long and tedious proclamation. What he suggested was, that the document should be either revised or discontinued. If it should be revised, a few solemn sentences, well put together, and read by the Judge or Chairman of Sessions, would have an infinitely greater effect than the present mode of handing the proclamation over to the crier, whose great merit was to gabble it over as quickly as possible.

Mr. HADFIELD seconded the Motion.

Motion made, and Question proposed,—

> "That an Humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause the Royal Proclamation for the encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Profaneness, and Immorality, issued at the commencement of Her Majesty's reign, to be revised, or to authorise the discontinuance of reading the same at Assizes and Quarter Sessions, and in Churches and Chapels."

Mr. SOTHERON ESTCOURT said, the hon. Member proposed that the proclamation should be either revised or discontinued. But revision and discontinuance were two very different things. To a revision he was himself favourable; to a discontinuance he was entirely opposed. No person who had heard the proclamation read at assizes or quarter sessions—often read, too, by an officer not educated for the purpose—could have failed to wish that the words were more in accordance with what were the intentions of the Sovereign, and more likely to excite the attention of those to whom it was addressed. It doubtless contained sentences of great perplexity, the actual purport of which it was difficult to comprehend. As he had said, then, he was favourable to a revision of the proclamation; but to a discontinuance he strenuously objected. Indeed, he could not but think that the hon. Gentleman would have done better with his Motion if it had ended with the word "revised." If revised, the proclamation ought not to be much more than a third of its present length. A few plain sentences, declaring the determination of the Sovereign to maintain religion, piety, and morality, would be infinitely more likely to produce a beneficial result than the present lengthy document, which was seldom much attended to.

Sir GEORGE LEWIS said, he felt somewhat embarrassed as to the vote which he ought to give from not having had the advantage of a more general expression of the opinions which Members of the House entertained upon the subject. The proclamation which was issued at the beginning of each reign had undergone alterations during the reigns of the later Sovereigns, in order to adopt it to more recent Acts of Parliament, but he apprehended that the proclamation, in a form not very different from what it now was, was of very considerable antiquity. The proclamation directed that it should be publicly read in open court at assizes and charge was given either by the Judge or the Chairman of the magistrates. That direction was scrupulously observed, he believed, on all occasions. There was a further direction, however, that it should be read by every minister in his church or chapel at least four times a year immediately after Divine service. That direction was entirely disregarded. It was proposed that the proclamation should be either revised or discontinued. His right hon. Friend opposite said he was not prepared to assent to its discontinuance, but he wished to see it revised. Looking at it as one of those ancient formulas which derived their importance and impressiveness rather from their antiquity than from any other quality, it was difficult to take it in hand and revise it, so as to give it a form suited to modern notions. The recommendation of the right hon. Gentleman himself seemed to point rather to a homily or an expression of determination on the part of the Sovereign to maintain virtue and religion than to a recommendation of the enforcement of certain laws and Acts of Parliament. He could only say that he saw considerable difficulty in the way of a revision of this proclamation. He was afraid that anybody who undertook to revise it, and who brought a very critical eye to the task, would perhaps not find much in it which he would wish to retain; and he hardly thought that a few common-place sentences strung together on the subject of religion and morality, would be of very great effect, or that it would be worth while to introduce a proclamation for the first time, in order that anything in the nature of a homily should be read before the Judge delivered his charge at the assizes. He was sorry, therefore, to say that his conclusion was, that if that remnant of antiquity was not to be maintained in its extant form, the best course would be to discontinue it altogether; and if the general feeling of the House should be in favour of that course, he was quite ready to acquiesce in it. On the other hand he could not think it was a matter of very great importance, or one in which the House was imperatively called upon to interfere. To the best of his recollection the reading of the proclamation did not occupy more than five or ten minutes, and although it might be thought by some persons to be unnecessary to introduce such a proclamation for the first time, it was equally possible that others might imagine more was meant by its withdrawal than a mere saving of time. He could only say that for his own part he attached little or no importance to it, and would readily accede to its discontinuance, if such was the general wish of the House; but as he should himself be responsible for its revision, and as he anticipated that considerable difficulty would be experienced in fixing upon the principle upon which that revision should be conducted, he was not prepared to recommend such a course.

Mr. LOCKE KING said, he understood from conversations he had had with hon. Members that the general feeling was in favour of a revision of the proclamation, and therefore he wished to express his willingness to omit all the words in the Motion after "revised."

Mr. HENLEY said, the proclamation occupied very little time in reading. It said many wholesome things in very plain language; and he thought its withdrawal might have a prejudicial effect on some of their humble fellow-countrymen who were in the habit of attending the courts. It was acknowledged that the revision would not be an easy task; and he thought it would be better to leave it alone. The lower classes might think from a change in the wording of the proclamation that those above them had changed their opinions.

Mr. SPEAKER said, that it was optional with the hon. Member to withdraw the original Motion and move another substantive Resolution, comprehending so much of the other as was included down to the word "revised."

Sir HENRY WILLOUGHBY said, it was rather singular to talk of revising the proclamation, when those hon. Gentlemen who had spoken concurred in saying that such revision was difficult, if not impossible.

Mr. SLANEY remarked, that he thought revision quite possible.

Mr. LOCKE KING then asked leave of the House to withdraw his original Motion, and to move it in its amended form, the words after "revised" being omitted.

Motion by leave *withdrawn.*

Motion made, and Question put—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause the Royal Proclamation for the encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Profaneness, and Immorality, issued at the commencement of Her Majesty's reign, to be revised."

The House *divided*:—Ayes 112; Noes 75: Majority 37.

NEWSPAPER CONVEYANCE, &c. BILL. LEAVE.—FIRST READING.

The CHANCELLOR of the EXCHEQUER said, he rose to move for leave to bring in a Bill to amend the law relating to the postage, or, it would be more correct to say, to the conveyance of newspapers. The purpose of the Bill was to give effect to the objects which he had stated in the financial statement at an early period of the Session. He would have the Bill printed, and would take care that a convenient time elapsed before the second reading. He would also endeavour to make the House acquainted with any subsidiary regulations that might be necessary, to make due provision for the transmission of newspapers under all circumstances. He would therefore, merely place the Motion in the hands of the Speaker.

Leave given.

Bill to amend the Laws relating to the Conveyance and Postage of Newspapers, *ordered* to be brought in by Mr. Chancellor of the Exchequer, and Mr. Laing.

Bill *presented* and read 1°.

DUCHY OF CORNWALL (LIMITATION OF ACTIONS) BILL.

COMMITTEE.

Order for Committee read.

Mr. AUGUSTUS SMITH said, this Bill contained matter, not only affecting the Duchy of Cornwall, but important public interests. He had refrained from opposing its former stages, knowing that he should have the opportunity of doing so at that time. The Bill came before the House in a mild and inviting form—that of the limitation of suits—but hon. Members would find very important clauses in the latter part of it, which went beyond the mere limitation of actions, inasmuch as they gave powers of leasing and selling certain properties which, by the Submarine Mining Bill, had been decided to be part and parcel of the soil and territorial possessions of the Duchy. This Bill was in fact the sequel to that Act. The Submarine Mining Bill had, like the present measure, been introduced at a late hour, and it was passed in a hurry. Instead of the disputed rights relating to the shore being settled by a court of law, they were settled by collusion between the Woods and Forests and the Duchy. They were referred to Sir J. Patteson, and the object of the Submarine Mining Act was to confirm his adjudication. By Amendments made in that Bill in "another place," rights which originally referred to mines under the shore were made applicable to the surface; and the present Bill was to enable the Duchy of Cornwall to deal with those surface rights. There was no intervening body that would act fairly between individuals and the Duchy, and if the Bill should pass in its present form, it would give the Duchy the power of enforcing claims that would interfere with valuable rights of property, both of individuals as of public bodies. Such measures as the present ought to be introduced as private Bills, in order that they might be sifted by a Select Committee. Very heavy charges had already been imposed on the public through the agency of the Bill referred to. Thus the Corporation of Truro were required to pay £1,600 for about 80 acres of mudland and bed of the tidal estuary running up to that town, to enable certain harbour improvements being completed. These would cost about £17,000, so that for every £1,000 expended, the Duchy claimed £100 for property which brought them no return, and which in reality did not belong to them. In like manner a sum of £3,500 had been charged for seventy acres of the Hamoaze tidal waters to form Keyham Docks at Devonport. These claims were quite unjustifiable, especially when it is remembered how liberally the public and Parliament had behaved to the Duchy in giving £16,000 a year in compensation for the tin-tolls; as also grants of £17,000 for the erection of the Duchy Office, and £20,000 towards fitting up Marlborough House for the Prince of Wales, though the clear income he derived from his Duchy was not less thon £40,000 a year, besides which there was more than half a million of accumulated income during his minority now invested in His Royal Highness's trustees, as shown by the accounts annually laid before Parliament. Common justice requires that this Bill should be made one of *bonâ fide* limitations.

House in Committee.

(In the Committee).

Clause 1, *agreed to.*

Clause 2.

Mr. KENDALL said, that before proposing the Amendment, of which he had given notice, he felt it necessary to explain to the House the circumstances under which the present Bill was introduced. It was right that the Committee should know that for some years a dispute existed between the Duchy and the Crown, as to certain rights in the foreshores and estuaries of Cornwall. The subject was referred to Sir John Patteson, who gave his award in favour of the Duchy; and in 1858 the Duchy sought to confirm that award by an Act of Parliament. Many parties in Cornwall became much alarmed—inasmuch as an adverse possession of sixty years was good as against the Crown; but it was held by some that something like 500 years of adverse possession would be necessary as against the Duchy. Both the Attorney General of the Duchy and the late Solicitor General insisted that there was no cause for alarm; but the Members for the County of Cornwall felt it necessary to persist in their opposition; and upon this a promise was made by the Duchy to bring in a Bill to place the Duchy on the same footing as the Crown. With that promise the Members were satisfied and the Bill passed. The Bill now before the House was the one introduced to redeem that pledge. With the principle of the Bill he (Mr. Kendall) found no fault. But the question was "does the Bill virtually carry out the promise made?" Certainly, as it stood, it did not carry out that promise fully, and a sixty years' adverse possession would be valueless, if any property so held had been "in charge" to the Duchy; in fact a property might descend from generation to generation, improved in its transit by large outlays, till it became a fortune to its possessor; but he might awake one morning, find that his property was "in charge," and that he was a beggar. Perhaps the House was much at a loss to understand what the words "in charge" mean. As he (Mr. Kendall) understood, it was a simple entry on the Duchy rolls, as against the property, say of *2d.* per annum only; but, perhaps, never demanded from—nay, never made known to the possessor; and still that charge silently remaining on the rolls, would be good as against any adverse possession for 500 years. This blot was hit in the Assessionable Manors Act in 1844, was admitted by Sir Robert Peel and Lord Lincoln then, and to heal it, the clause now proposed to be added was introduced into that Act. The House would, he thought, agree that he might stop there; but he would go further, and say, that as regards the estuary shores of Cornwall they were included in the Bill of 1844, and this very clause passed through the Commons; but in the Lords, those who represented the interests of Cornwall urged the introduction of a clause which should give a power of appeal. Those who watched the Duchy interests refused, but added that the estuaries might be left out of the Bill; and they were excepted. The question as to the estuaries being now again before the House in this Bill to settle titles, there ought not to be the slightest hesitation as to the introduction of the clause. He was aware it would be said that the Bill would put the Duchy on the same footing as the Crown, according to promise, and that what was good with respect to being "in charge," as regards the Duchy, would obtain as regards the Crown. His answer was first, that we are not aware of any property being "silently" in charge as regards the Crown; but that if there were, it was the fault of parties themselves for not ascertaining the fact, as the records are open to the public. Not so the Duchy records; all was private and secret there; no man knew how he held any property in the estuaries of Cornwall. But the main point of all was this—what was the understanding apart from all technicalities? Was it not that an adverse possession of sixty years as against the Duchy should be made a valid possession? He called on the promoters of this Bill to make good that understanding and pledge, and therefore proposed to insert, after Clause 1, the following proviso:—

> "Provided always that Section 72 of the said Act of the 7th and 8th year of Her Majesty shall be, and the same is hereby incorporated with this Act, and shall be read as part thereof."

If this Motion were agreed to, he should propose to add a clause to the effect that no land should be duly in "charge" to the Duke of Cornwall as long as any person should be in possession thereof adversely to the said Duke. He maintained that this was in accordance with the clear understanding come to when the Cornwall Submarine Mines Act was passed.

Amendment proposed,—

> "At the end of the Clause, to add the words 'Provided always, That Section seventy-two of the said Act of the seventh and eight year of Her Majesty shall be, and the same is hereby, incorporated with this Act, and shall be read as part thereof.'"

Mr. ROBARTES said, he had no doubt that this Bill technically enacted what had been promised, and that, in fact, the promise had been kept to the letter as it was given. But every one who took part in the previous discussion considered that sixty years' possession was to be *bonâ fide* a bar against all claims on the part of the Duchy, without any quibble or technicality. He hoped that even if the proposed clause were not agreed to that the Council for the Duchy would, upon consideration, insert some clause which would be tantamount to it, so as to give the assurance that sixty years quiet possession should be a bar to all suits on the part of the Duchy. It would relieve the minds of many and would really not injure the Duchy.

MR. ST. AUBYN said, he concurred in the strongest manner in what the hon. Gentleman had stated to the House, and he would beg to ask what, in the opinion of the law officers of the Crown, would be the probable effect of this Bill, if passed, as to the limitation of title to 60 years as respects property now in charge, or that may at any time hereafter be put in charge to the Duke of Cornwall.

THE SOLICITOR GENERAL said, he could not accede to the proposal made by the hon. Gentleman opposite to add the proviso to the clause. The facts were so plain that there was no need for any argument. Reference had been made to the Act passed in 1858, called "The Cornwall Submarine Mines Act," and it was perfectly true that an understanding had been come to during the passage of that Bill through the House, between those who acted on behalf of His Royal Highness the Duke of Cornwall and hon. Gentlemen connected with the county. He did not himself know personally what that arrangement was precisely, but looking at the probabilities it was clear that there must be some misapprehension in supposing that there was any other arrangement than that which the Bill before the Committee proposed to carry out. Previous to the passing of the Cornwall Submarine Mines Act, questions had arisen between the Crown, on the one hand, and the Duchy of Cornwall on the other, as to the property in certain mines and minerals lying between high and low-water mark, and under estuaries and tidal rivers, and the bed of the sea on the coast of Cornwall. The decision of these questions was referred, by a binding instrument on the part of the Crown and of His Royal Highness the Duke of Cornwall properly represented, to Sir John Patteson, who decided that all mines and minerals lying between high and low-water mark, and under estuaries and tidal rivers even below low-water mark in Cornwall, were vested in His Royal Highness as part of the soil of the Duchy. But all mines and minerals below low-water mark under the open sea adjacent to that county, being no part of the soil of the Duchy, were vested in Her Majesty the Queen, in right of her Crown, even although such mines might be won by workings commenced above low-water mark, and extending below it. It was, therefore, as clear as the sun in the firmament that that award did not, in any way, affect the rights of third parties; and the Cornwall Submarine Mines Act itself, which was the result of it, distinctly specified that all other rights, titles, claims, and demands whatever, except those between the Crown and His Royal Highness, were to remain the same as previous to the passing of the Act. He was informed that the Chancellor of the Exchequer of the day, upon a representation that private individuals might be prejudiced in respect of limitation and adverse claims, yielded to the representation so far as to say that there was a case for consideration, and that if the further discussion of the matter were given up during the passing of the Cornwall Submarine Mines Bill, care would be taken at an early period of the next, namely the present, Session, that a Bill should be introduced to obviate the difficulty, by putting the position of the Duchy, in respect of the limitation of time, and the possibility of gaining an adverse title, on the same footing precisely as that of the Crown. That, he contended, was done in the present Act. The Duchy was placed by it under precisely the same conditions, as regarded adverse possession, as the Crown had been put by the 9th of *Geo.* III., commonly known as the Nullum Tempus Act. But if the proviso now brought forward were added, it would place the proprietors, in whose interest it was suggested, in a better position than that in which they stood previous to the passing of the Cornwall Submarine Mines Act, and give them an advantage to which they had no fair claim. Having given this history of the transaction, he hoped the House would be of opinion that it would not be right to grant that which was asked. The old saying, "You should not look a gift horse in the mouth," was applicable to this matter. The Duchy made concessions to individual proprietors, and asked of them nothing in return. It might be said that this property differed from private property, but it did not differ in a legal sense; and it would not be fair to seek to attach to it a detriment to which no other property of the Crown was subjected. For these reasons, he could not advise the Committee to accede to the Amendment. With regard to property "in charge," opportunities would be given to ascertain what this was, by reference to the archives of the Duchy, which would be considered, for this purpose, as public records.

Mr. ROGERS, apologizing for occupying the attention of the House for the first time, commenced by reading an extract from a letter of the Secretary to the Duchy Council, in answer to an application made to the Council by the Committee of Landowners, for leave to inspect those very records, which showed most distinctly that they could only be allowed to inspect the records, on the condition that it "should not interfere with the progress of the Bill in its present shape." Though the Crown records therefore were public, those of the Duchy were not, and the Bill would not place the Duchy on the same footing as the Crown, without the proviso which was now sought to be inserted. To show that the question was not an unimportant one to Cornish people, he stated that whilst the sea shore was 200 miles in extent, that of the estuaries was 300 miles at the least; and it would be a strange anomaly if, whilst the former was subject to the limitation given in the Assessionable Manors Act, the latter should be allowed to remain subject to the present Bill, which did not contain the same limitation. Where was the line to be drawn between the two cases of sea-shore, and estuary shore? The Committee would see that this difference must prove to be an endless source of vexatious litigation, which he (Mr. Rogers) was quite sure that the Duchy Council could not desire. Again, it was contrary to the spirit and principle of all modern legislation that the Duchy should have the power to harass owners by the retention of a right to put lands "in charge" secretly, and without notice. The Crown had been bound by an Act of limitation 200 years ago, namely, by an Act of James I., and there was no reason why the Duchy should claim to be free in any respect from limitation of action. As to the Nullum Tempus Act to which the Solicitor General referred, he would remind the Committee that at the time of passing of the Assessionable Manors Act, the Duchy Council had conceded that the provisions of the Nullum Tempus Act were not sufficient without the clause now sought for, because the law had been altered since the 9th *Geo.* III., by the decision in the case of Attorney General *v.* Lord Eardley, on this very question of the right to put in charge. If then the Duchy conceded the clause then, why should they refuse it now? Again, with reference to the probability argued on by the Solicitor General, he could say that from the very first meeting of the Cornish Committee on the subject till now such a proviso had always been regarded by them as an essential part of a Limitation Act, and he thought that the Amendment now proposed was a most reasonable one, and one which the Council of the Duchy might well allow.

Mr. MONTAGUE SMITH observed, that if it were designed to concede a boon to the gentlemen of Cornwall it would be as well to grant one which would be gratefully accepted by the county. If this was intended as a boon it was not one which the gentlemen of Cornwall would have much to be thankful for. It had been agreed between the officers of the Duchy and the landowners of Cornwall that there should be a limitation of the rights of the Duchy to sixty years according to the provisions of the Nullum Tempus Act. When that came to be carried out, however, it was found to be worthless, as, according to the words of the Nullum Tempus Act, the limitation did not apply in cases where the manor in which the land was situate had been kept "in charge," that is, where a return was made of the proceeds of the manor, even if the return were *nil.* Still, even if they failed to obtain any further concession at present, he should recommend his hon. Friends to take what was offered, and look to a future Session to wipe away what he thought was a disgraceful anomaly in the Nullum Tempus Act. He trusted their clause might be conceded; but if not, he hoped the Bill would be carried through the House because it was a step in advance, though as a concession there was utterly wanting the grace which would render the gift palatable to the recipients.

Viscount VALLETORT would add nothing to the statements made by other honourable Members, but would merely join with them in expressing the regret which he felt, and which he believed would be felt from one end of Cornwall to the other, at the disappointment of the hopes which the Cornish proprietors in question had certainly entertained, and which he thought that they were justified in entertaining, that this Bill would be really one for quieting titles, instead of being full of the seeds of future litigation, and would give them the *bóna fide* power of acquiring, by sixty years' undisturbed possession, a substantial right of ownership over property which they had inherited from their ancestors; which hopes appeared now likely to be disappointed by a technicality of law, easily misunderstood, but the probable effect of which appeared but too manifest.

Mr. DISRAELI said, he could not agree with the views of the hon. Member for Truro (Mr. Montague Smith), though he had stated them with very great ability. So far as he was able to form an opinion, and without entering upon the new points that had been raised, he felt bound to say that the Bill faithfully carried out the engagements entered into between the Government of the day and the gentlemen of Cornwall. It was promised that the proprietors under the Duchy should be placed in the same position as those who held under the Crown, and that was faithfully carried out in this Bill.

The SOLICITOR GENERAL said, the hardships pointed out as arising from the words of the Nullum Tempus Act were precisely the hardships that applied to persons holding under the Crown, and that the understanding arrived at was fairly carried out in the Bill.

Mr. ROGERS observed that the landowners always understood that the Duchy would offer them a fair *bonâ fide* limitation without reserve, but the present limitation was expressly coupled with a reserve which destroyed their title in many cases.

Colonel FRENCH complained of the conduct of "somebody" towards parties who had expended large sums of money on property, which they were now told was not their own. If that were justice, he must confess himself ignorant of its first principles. He denied that the Bill fairly carried out the agreement which had been entered into.

Mr. KENDALL said, that though he did not think the Bill worth a fraction without the clause, yet as he was aware that the Government had resolved to withdraw the Bill if the clause be carried, and that there were certain parties in the county who thought that the Bill as it stood was of some small value, he could not take on himself the responsibility of risking the Bill by a division, and therefore withdrew his clause.

Mr. AUGUSTUS SMITH said, he felt it his duty to persist in taking the sense of the Committee upon the subject.

Question put, "That those words be there added."

The House *divided:*—Ayes 17; Noes 69: Majority 52.

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported,* as amended.

PAPER DUTY REPEAL BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. BOVILL said, that pursuant to notice, he rose to move the following Resolution:—

> "That in the opinion of this House, it is just and expedient that a drawback should be allowed to printers and publishers of the duty paid upon their stock of paper purchased and printed after the passing of the Bill, and remaining in sheets unbound at the time the duty is to cease, namely, on the 15th August next, subject to such rules and regulations as the Commissioners of Inland Revenue may make in that behalf."

His object was to prevent any stagnation taking place in the printing and publish- trade, the effect of which would be to throw thousands of industrious men out of employment. The Chancellor of the Exchequer proposed to repeal the duty upon paper, and to give up a large revenue therefrom, and the repeal was to take effect on the 15th day of August next. The effect necessarily would be that persons engaged in trades requiring a large consumption of paper would defer their operations as far as possible, in order to obtain the advantage of the repeal of the duty. There was a large portion of the publishing trade that might be easily postponed for a few months without any serious damage to the interests of the proprietors, but with the most disastrous consequences to the large body of working printers by their being thrown out of employment during the suspension of operations. All he asked was that a drawback should be allowed to printers and publishers in order to prevent this result. The principle of a drawback had been recognized by the Chancellor of the Exchequer in regard to the wine duties, in connection with which a large and influential body of gentlemen had placed a pressure upon the right hon. Gentleman which he could not resist. The Chancellor of the Exchequer appeared to dissent from that proposition. Well, whether that concession arose from a sense of justice, or from pressure, the right hon. Gentleman was induced to admit the principle of a drawback in the case of wines; the same principle would equally apply to those industrious men on whose behalf he (Mr. Bovill) made his present proposition. But he would carry that principle even further. In the Bill under consideration there was a drawback allowed, to stationers, paper-makers, and paste-board makers, for the very purpose of preventing, as the right hon. Gentleman alleged, the stagnation of those trades between this time and the 15th of August, when the measure really was to come into full operation. Upon what grounds, then, could the application of the same principle be withheld in respect to that portion of the trade on behalf of which he now appeared? But it might be said that with respect to the stationer, the drawback was only allowed on entire reams, half-reams remaining in stock, or on parcels that were unopened at the time of the Act coming into operation. But it could make no difference whether the paper was in reams, half reams and parcels, or in open sheets, except for identifying the paper. The cases were, except in that one point of identifying the paper, perfectly analogous. The drawback in regard to wine extended to stocks two years on hand, and that in regard to stationery might extend to stocks ten years on hand. The printing trade, it was said, was of a different character; but he maintained that the same principle applied to it in regard to the question of drawback as to the other trades to which he referred. He could not understand how the Chancellor of the Exchequer could consistently with the principle he had already adopted, refuse the moderate drawback for which he now applied. He believed that there were not less than 8,000 working printers in the metropolis alone, engaged in the printing of standard works. To give the House an illustration of the mode in which the repeal of the duty would operate in the trade, he would take the case of Mr. Bohn, one of the largest publishers of standard works in the metropolis, who employed a great number of men in printing a series of valuable standard works, which he brought out at an extremely moderate price. The printing went on month by month, and, not being new works, they might come out either one month or another, as was thought advisable, without detriment to the publisher. If the paper duty, instead of being taken off immediately, were not to be taken off for four months, it was manifest that Mr. Bohn or any other publisher would not print his books, and would not continue the publication of them during those four months; he would defer the purchase of paper for printing till the time when the duty was repealed. It might be said the publishers would have great advantages from the repeal of the paper duty, and that these would compensate them for present loss; but it was not of the publishers he spoke. They would sustain almost no loss, for they would have the same sale for their books in four months, time as now; but the inevitable consequence would be that thousands of meritorious workmen would be thrown out of employment and deprived of the means of earning their bread. A gentleman, who knew the particulars well, had stated that not less than 10,000 persons would be thrown out of employment, and that nearly all the pressmen of London engaged in book printing would be in that situation. He was not asking for a drawback on paper that was periodically printed and circulated in the ordinary course of publication; his Motion applied to paper used in the heavy book printing. But it might, perhaps, be said that the Chancellor of the Exchequer, in addition to the loss of £1,000,000 by the abolition of this duty, could not afford to lose a further amount in the shape of the drawback he now asked for. But what was the amount which the Chancellor of the Exchequer would lose by this concession? It was manifest that the publishers would abstain from printing during the next four months if the drawback were refused. Consequently there would be no duty paid into the revenue on account of paper to be so used. The right hon. Gentleman could not possibly suffer any injury in a financial way by granting this drawback, inasmuch as by refusing it the revenue would not be a gainer, and the only effect would be the temporary stoppage of the publishing trade, and the throwing out of employment a vast number of honest and industrious men. But even by the Bill as it at present stood the publisher, if he pleased, might obtain the drawback if he only sent his works as far as Jersey. But that was a proceeding which would involve a little expense and trouble, and it was doubtful whether the publishers would avail themselves of it. They would rather abstain from printing these standard works altogether, and the Chancellor of the Exchequer would be deprived of all duty whatever from that source. As a matter of policy, then, this drawback should be allowed, for the Chancellor of the Exchequer would be giving up next to nothing. When he was dealing with more than a million of money, was it worth while, for a few hundreds only, to throw thousands of men in the metropolis and hundreds in the country out of employment? It might be said that there was some difficulty in ascertaining fairly the amount of paper upon which the drawback ought to be allowed; but what he proposed was, that a drawback should be allowed only upon printed sheets purchased after the passing of the Act and remaining unbound at the time it came into operation. The Chancellor of the Exchequer permitted the stationers to have the drawback provided the paper was in sheets and parcels unopened. What difference in principle was there between having a drawback on parcels of paper of that description and unbound sheets of printed paper? The only difference which could exist was that which had reference to securing the identity of the paper, and he proposed to meet that difficulty by enacting that it should be subject to such rules and regulations as the Board of Inland Revenue should adopt. The Commissioners might make it incumbent on the printers and publishers to give notice of the books they intended to print, and to make a declaration, equivalent to an oath, that the printed paper on which the drawback was claimed had been printed since the passing of the Act, and was in unbound sheets. Did the right hon. Gentleman consider that such a declaration would not be a sufficient guarantee? Then he would remind him that he had no other guarantee with regard to the drawback on wine; he only had the declaration of the wine merchant that it had been purchased within two years. All he (Mr. Bovill) wished was to prevent the stagnation of trade which must necessarily arise if the drawback were not allowed, and he had shown the right hon. Gentleman that, as far as the revenue was concerned, the loss would be exceedingly small, because if the drawback were not conceded the paper would not be printed upon, and he would not get the duty, while any difficulty attending the ascertainment of the identity of the paper might be met by the resolutions of the Commissioners of Inland Revenue. He presented the case to the Government as one of simple justice, and he would appeal to many hon. Gentlemen in the House, and especially to the hon. Member for Edinburgh, to say whether the greatest distress would not arise to the printing trade if the drawback were not allowed. It would be a miserable policy to remit a million and a quarter, and to refuse to allow the claims of the printers to the remission of a few hundred pounds to save them from being thrown out of employment.

Amendment proposed,—

"To leave out from the word 'That' to the end of the Question, in order to add the words, "in the opinion of this House, it is just and expedient that a drawback should be allowed to printers and publishers of the Duty paid upon their stock of paper purchased and printed after the passing of the Bill, and remaining in sheets unbound at the time the Duty is to cease,—namely, on the 15th day of August next, subject to such rules and regulations as the Commissioners of Inland Revenue may make in that behalf."—instead thereof.

Mr. BLACK seconded the Motion, and said he could quite confirm the hon. and learned Member in his statement of the effect of refusing this drawback to the printers, who, as a class, would suffer severely. As a publisher, he (Mr. Black) should have felt great delicacy in seconding the Motion, as it might be supposed he was personally interested in it; but it was chiefly the publishers of periodicals who would be affected, because the publication of periodicals could not be stopped, yet if he were about to bring out a new edition of a standard work—say Shakspeare, for instance—he should undoubtedly wait a few weeks till the paper duty came off. Thus, in the months of June, July, and August, the greatest stagnation in the printing trade would take place. It was, therefore, a question which almost entirely affected the operative printers. There would be little or no difficulty in establishing the identity of the paper so printed on, because a specific return might be called for of the quantity which would be required for each work, and the Excise officers could ascertain easily enough that it was devoted to the purpose for which it was intended. If they could avoid by any possibility throwing a large number of persons out of work, they most undoubtedly ought to do so.

The CHANCELLOR of the EXCHEQUER said, the hon. Member (Mr. Black) had very distinctly and ingenuously stated that of all classes affected by the change, none were so exempt from the apprehension of loss as publishers. They published at a fixed price, and it lay in the very nature of their trade that they could hardly lose by the change. Would a work like *Colenso's Arithmetic*, on which the duty, according to the statement given the other day by Mr. Bohn, made a difference of one halfpenny in the price, that sold for 2*s.* on the 14th of August, be sold for 1*s.* 11½*d.* on the 16th ? In point of fact, the hon. and learned Gentleman had selected the interest that, of all others, would be least affected. Any change in a Customs' duty caused some stagnation of trade ; and the change of an excise duty necessarily caused it to a greater degree. The effect of an immediate repeal of a duty, and the payment of heavy sums as drawback, caused a double loss. There must always be some inconvenience, but if the advantage of a repeal of duty overbalanced the evil, the only question was, how could the Government best proceed ? The principle was to give no drawback when the identity could not be ascertained. The hon. and learned Gentleman was quite mistaken in supposing that in the case of wine the drawback was conceded either to powerful interests or to an abstract sense of justice. It resulted from a positive compact, and the only question was as to the interpretation of that compact. The wine duties had been paid freely for many years, and the revenue had been exempted from loss in consequence of these duties. There was this great difference, too, between the wine duties and the present case, that when the reduction of the duty took effect, the holders of the stocks of wines were immediately subjected to the competing action of the cheaper article, and he believed the price of wine had fallen to the full amount of the reduction of duty. But in the price of books there was no fall. The public in this particular instance did not get the benefit of the reduction, and there was no exposure to competition as in the case of wine. The hon. and learned Gentleman called upon the House to agree to his Motion for the sake of the operative printers, but he was not prepared to say that Parliament was to give the employers a large sum of money to enable them to go on employing their workmen. The hon. and learned Gentleman was in error if he supposed that the drawback in the case of wine depended simply on the declaration of the wine merchant. There was a minute and detailed series of regulations which wine merchants were obliged to observe. Stock books were obliged to be kept all along, and every possible security was taken for the protection of the revenue. The hon. and learned Gentleman said there was a precedent in the case of the stationers. But the difference was that after the 16th of August the stationers would be subjected to competition from abroad, while it was not pretended that foreign editions would be published abroad of all the books printed here. In the case of the stationers, also, there was no possibility of fraud, because the Excise label afforded an absolute security, and thus the drawback could be safely allowed. The hon. and learned Gentleman said there was no fear of fraud if his Motion were agreed to. The hon. and learned Gentleman was not responsible for the collection of the revenue, but those who were responsible were of a different opinion. The hon. and learned Gentleman admitted that if the attempt were made to guard against fraud, it would be necessary to establish virtually an Excise survey. The excisemen must follow the printing operations, and swarm in the offices of the printers and warehouses of the publishers. The hon. and learned Gentleman proposed to insert a condition that the allowance of drawback should be "subject to such rules and regulations as the Commissioners of Inland revenue may make." These words were so large, that he might accept the principle of the Motion and defeat it in practice, by the rules and regulations in question. That, however, would not be a straightforward course of proceeding, and it was much more fair to say that, in consequence of the total absence of any case of suffering or hardship and the liability to fraud, which could only be prevented by minute Excise superintendence, the Government could not possibly accept the Motion of the hon. and learned Gentleman. There were many other trades employing paper as the raw material of their manufacture that had a better case than the publishers. The paper hangers and paper-stainers employed their operatives too, and they had a greater claim, because they would be, after the 16th of August, exposed to a severe competition. The Excise survey would be so intolerable that, if the drawback were allowed, it must be paid wholesale upon all the paper presented.

The publishers had the smallest claim upon drawback of all the persons using paper, as they were effectually shielded against competition and even temporary loss. The hon. and learned Gentleman thought the loss to the revenue would not exceed £100. Would he guarantee that? It was hardly fair to challenge him upon this point, for he should be sorry to involve him in embarrassment, but he believed the sum the hon. and learned Gentleman in such a case would have to pay if the Government acted in the spirit of his Motion, and if they avoided the restraints and superintendence he had mentioned, would be a very heavy one. For these reasons he could not possibly agree to the Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

House in Committee.

Clause 1,

Mr. BLACKBURN said, he should move that the date at which the Bill was to come into operation be altered by the omission of the words, "15th day of August, 1860," and the insertion in their stead of "the 31st day of March, 1861." By continuing the excise duty on paper a little longer the Chancellor of the Exchequer would be enabled to clear off the £1,000,000 of Exchequer bonds, which must otherwise be postponed. The course he proposed would be consistent with the right hon. Gentleman's statements as to the propriety of discharging those bonds when they fell due. The House had been led away by the statement of the right hon. Gentleman, who always spoke of the paper duty as £1,000,000, whereas he found that the revenue derived last year from that source was £1,430,000, an amount which must this year have been exceeded, remembering that for the last twenty years the duty had steadily advanced at the rate of 6 per cent. July was the date originally assigned for the abolition of the tax; but with a view to the convenience of the trade the time had been extended to August. The same arguments, fortified by the necessity for making some arrangements with reference to the import of foreign rags, held good in support of the further extension which he proposed.

The CHANCELLOR of the EXCHEQUER said, he felt very much indebted to the hon. Gentleman, who had just spoken, for wishing to save his (Mr. Gladstone's) personal consistency, but he did not think that consistency was so much in danger as the hon. Gentleman seemed to imagine. He (Mr. Gladstone) had never laid down the principle that Exchequer bonds should be paid as they became due. What he did say in 1854, when the Exchequer bonds were issued, was that they should be paid off with the proceeds of half a year's income tax, whenever it could be applied to that purpose. The hon. Gentleman seemed to think that such bonds should be paid off, whenever it was possible, and that now was the time to do so; but he would venture to remind the hon. Gentleman that he (Mr. Blackburn) was a Member of a Government in 1858 at a time when the military and naval expenditure of the country was £10,000,000 less than it now was, which nevertheless found it impossible to pay off the Exchequer bonds. Yet, with Military Estimates which now stood at £30,000,000, he called on him to clear off all those liabilities. With regard to the amount of the paper duty the hon. Gentleman was in error. He had undoubtedly estimated the loss on that duty in the present year at £1,000,000; but he likewise stated that there would be a residue, which would only appear in the accounts for next year, and the hon. Gentleman was equally wrong in supposing that this residue would be half a million. The fact was that the hon. Member had mistaken the gross figures for the net produce of the paper duty, and had omitted from the calculation the amount of drawback, the cost of collection, and other items by which the amount would be considerably reduced. £100,000 a month would probably be the natural produce of the paper duty. But did the House suppose that by continuing the charge from the 15th of August till the 1st of March, a million would be raised? No, nor the half of it. If the duty had remained undisturbed, operations naturally would have gone on as usual, but the only result, in a financial point of view, which could attend the adoption by a decisive majority of a determination to repeal the tax, and the subsequent postponement of that repeal for nearly twelve months would be, that probably one-half of the proceeds of that duty would be lost. The collateral consequences of such a Motion were such as he should shrink from contemplating, and therefore, if money must be had, it would be far better to raise it by some distinct proposal, than for the House to attempt partially to retrace its steps by postponing the question for six or seven months. The hon. Member estimated that his Motion would produce a million to the Exchequer; but according to the Estimates of the Board of Inland Revenue, the net produce which they anticipated from the paper duty during the present year was only £250,000. The House had listened to a description by one hon. and learned Gentleman of the effects which even the slightest delay in the abolition of the duty must produce in paralysis, stagnation, doubtful employment, want, and general crippling of trade. How enormously must these injurious effects be increased if they trebled the time during which this paralysis was to extend. He (Mr. Gladstone) had no doubt the hon. Member was influenced by highly laudable motives, but, financially speaking, the plan he recommended would, he believed, entirely fail.

Mr. BLACKBURN said, that after what had fallen from the right hon. Gentleman, he would not press his Motion.

Motion by leave *withdrawn.*

Mr. AYRTON observed that the first clause of the Bill did not follow the course usual in the repeal of excise duties, of including the duty on licences to manufacture the excisable commodity. If it were the intention of the right hon. Gentleman to keep up these licences it would be desirable to discuss the policy of such a measure. When the manufacture of paper was freed from the supervision of the Excise, a tax of this nature became quite unjustifiable. He found that whenever a duty such as that on paper had been repealed, the Excise licence had been repealed also. The only exception, as far as he could ascertain, to that rule was the case of the soapboilers, who were still bound to take out a licence, although the tax on soap had been repealed. The duty on paper had been abolished, it was said, with the view of encouraging and developing trade; but this monstrous imposition would have quite a contrary effect. It might be very right to establish a check of this kind in the case of a dangerous or noxious trade, but the manufacture of paper was one which ought to be encouraged. The fact of having to pay four guineas for a licence, however, would prevent many persons from entering the trade.

Amendment proposed,—

"In line 7, after 'in respect of,' to insert the words 'any maker of paper, pasteboard, or scaleboard' or any printer, painter, or stainer of paper, or any seller of paper-hangings or:"

The CHANCELLOR of the EXCHEQUER said, he was unable to say that the hon. Member's statement of precedent was literally incorrect, but he could mention an instance to show that it was certainly not established as a principle of recent legislation that when an Excise duty was repealed the persons who paid it should also be relieved from the burden of annual licences. The soap trade, to which the hon. Gentleman had himself referred, was one case where the repeal of the licence did not follow the repeal of the duty, although the question was carefully considered by Parliament, and there was as much anxiety to promote the soap as the paper trade. But the case of the auctioneers afforded a still stronger instance of the same kind. When the Excise duty on auctions was repealed, so far was Sir Robert Peel and the Parliament of the day from thinking that the licences ought necessarily to be discontinued as well, that the repeal of the duty was seized as an excellent opportunity for raising a small sum in an unexceptional manner, either—for he forgot the exact course pursued—by imposing a licence duty on the trade, or greatly augmenting that which already existed. That measure was carried without opposition either in the House or from the auctioneers. Then as to the principle, he could not regard the payment of £4 4*s.* for a licence as a serious obstacle to the development of the paper manufacture, which must be prosecuted on a scale certainly far larger than could be by persons who would feel as a burden so trifling a charge. It was urged that the amount derived from this licence was very small—only some £1,500 or £1,600 a year at present, and not likely to rise above £3,000 or £4,000 for many years to come; but the question was, not how much this duty would yield, but whether it could be raised in an unexceptional manner. If there were no serious complaint against it, and it involved no breach of principle, the mere smallness of the amount was no reason for abandoning it, especially in the case of a class on whom the Legislature were about to confer a great boon at a heavy cost to the Exchequer. The principle of these licences on trades was a good one; and he would be ready enough to answer the hon. Member's question whether he was willing to extend the practice if it depended on his own will alone. The question of licences on trades might at any time become entitled to the serious consideration of Parliament, either on account of peculiar financial pressure, or as a commutation for other taxes; and he was not prepared to surrender those taxes of the kind which now existed. It might be true that all taxes which existed should be in perfect harmony with each other; but, although it might be proper to keep that in mind, he did not think it of itself a good reason for surrendering a duty which was raised without difficulty, complaint, or cost to the Exchequer, and which was paid by a class who, as he had said, were about to receive so considerable boon from the Government.

Sir JOHN TROLLOPE remarked that when Sir Robert Peel increased the licence duty charged on auctioneers, those already in the trade were delighted, because it tended to keep others out of it. There could be no reason why paper manufacturers should be subject to licence duty more than cotton-spinners or carpet manufacturers. If one species of manufacture was to be licensed, there was a strong reason why all the rest should be treated in the same way; and he thought that the Chancellor of the Exchequer, who had been making great changes in the financial system of the country and was so much in favour of direct taxation, ought to extend the system of licensing to all trades. By what the right hon. Gentleman was now doing he would create a practical monopoly in the paper trade. The paper manufacture was already in comparatively few hands, and would become the possession of still fewer in time.

Mr. BRIGHT said, he thought the right hon. Gentleman was not quite so conclusive in his arguments on this occasion as he had been on many other questions connected with his Budget. He agreed with the hon. Member opposite (Sir J. Trollope) that there was no reason whatever why the men who made paper should have to pay for a licence more than those who made calico. He believed it was better for the paper-makers that the licence should be retained and the duty abolished than that both should be retained; but there was really no reason why they should pay licence duty while those who manufactured other things were exempt. His principal objection to the duty was that it was unjust to the various classes of paper manufacturers. Those who carried on an extensive trade—the Wrigleys, Dickensons, and Cowans—paid no more than the £4 4*s.* which had to be paid also by those who carried on business only on a small scale, and derived from it but a scanty living. If their incomes did not exceed £250 a year, the licence would be equal to a tax of 4*d.* in the pound. It was not worth while, perhaps, to say much about it on one side or the other; but he thought the exceptions to which the Chancellor of the Exchequer had referred did not afford sufficient grounds to continue the system, unless it were extended generally among traders, and that, he suspected, no Chancellor of the Exchequer would attempt until other sources of revenue had failed. He hoped that the Chancellor of the Exchequer had not said what he had said tonight for the purpose of extending licences. He had no objection to traders paying their full share of taxation, but he thought this mode of licences very unpalatable, and very unsatisfactory. He thought the hon. Member for the Tower Hamlets (Mr. Ayrton) was right in the view which he took of this question. It did not seem to be a matter of much consequence. No paper manufacturer objected to the licence. At the same time it was not just in principle, and it was unfair to the small paper manufacturers.

Mr. WYLD said, that he did not think it would be fair to paper manufacturers to subject them to that charge, and at the same time to expose them to an unlimited competition with foreigners. The auctioneers to whom the Chancellor of the Exchequer had referred had no foreign competition to encounter. With respect to the manufacturers of glass, the duty on which was repealed a few years ago, they paid no licences. If free trade were to be accompanied with the imposition of licences generally, the Chancellor of the Exchequer would rouse a feeling of opposition which he did not expect.

Mr. BASS observed, that the paper-makers ought to be satisfied that they had now one tax less, while the one in question was only retained on account of revenue. The system, if adopted at all, ought to be extended to all trades; and he asked the right hon. Baronet (Sir John Trollope) how the farmers would like being subject to a licence to carry on their business. The licences of the trade to which he belonged were enormous. He paid, himself, no less than thirteen different taxes. He paid them as a maltster, as a brewer, as a dealer; the article was sold to a person who paid the tax; the publican paid another tax. In every principal town in which he had an agent he was also obliged to take out a licence, and the general effect in his case was that he paid the tax eleven or twelve times over. Thus there were thirteen different taxes in the shape of licence duties. Altogether he paid about £130,000 per annum. Let him, however, be relieved from half only of the other taxes, and he would not quarrel about the licences.

The CHANCELLOR of the EXCHEQUER said, he must call attention to the important considerations involved in this extremely small question of £1,500 a year, which the paper-makers paid for licences. If they voted away this sum, and laid down the principle to remit all licences, they would abolish a considerable revenue. Although the system of licences might be anomalous and exceptional, they ought not to take away the money in one instance, unless they were prepared to lay down a clear principle, and carry it to a consistent end. He was much obliged to the hon. Member who had just spoken, for he had convicted the hon. Member for the Tower Hamlets of a great inaccuracy. The hon. Member for the Tower Hamlets said that uniformly, when Excise Duties were removed, licences were removed also; but there was an Excise duty on beer; and, though it was removed, the manufacturers of beer still paid a large sum for licences. Knowing that the Committee was in danger of being betrayed unawares into the remission of a small sum which might afterwards involve inconvenient consequences, he entreated them to interpose, unless they were in a condition to part with a revenue of some hundreds of thousands of pounds.

Mr. AYRTON said, he had mentioned that there were certain exceptions in which the system of licences was retained, although the duty on the commodity was remitted; but those exceptions depended on clear and intelligible principles. It was quite unnecessary for the Committee to be drawn into a discussion of licences to auctioneers, for the maintenance of which good reasons might be given. His simple proposition was, that when the excise upon articles having no noxious tendency was repealed, with one exception, the licence duty was removed with it. He knew that it was the interest of the paper-makers to maintain the licensing system, and he was quite astonished to hear such a financier as the Chancellor of the Exchequer talk of the revision of the paper duty as a boon to the paper-makers. It was not ranked as a boon to them, but as a boon to the public; and he was asking them to repeal the licences precisely on the same ground—namely, for the benefit of the public. Men largely engaged in the manufacture of paper, would, no doubt, like to have the licences increased to £30 or £40, because the practical effect was to exclude others from setting up in the trade. Of all systems of finance that of a heavy licensing system was the most iniquitous and the most injurious to the public; because the tendency was to keep down the small men, and leave the large manufacturers in possession of the business undisturbed. The right hon. Gentleman had endeavoured to draw the Committee away from the true question. He only asked for the remission of the Excise licence when they removed the Excise duty. The Committee would be betrayed into nothing by assenting to it. It was a proposition which had been assented to over and over again, in the case of glass, bricks, and other commodities; and he protested against the Chancellor of the Exchequer creeping into a system which he could not avow before the country, however agreeable it might be to large manufacturers, who traded to the extent of hundreds of thousands of pounds.

Question put, "That those words be there inserted:"

The Committee *divided:* Ayes 39; Noes 147: Majority 108.

Clause *agreed to.*

Clause 2,

The CHANCELLOR of the EXCHEQUER explained that the limitation of quantity with respect to drawback, was fixed by this clause. The amount fixed as a *minimum* appeared to be reasonable, and was stated in all the communications with the trade.

Mr. NORRIS said, the clause did not include "millboard," as stated in the preamble of the Act.

"Millboard" was accordingly inserted, and the clause was *agreed to.*

Remaining clauses *agreed to.*

House resumed. Bill *reported.*

PETITIONS OF RIGHT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee).

Clause 1 *agreed to.*

Clause 2,

Sir GEORGE LEWIS said, that he thought the hon. and learned Gentleman who had charge of this Bill (Mr. Bovill) had earned the gratitude of the House for the introduction of a measure which would have the effect of simplifying the procedure, removing the technicalities, and reducing the expense in this class of actions —but there was one point to which he wished to take exception. He thought there was no reason why a preliminary application should be made to a Judge. He therefore proposed that the second clause should be omitted altogether; and then, with some verbal Amendments in the third clause, the effect would be that the first application would be made to the Crown.

Mr. BOVILL said, he was willing to assent to the suggestion.

Clause *struck out.* Remaining clauses *agreed to.*

House resumed. Bill *reported.*

CUSTOMS BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee).

Clauses 1 to 11 inclusive, *agreed to.*

Clause 12 (Duties on Timber and Wood),

Mr. FENWICK said, the effect of the proposed measure would be to impose a duty of 1*s.* per load on a species of wood extensively imported into the north. It was called spars, was of an inferior description, and was principally used for mining purposes. No doubt 1*s.* per load was a reduction of the present duty, but in consequence of the mode in which spars were measured by the Customs the new duty would in reality amount to something like 3*s.* per load. He hoped the Chancellor of the Exchequer would give the House an assurance that the duty would be charged in such a way that the importers would have to pay 1*s.* per load only.

The CHANCELLOR of the EXCHEQUER said, he had no difficulty in giving his hon. Friend the assurance which he asked, for it never was his intention to maintain under the new law those measurements of woods of this description which might be perfectly intelligible, but which were not equitable, and which existed under the old system of the timber duties. It was not intended, in short, to abandon the mode of measurement hitherto practised by the Customs, and the new duty would be put as nearly at 1*s.* for the quantity mentioned as it would be possible to do.

Mr. FENWICK: And as to bark, perhaps the right hon. Gentleman would state his intentions.

The CHANCELLOR of the EXCHEQUER: The duty would follow in the same manner, and be made more equitable.

Mr. BUCHANAN said, that staves used by coopers for herring barrels had been excepted from duty under the old law, and he regretted to see that the right hon. Gentleman still proposed to make them no longer an exception. He thought all staves ought to be treated alike. He wished further to observe. in reference to the tea and sugar duties, which had been fixed for a year only, that the system was most inconvenient to the trade generally. If they had been taken for five years or more, it would have been far more agreeable to the trades. He hoped the House and country would long have the benefit of the services of the right hon. Gentleman in the office which he so much adorned, and then perhaps he would consider this question and bring it to a settlement.

Mr. HENLEY said, he was glad the right hon. Gentleman seemed willing to do justice to the dealers in staves, but his morality appeared to be this, that so long as the duty was high, it was right to charge them three times too much, but now it would be low he did not intend to charge more than the proper amount. This evidently was the reasoning of the right hon. Gentleman.

The CHANCELLOR of the EXCHEQUER observed, that the criticism of the right hon. Gentleman applied to an abstract Chancellor of the Exchequer. The present did not hold himself reponsible for schemes of duty devised before he was born. The exemption of staves for herring barrels was an old exemption, which probably it was thought invidious to destroy. The exemption of staves in general was introduced under the Government of Sir Robert Peel about 1842, when the cooperage trade of this country was labouring under severe competition; but, the principle of a nominal duty being now established, it was the opinion of a large portion of the trade that a uniform duty should be fixed, and so this low duty on staves was proposed and adopted by the House. He thought that there was great force in what the hon. Gentleman said with regard to the duties on tea and sugar, and he trusted that whoever might in future occupy the office of Chancellor of the Exchequer would be enabled to adopt a system which would give the commercial community a larger outlook with respect to these duties than they could have under a provisional arrangement.

MR. HALIBURTON said, he had a matter of great importance, affecting the colony with which he was connected, to bring under the notice of the House; but at that late hour (twenty-five minutes to twelve o'clock) he thought it would not be advisable to attempt to make the long statement he should be obliged to offer to the Committee. He therefore moved that the Chairman report progress.

THE CHANCELLOR OF THE EXCHEQUER said, he was quite certain that though the hour might be considered late in some countries, it was according to the usages of that House an early hour. At present there was a most favourable and satisfactory state of things for the discussion of the question, the House being in a calm and temperate mood, and having nothing to sway its judgment, and if the hon. Gentleman would proceed with the statement he had to make on the present occasion he would find it so agreeable a duty that the House would doubtless frequently in future have the pleasure of listening to him at a similar hour in the evening.

MR. HALIBURTON observed, that he felt he had no alternative but to go on; but he assured the Committee that he never rose under circumstances of such embarrassment. He proposed to move that in page 16, line 31 of the Bill, after "sawn or split, planed or dressed," should be inserted, "except deals, battens, and boards, which shall remain at the present duty." No person reading the short line in the paragraph to which his Amendment would apply could suppose that underneath those ordinary words lay a measure of as great importance as ever was brought before the House. When he considered that the persons he represented belonged to a colony unrepresented in that House, and without any official organ in this country to make their wants known to the Government, and that he, who now rose to advocate their interests, was a stranger in this country, without any sort of interest beyond that which consisted in the feeling of all Englishmen to do right, he felt such discouragement come over him as he believed no other man had ever felt before. It was needless for him to say that British America was a forest country, and its only or main export was timber. Therefore the interests of the whole people were more or less involved in the trade; but in this country, where there were so many vast interests, if one was ruined the whole country was not thereby affected. All other interests were ably and efficiently represented in that House—the cork-cutters, paper-makers, and others, who were all for free trade for the rest of the world, but Protectionists for themselves—these were represented by men so able, that they could draw from the ranks of Free-traders some of its oldest advocates to say that they approved of the doctrine, except where their constituents were concerned. But who was there to speak for the absent men, out of sight, yet intelligent, able, enterprising, and loyal, who formed the foundation of a large empire? If he felt discouragement under these circumstances he could not derive much consolation when he considered that the present was the measure of the Chancellor of the Exchequer, one of the most eloquent, able, ingenious, and persuasive of men, but who, according to his own expression the other night was impervious to any argument. When he saw the majority on the opposite benches in favour of free trade and the abolition of all duties, he felt that the tide was running against him, and that it was hopeless for him to make an application to that House for assistance. Still, he would appeal from the right hon. Gentleman the Chancellor of the Exchequer to the good honest feeling of Englishmen, who proverbially loved fair play, and who, if they could not assist, at least sympathised with the weaker party. In former days it was the policy of this country to nurture its colonies. That was the period when the Gentlemen on his side of the House were known by the well-defined and time-honoured name of Tories, and before the new sliding-scale sort of nomenclature of Conservatives—Liberal Conservatives—progressive Conservatives—came into fashion, together with a variety of other names of very little meaning and much less sense. In those good old times it was the habit of the country to rely on its Colonies, and he recollected that in his younger days the toast drank on all occasions was "Ships, colonies, and commerce." Those good old days were passed, and now it was "cotton twist and cotton yarn" instead of "colonies and commerce." In these good old days it was thought necessary to cultivate the Colonies, and, on this principle, that those who begot children were bound to protect and support them. On the same principle, a nation which planted colonies ought to support and protect them until they were able to support and protect themselves. Therefore every encouragement was given to that forest country to furnish supplies of timber to England at a period when the North of Europe, the only other place that England could get timber from, was, by the machinations of the uncle of the present Emperor of the French, closed to this country. In 1842, Sir R. Peel reduced the scale of these duties, with the view of giving the people of England the benefit of competition between North America and the North of Europe. Now, he found no fault with the principle of that proposal, but with the mode then, as now adopted, without notice and by surprise, of throwing the colonists on their backs in an instant. What was the consequence? One of the ablest men in Canada, whom he had seen within the last few days, computed the loss to that colony caused by a little clause of four or five words, just like that of the present Chancellor of the Exchequer, at £3,000,000 sterling. The loss to New Brunswick and Nova Scotia, his own knowledge of which was more extensive, he estimated at £2,000,000 more; making altogether £5,000,000. Other reductions took place, and now the competition had reached this point, that the trade in America, which was rather on the decrease, while the foreign tonnage and foreign importations had of late years largely increased. It had also become a sort of gambling trade. If the supply from the Baltic was not very great, there was a chance of our own colonists coming in and reaping some little profit. At other periods they barely realized the cost of production: and it was at such a time, with things in that position, that the Chancellor of the Exchequer had chosen for introducing, without notice, his scheme for equalizing these duties. The matter was one of great importance, not with respect to the few shillings a ton, but on the tenure of our colonies. He entreated the House to consider whether it was their intention to put it out of the power of those colonies to belong to them or not. He wished to warn the Government against the course they were pursuing. He could tell them, from his knowledge of the people of North America, that this measure was cutting the first strand of the cable which connected these provinces with this country. When the first step was being taken to equalize the duties on Baltic and American timber the colonists were engaged in arranging their spring exportations to Liverpool. Among the rest was a person named M'Avity, the Mayor of the city of St. John's, the capital of New Brunswick. That gentleman was in this country on his private affairs, as was often the case with almost every other timber merchant in St. John's, New Brunswick; and to his astonishment he learnt from the papers that the Government proposed to abolish the differential duties on timber. Mr. M'Avity was a very respectable man, filling an office to which he had been elected by a very different class from the £6 householders who were about to receive the franchise in England, although he certainly desired to cast no disparagement on the gentlemen who composed the "Strikes" of this country. Mr. M'Avity addressed a letter to the Chancellor of the Exchequer, in which there was really nothing impertinent. Private affairs, said the writer, required him to return in a few days to his native land; but he was confident the right hon. Gentleman could not be aware of the extreme injury which the new scale of duties would inflict on Her Majesty's subjects in New Brunswick, more especially on those engaged in the manufacture and exportation of deals. He also expressed his belief that he and his fellow colonists who had invested large sums of money in saw-mills and other requirements of the trade, upon the faith of the continuance of the present duties, had on that and other grounds a just claim to be heard before any change was made. In this country they could not hint a change of duties without it being instantly conveyed by post or telegraph to John O'Groat's house. And immediately up got the hon. Gentleman having the honour to represent the very fertile regions where that House stood, to make known the wants of the gentlemen of groats. But Mr. M'Avity also respectfully avowed his conviction that should the proposed change be carried out without reasonable opportunity being afforded to the interests affected to express their opinions upon it. "such a hasty proceeding would undoubtedly cause serious discontent among a people who had always been conspicuous for their attachment to the institutions of this country." Well, if there was anything improper in the tone of that letter perhaps some hon. Member would be good enough to point it out to him, for he confessed, as a poor simple-minded colonist, that he had wholly failed to discover it. Now came the right hon. Gentleman's answer, an answer he must say not exactly such as he thought it becoming in a Chancellor of the Exchequer to make. It was very haughty and very supercilious. What! a man from New Brunswick, who could not in any way influence a vote in that House—what sort of a fellow was that to approach a dignitary like a British Chancellor of the Exchequer! The man must have been dumb-founded before he got home, if he did not actually die from fright. "In your letter," said the right hon. Gentleman, "you protest as well as remonstrate." Dreadful words! One would have fancied the man must have used some terrible oaths, or discharged some extraordinary Yankee expletives, at the least. But, after all, he only "protested"—a thing which our noble Foreign Secretary has been so much blamed of late for not doing on the Savoy question. But the right hon. Gentleman appeared to have got excited by the hardihood of this gentleman in venturing to "protest and remonstrate" —horrid words!—against any change in the timber duties until the people of New Brunswick had had "an opportunity of stating their views on the subject." "Were I to examine your language critically," he proceeded, "I could not admit your title, even individually, to protest against any legislation which Parliament may think it right to adopt for the equalization of the duties on foreign and colonial wood. [*Cries of* "Hear, hear," *from the Ministerial side.*] Yes, they would "hear" something more yet. "And when you desire to remonstrate 'on behalf of the inhabitants of a colony,' I must observe that such remonstrance ought to be addressed to the Secretary of State for the Colonies"—here spake the Circumlocution Office! "who would exercise his discretion as to bringing them before the Minister of Finance." That was a way of conciliating the Colonies, certainly! A mere colonist had no right, to use the words "protest and remonstrate;" they were highly indecent to English ears, especially if addressed to the Chancellor of the Exchequer. Emperors only were at liberty to utter them. That was the mode in which a Minister of the Crown addressed the people of British North America—men very different from their £6 voters, who did not know what they were talking about. A colonist was told that he must not presume to approach a personage like the Chancellor of the Exchequer of all England. He, the mayor of a pettifogging place, St. John's, New Brunswick, must go back to his own country and then address his Governor, who would forward his protest to the Secretary of State for the Colonies, who would exercise his discretion whether he should bring it before the Finance Minister. Probably it would never be laid before that Minister at all, because, long before this colonist reached his home and got through the Circumlocution Office, the Bill would have been framed by Parliament, and that would be the answer which his protest would receive. There were, however, other duties besides paper duties, and there were responsibilities besides those of responsible advisers. The Chancellor of the Exchequer went on to say that as his correspondent was about to quit England he would waive all regard to the considerations which he had alluded to, but he begged leave to say that there were no circumstances or arguments that could have led any persons interested in colonial timber and exercising ordinary prudence to reckon on the permanence of a law for retaining the differential duties on timber. But surely plain principles of justice suggested that if their export trade was to be cut off it should not be without some little notice. If prudent men would not have had any such reliance, he could only say that the people of all British North America were very imprudent people. When the principle was announced that it was intended to give the English public the benefit of competition with the foreigner, was the differential duty not reduced to the lowest *minimum?* And when the trade could hardly support itself, why were the colonists to consider that the differential duty would not be continued? The Chancellor of the Exchequer said that no expectation could be formed of this, for the legislation for a long series of years was founded on the principle of first abating and then destroying these duties, and the only wonder was that they should have lasted so long. Then the right hon. Gentleman said:—"You describe this change as destructive of the trade and of the property of the colonists. If so, it can only be because the differential duty exacts from the people of England, who provide for the military and naval defence of New Brunswick at their own charge, an artificial price for its produce." Now, this would be an ungenerous expression, if even it were true; but, in point of fact, there was not a word of truth in it. England protect New Brunswick, of all countries in the world! Did the English Government protect it when they sent Lord Ashburton with a dash of his pen to strike off one-third of the colony, surrendering its best timber land, compelling a colonist to pass through a portion of the United States in order to reach his own capital, and cutting off his postal connection with Canada. If this was protection the people of New Brunswick might be able to defend themselves against their enemies, but it would be hard to save themselves from their friends. Again, did the English Government protect Nova Scotia when they abandoned its fisheries to the Americans? In such hot haste was this done that when the delegates who, to put on a plausible appearance, had been sent for from Nova Scotia arrived at Quèbec, they found the treaty signed. This treaty surrendered the best fishery in the whole world, and contained a most ignorantly conceived clause, which enabled the Americans to spread their nets and cure their fish upon the uninhabited parts of the coast, the fact being that there was not an acre of unoccupied land on the whole shore of New Brunswick, so that the Americans had actually the right to spread their nets upon any field which was not ploughed and under-cropped. Was that protection? In much the same way Canada was protected, when so badly drawn up was the last treaty, that the colonists found themselves debarred from a trade which they had anticipated, because it was a coasting trade, and never got the navigation of the American canals in return for equivalent concessions which they were called upon to make. Was it protection to the North-West when, by a blunder which upon a competitive examination would have disqualified a man for a marching ensign's commission, the half of the beautiful territory of Oregon was given up, and the settlements of the North-West were handed over to the Americans, the line of demarcation being run into a place which had since led to a dispute about the island of San Juan. He was going to say that the colonists would be better without such protection, but he would leave them to say that for themselves when the time came. This protection, however, was plainly all a mistake, although the Chancellor of the Exchequer said they were protected, and assumed to know more about Canada than these gentlemen did; but that was not true. He would ask them whether they wished to spread general bankruptcy throughout the colony? The Chancellor of the Exchequer said that the prediction of "ruin" was not well founded; but "ruin" was not the word used—the terms were "great dissatisfaction." There was certainly a class of politicians in this country, who used words so ambiguously that there was no meeting their arguments. But Mr. M'Avity, as the right hon. Gentleman had observed, was about to quit England; and how did he get back to New Brunswick? First he had to go to New York, from there to Canada, from Canada back to Portland, and from Portland he would take the steamer to New Brunswick, because the colonists had not a road which they could make use of to reach their capital. They were told that this repeal of the differential duties was free trade, and a colonist was expected to return home crammed with this wonderful specific, which cured all diseases. "Look at the opulence of this country," it would be said to him; "see how rich we have become since we adopted the policy of free trade!" But then he would go to the United States, where he would hear it said, "See how rich we have grown under protection!" The conclusion he would come to would probably be that neither the Americans nor the English were right, and that a midway system of reciprocity was the true policy. That such was the true line to take this country would find out one day. Perhaps, however, the Chancellor of the Exchequer would tell them the longest way round was the nearest way home. But there was another gentleman who was at all events known—he alluded to Mr. Rankin. If there was a man associated with British North America who was acquainted with the timber trade it was Mr. Rankin; but, like a true Scotchman, he was now about to retire from a trade that would not pay him. He would not read that gentleman's letter at that hour, but he would only refer to one passage in which he stated that, in 1840, the balance of the timber trade in favour of the colonies was 1,511,000 tons, whereas in 1859 the balance in favour of the foreign trade was 2,614,626 tons. When these men from the colonies had exhausted themselves they got the most experienced men in Liverpool, with whom they thought to make a great combined effort and send a petition to that House. When they began to explain matters in that petition they were stopped. It was irregular. Like bad game they were told it ought to be bagged. After they had very briefly and ably stated their case, they looked round to see if there was a man in that House who cared for British North America. There was no one in Downing Street. There was no use in going to the Colonial Office—there they carried out the wishes, not of the colonists, but governed the Colonies according to the wish of the Government. But they found in him, their countryman, a very unworthy representative. They sent their petition to him to present. He could not state their case with that effect he could have wished; and, feeling the difficulty of the case, he proposed to the Chancellor of the Exchequer that these 3,000,000 people should be heard at the bar of the House. [*A laugh.*] Yes, those who considered the unrepresented rabble of England worthy of being heard night after night thought nothing of 3,000,000 of vastly more intelligent and able people than one-half of the constituency above the ten-pounders in this country. He should be more or less than a man if he did not stand up for his countrymen on the other side of the Atlantic, where his family had been for 100 years consecutively under the flag of the old country; and if they did not listen to their sole advocate, and if they did not regard their appeal with that deference it deserved, it would be echoed back with throats louder and stronger than his. What was the answer he received; "Such a thing was unheard of;" but he said their claim was not without precedent. There were precedents to which he could refer. He would refer to one, not exactly upon all fours with this, as lawyers would say, because the tax was to be paid there, not here. Dr. Franklin was heard at the bar of the House, and told them, as he now told them — but Dr. Franklin did it in triumph, while he did it in sorrow—that their legislation would lose them their colonies. Dr. Franklin's prophecy had been fulfilled. He prayed to God his might not be. A pretty reception Franklin met with. What was the language of Wedderburn? He pointed to him and called him a thief and murderer, and a man that had forfeited the good opinion of mankind. It was not a very encouraging thing to be heard at the bar of that House. But Franklin wrote a little treatise which he might recommend some hon. Gentlemen to read—for they were travelling on the same road, —in which he showed "how a great nation may be made into a very small one." The people had certainly acted with very great fairness and very great moderation. They had instructed him to ask for no remission of duty where it might affect the shipbuilder, but there was a particular description of timber that was manufactured in their sawmills on which millions had been spent, and which must be taken into consideration. The supply for the timber trade was all prepared the year before, no notice was given, and if the trade were cut short ruin would follow, not as regards the supply of Liverpool—that must come; but the labour would not be paid, the contractor with the labourers would not be paid, the merchants that supplied them with manufactured goods would not be paid, and then would come the question among the colonists, "We have all the disadvantages of belonging to Great Britain, and not one of the advantages; shall we set up for ourselves? We are as numerous as the Americans were when they conquered their independence—3,000,000 of more sterling stuff than any they had; shall we part good friends—shall we make our own treaties, or annex ourselves to our neighbours with whom our commercial interests are so nearly allied?" The Chancellor of the Exchequer had already spared some; he had granted a drawback to the paper manufacturers and also a drawback on wine. Were their children and friends in British North America, the props and supports of this country, not to be regarded with equal consideration as the manufacturers of a bit of paper? The Chancellor of the Exchequer said, he had heard these complaints before, but an appeal to figures showed that since the passing of Sir R. Peel's Act reducing the duty on timber in 1842 the number of vessels that entered the St. Lawrence had been either diminishing or stationary. It was true that in 1845 an active demand took place, in consequence of a revival through railway speculations, but after the cessation of these it declined again. Among the very ablest shipmasters in the port of Liverpool were colonists who had left their own country on account of the stagnation of trade caused by the timber duties, while many more had been exiled to the ports of Boston and New York. Considering that the production of British North America and the Baltic countries of this particular kind of timber was pretty equal, for, although labour was cheaper in the Baltic, yet there was superior skill and enterprise in the British colonies, there were great difficulties for the latter to overcome. He found that freights from Gothenburg to Hull were 32*s.* 6*d.*, while from New Brunswick to

Hull they were from 80*s*. to 85*s*. If the reduction of the relative duties should take place the result would be that the Baltic timber merchant would make his profit from it and would say that Nova Scotia would be ruined entirely. That, perhaps, was a small view to take, and not sufficient to justify a long speech, but he had listened to what sailors called "long yarns" about the want of a reserve for the navy while those who talked about it did not always seem to know how to get it. Every merchant and trading company which formed a reserved fund did so from its abundance after paying expenses and profits, but the reason why our reserves for the navy had not answered was because our navy was not sufficient for us. And if this country were to retain the supremacy of the seas, was it wise to cast off the third greatest shipping Power in the world—British North America, which ranked next to the United States? But while British shipowners were complaining, while British North America was being ruined, France was acting very differently. She gave bounties (which he did not ask England to give) for the deep-sea fisheries, and had now 30,000 seamen upon the banks of Newfoundland, which she was really annexing, while our attention was taken by an *ignis fatuus* in Savoy, which, however interesting, as it really was, did not so nearly affect us. He did not ask for bounties, but these small timber duties, these small favours to the sailors, who would be our help in time of need, might well be spared. The Chancellor of the Exchequer had talked of the protection afforded to the colonies by our army and navy, but they did not need that help. In time of peace two or three vessels to protect the fisheries would be ample. He was aware that nothing could be more distasteful to the people whose interests he was advocating or more unacceptable by the people of this country than anything which bore the appearance of a threat; but he must remind the House that the country he was speaking of had all the disadvantages of a connection with England without any of its advantages. The inhabitants were not people who should be trifled with; they were rather entitled to expect kind if not paternal usage. Persons of the calico school, who regarded nothing but the manufacture of cotton, said that the United States were better customers now than when they were colonies, and that it would be no great loss to get rid of British North America. These at any rate were not patriotic sentiments, and they were not facts. The United States were in a great measure settled by rebels from the country—Cromwellians—but during the trying time of the American revolution, British North America remained true to the Sovereign, and when the revolution was over, thousands of loyalists passed from the States, and sought a home in the wildernesses of our present North American colonies, in order to have the honour and satisfaction of living and dying under the British flag. Those were the men who begot the present race, and who had transmitted their feelings of loyalty to the present generation. Nothing was so repugnant to the feelings of such people as to be treated with ridicule. In 1812, when Napoleon was marching to Moscow, and it was believed that the day of Great Britain's glory and power was declining, the United States declared war against the mother country. Who then repelled them in America? Was it the army or navy of England? Of the first we had none to spare, all our men being gloriously engaged in a life and death struggle in Europe. It was the Local Militia of Canada who drove back the hordes of invaders from those lands and pursued them beyond the borders. And at a later period, when French emissaries among a French population, and Radical Chartists who had left this country for one where they were taught to believe they would find no nobleman to whom they need take off their hats, made a hostile movement, what had happened? Who, let him ask, had repelled that invasion? The Militia of Canada; for when Sir G. Cockburn asked Sir F. Head if he could spare the services of the regular troops, that able and popular Governor, who was a standing testimony of the ingratitude of the statesmen of England, replied, "Take them all. I will place myself at the head of the Militia, and drive those men out of the country." The people of Canada, then, he contended, deserved some consideration at the hands of the English nation. In addition to the other claims which they possessed to it, he might mention the fact that the colonists had, as soon as they were able, relieved this country from bearing the expense of their local Government, and had taken it upon themselves to carry it on on a scale of munificence and liberality which was almost unequalled. They paid the Governor General whom England sent out to them, out of the meagre treasury of a young colony, a salary nearly double that which was received by the President of the United States; and the people of New Brunswick, Nova Scotia, and the other colonies acted in a similar spirit. And what was the return which was made to them? On a recent occasion, when the question of what names should be given to four different townships in our North American provinces had been referred to the Governor General for his decision, his wife had had the good taste to impose upon them the names of Tiny, Floss, Hops, and Emily—these being the names of the pampered lap-dogs of a pampered master. Against their enemies the colonists were able to protect themselves; he asked for protection for them against the repetition of such an insult as that which he had just mentioned. Why, the Americans acted better by their negroes than to treat them after such a fashion. Instead of naming them after lapdogs, they called them Cato, Scipio, Venus, and Juno, after the heroes of antiquity, and the goddesses of the ancient mythology. Were our North American colonists the sons of dogs that they should be placed upon a lower level than the negro? He, for one, should enter his indignant protest against acts so insulting as that to which he referred. But it was urged by the Chancellor of the Exchequer that the colonists imposed taxes upon English produce. Who was it, he would ask, that directed them to do so? Those who presided in that beautiful establishment in Downing Street, which operated as a nightmare upon our colonies, and who sent out instructions to the effect that the foreigner was not to be taxed, and that England would get into trouble with respect to her treaty engagements if there were not discriminating duties. Still, it was contended that the colonists taxed England; but it should be remembered that it was they themselves who virtually paid the tax. They had good reason, therefore, under all the circumstances which he had stated, to complain of the position in which they were placed. They were ridiculed by their American neighbours in a way which was most painful to their feelings. The people of the United States said to them, "You now belong to England, but associate yourselves with us, and you shall have 10 Members in the Senate and 140 in the House of Representatives. Instead of being encroached upon by us, you would become one of us, and we should take care that nobody should interfere with you. Instead of being excluded from a share in the patronage of our country, you would have open to you all the offices of an united empire. The negroes of St. Domingo have their sable representative at the Court of London; you have none. Will you longer submit to occupy a position so inferior?" Such were the taunts with which the people of Canada had to bear; let him beseech the House of Commons not to afford cause for their continuance, and not to place it out of the power of colonists to belong to this country. In using the language to which he had given expression he was not afraid of being misunderstood. The whole object of his life and writings had been to unite, by bonds firmer and more indissoluble, Canada with England, to unite the raw material of the new country with the manufacturing skill of the old, in order that, both possessing one language, one literature, one blessed system of freedom, they might grow together in prosperity and greatness under the ancient and glorious flag of Britain. To the sentiments which he had uttered that evening he had often before given expression, although in a form somewhat different, entertaining, as he did, an earnest hope that relations might endure for ever between the two countries which were calculated to be profitable to both.

Amendment proposed,—

"In line 31, after 'planed or dressed,' to insert the words, except deals, battens, and boards, which shall remain at the present duty."

THE CHANCELLOR OF THE EXCHEQUER said, it was not necessary that he should detain the House for more than a few moments as it would be quite out of place to enter upon the wide field which the hon. and learned Gentleman had with so much ability traversed. He had entered upon the whole subject of the relations between Great Britain and the North American colonies, and had expressed with great frankness his views of what he conceived the ungracious treatment which the colonies had received at the hands of Great Britain. He had had, at any rate, practical experience, in doing so, of the disposition of the House to permit and encourage free discussion. He concurred with the hon. and learned Gentleman in the sympathy and respect which he felt towards the colonists of British North America, but he must confess he regretted some of the language the hon. and learned Gentleman had used, and the comparison he had thought it necessary to draw to their disadvantage. The opinion which the hon. and learned Gentleman had expressed, that the colonists of British North America were ungenerously treated, was not one which the Government entertained, nor did he think it would meet with any considerable expression of concurrence on the part of the Committee. Indeed, there was something of paradox in his comparison between the conduct of our forefathers at a time when the old Tory opinions, which he so much eulogised at the beginning of his speech, prevailed, in laying a tax on the British colonies, and the conduct of Parliament in relieving the people of England of a tax which they alone were paying. As regarded the question of the timber duties, there was no occasion for him (the Chancellor of the Exchequer) to enter into it; because the very brief and simple considerations which he thought would govern the policy of Parliament with respect to it were stated in a letter of his which the hon. and learned Gentleman had paid him the compliment to take as a text for a large portion of his speech. The hon. and learned Gentleman had been pleased to characterize that as a haughty and supercilious communication; but it was somewhat remarkable that he (the Chancellor of the Exchequer) had only yesterday received a reply to that letter from Mr. M'Avity, the gentleman to whom it was addressed, in which he particularly thanked him for the very courteous terms in which it was couched. But he was bound to say that he had no evidence, except in the speech of the hon. and learned Gentleman, of that burning dissatisfaction — that rankling sense of wrong—which he described as prevailing among the people of British North America. He (the Chancellor of the Exchequer) took it to be an undoubted fact that Parliament had now been long engaged in the removal of differential duties, both at home and with respect to colonial produce, and that of all the interests with which it had had to deal there was no one with respect to which it had proceeded more gradually, tenderly, and cautiously than the timber trade of British North America. In 1842, 1850, and in other years, when protecting duties had been reduced, notice had been given; and he believed that this had long survived every other object of colonial protection. He believed the opinion of this country was fixed on this subject, and he had no evidence before him, except the speech of the right hon. Gentleman, that the very just and moderate measure of the Government was in any manner resented by the people of that colony. Indeed, the question was so thoroughly understood by the House and the country that it would not be necessary for him to discuss it at greater length, and without intending any disrespect to the hon. and learned Gentleman he should now leave the decision to the Committee.

The Committee *divided*:— Ayes 24: Noes 91; Majority 67.

Clause *agreed to*, as was also clauses 13 and 14.

Clause 15,

THE CHANCELLOR OF THE EXCHEQUER moved the insertion of the words:—

> "That the extra rates above charged upon any goods which shall have been removed under bond shall not apply to removals under bond to warehouses in ports or places which now possess the privilege of bonding."

He did not consider this Amendment represented the state in which the law should finally remain; but for the present, he was content to take the rate as applicable to new places.

MR. KER objected to the clause as amended.

LORD JOHN MANNERS said, he should move that the Chairman report progress, as it was quite evident, from the right hon. Gentleman's admission, that the clause, as proposed, was not likely to settle the question.

THE CHANCELLOR OF THE EXCHEQUER assented to the Chairman reporting progress.

House resumed.

Committee report progress.

House adjourned at half-after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, April 23, 1860.

INUTES.] *Took the Oath.*—The Earl Cowley.
PUBLIC BILLS.—2^a Inclosure.
3^a Municipal Corporation Mortgages, &c.

ANNEXATION OF SAVOY TO FRANCE. PRIVATE OFFICIAL CORRESPONDENCE.

RESOLUTIONS.

THE MARQUESS OF NORMANBY rose to move to resolve—

"That it appears by the Papers lately laid before Parliament, and especially by a Despatch from Earl Cowley to Lord John Russell, dated 5th February, that the French Minister had stated, and truly, that the Intention of The Emperor of the French to take Possession of Savoy under certain Contingencies had been made known to Her Majesty's Ambassador at Paris, and by him communicated to Her Majesty's Secretary of State on more than one Occasion between the 12th of July 1859 and the 25th of January 1860 in private Letters:

"That while this House fully recognizes the Necessity of a private Correspondence between the Secretary of State and Her Majesty's Representatives abroad, it is of opinion that all Facts of International Importance ought to be made Matter of official Correspondence, and as such to remain on record for the Use not only of the Government of the Day but of their Successors in Office, to be produced to or withheld from Parliament by the Ministers of the Crown on their Responsibility:

"That the Absence of any such Record, more 'especially if such private Correspondence is referred to in public Despatches,' is injurious to the Public Service, unjust alike to the Foreign Minister who made the Communication and to official Colleagues at Home, and calculated to withhold important Matter from the full and free Control of Parliament."

The noble Marquess said, that it was some time since he had given notice of his intention to move his Resolution, but the discussion had been postponed from time to time by no fault of his. Before Easter he consented to postpone his Motion in consequence of a statement made in "another place" by the noble Lord at the head of the Foreign office, that any discussion on the affairs of Savoy at that time might prejudice the negotiations which were then pending; and more lately he had consented to a further postponement for reasons which would be fresh in the recollection of their Lordships. It was stated by the noble Earl opposite (Earl Granville) that the postponement would be convenient on public grounds, because it was considered by Earl Cowley that his Resolutions implied a censure upon him, and that his Lordship desired to be present at the discussion and was then at Calais detained by stress of weather. He (the Marquess of Normanby) assured the noble Earl that his Resolutions were not intended to convey any censure on his noble Friend, and expressed his intention to disavow any such purpose whenever he should be able to bring the subject before their Lordships' House. As his noble Friend could not be absent from his post at Paris without inconvenience to the public service, he thought these assurances might have rendered it unnecessary for him to come over. However, his noble Friend was now present in the House, and their Lordships were all delighted to see him; and perhaps in the course of the evening they would receive from him some interesting explanation upon one or two points which required to be cleared up. His noble Friend, he could assure him, was under an entire misapprehension as to the intended effect of his Resolutions. He considered the Secretary of State alone responsible for the manner and form in which negotiations of this importance were carried on. The Ambassador's name was only mentioned as a witness as to the fact. The object of the Resolutions was general, they were entirely prospective, and their intention was to guard the public service from certain irregularities, which did injustice both to the Minister of the foreign Court, giving the information and to the colleagues of the Secretary of State at home as they had thereby no official record to refer to. It was obvious from their very phraseology that they did not apply personally to his noble Friend. It would be useless therefore to go further into that view of the subject, and he would only state for his own satisfaction that nothing could be more unpleasant to him than that it should be supposed that having himself held the same situation as his noble Friend now so ably filled, and having felt all its difficulties, he should have sought occasion, especially in his noble Friend's absence, to criticise any act of his in a hostile spirit or even in a manner that should be displeasing to him. And he had this further remark to make—that whatever might be the responsibility of an Ambassador, the moment his acts were approved of and adopted by his own Government his responsibility entirely ceased. Now, the Resolutions which he had laid before their Lordships contained a declaration of principles which had obtained from time immemorial; and the reason why he had called upon their Lordships to reaffirm those principles was, that in the course of these transactions a great excitement in reference to the relations between the two countries had been created through the act of the noble Lord now at the head of the Foreign Office in having made a serious departure from the established usage with respect to communications received from our diplomatic representatives abroad. It was his duty to put such important communications in a regular form, and those Resolutions clearly laid down such principles for the future. But he repeated, that neither the terms nor the intention of the Resolutions conveyed any censure:—yet to his surprise he was asked the other evening, incidentally to the conversation on the postponement of his Motion, whether it was his intention to turn out the Government? He was perfectly at a loss to conceive how such an interpretation could be put upon a proposition which merely implied, and that inferentially, that the proceedings of the noble Lord at the head of the Foreign Office had not been perfectly unassailable in point of regularity or of judgment. Surely noble Lords opposite did not wish to appear more susceptible for the noble Lord the Foreign Secretary than that noble Lord was for himself. Why, within the last few days the noble Lord himself, in a public despatch, had handsomely apologised to Baron Schleinitz for the grave error into which he had fallen by the publication of a despatch from our Ambassador at Berlin, containing an account of certain confidential conversations with Baron Schleinitz. Although he could not but regret that any Minister should have exposed himself to such a rebuke as was contained in the Despatch read to him by Count Bernsdorff, at the same time he was glad the noble Lord had made this admission; because if he had not done so it would have been impossible in any discussion on foreign affairs in that House to avoid characterizing the publication of that conversation as a flagrant violation of diplomatic usage. The noble Lord had apologized to Baron Schleinitz for that irregularity; but there was another person who had been placed in an invidious position by that act—namely, his noble relative, Lord Bloomfield, to whom he hoped the noble Lord had conveyed similar expressions of regret. Lord Bloomfield had only done his duty in conveying the particulars of the conversation in question to the Secretary of State for Foreign Affairs, who, on the other hand, had made a use of the communication which he had no right to do, thereby, as he was told by Baron Schleinitz, injuriously affecting the intimacy of the relations between the two countries. If the complaint of Baron Schleinitz under these circumstances was very properly accepted as a rebuke by the noble Lord the Foreign Secretary, surely the Government had no right to consider that he (the Marquess of Normanby) was doing wrong in calling their Lordships' attention to another irregularity which was much more general in its tendency. It was therefore impossible to believe that any Government would cover themselves with ridicule by going to the country and saying that they had abandoned their posts because the House of Lords had chosen to express its opinion that the Foreign Secretary had not entirely acted to its satisfaction in the conduct of official correspondence. Their Lordships might, therefore, he thought, come to a decision on the Resolutions, free from any alarm as to ulterior consequences.

Since he had given notice of the Resolutions he had examined the papers presented to both Houses of Parliament, and compared their dates with those of the information which their Lordships had at various times received from Her Majesty's Government. And as much of these affairs had been conducted by means of private correspondence, and the information afforded to them was very meagre, it was the more important that such information as they did receive should be accurate in all its bearings; but he had found it impossible to reconcile the discrepancies which were but too evident between the statements made, and the information shown to have been at that time in the possession of Government, he therefore thought it fair to give the noble Lords the occasion to make some further explanation, before these events passed into the domain of history. When one looks back to the discussions which took place at the beginning of the Session, not yet three months since, when one recollects the light and careless way in which so-called explanations were given by the Ministers in both Houses, one can hardly believe that they related to the same transactions which have now become accomplished facts. It was not his intention now to renew the debate on the Savoy question, except to say that he thought the suppression or the delay on the part of the Government in producing communications containing important facts might, in some degree, have contributed to that catastrophe which had excited the sympathy and indignation of the people of this country. The noble Lord, the Foreign Secretary, had expressed his satisfaction at the tone of the first debate which had taken place in their Lordships' House on the subject of Savoy. He (the Marquess of Normanby) was very happy to acknowledge the compliment on behalf of their Lordships, because he thought that they themselves had reason to be very much satisfied with the debate, because he thought nothing was now gained by the application of intemperate language to the Sovereign of a foreign country. But he now regretted very much that he had been induced to withdraw his Address moved at that early stage of the question, when there appeared to be a chance of their interference being useful. He had intended his Motion as a support to Her Majesty's Government; but they did not think fit to regard it in that light, and he gave way in deference to their request, and withdrew it. Therefore, up to the present time, no direct declaration of opinion had been made on this subject by either House of Parliament; but he could not help feeling that a firm and temperate Resolution on the part of that and the other House would, if pronounced in time, and having the concurrence of all parties, have produced a favourable and forcible impression both in France and elsewhere. His Resolution, however, was declined by the Government. And now what was the last Parliamentary stage of the affair. After it had become impossible for Parliament to interfere with advantage, they had witnessed in the other House that exhibition of helpless irritation by the noble Foreign Secretary, who assumed a tone towards a foreign Sovereign which was never before heard from a Foreign Minister. The noble Lord, amid inconsiderate cheers from those whom he had previously silenced on that subject, said—[Earl GRANVILLE: Order!] he admitted that he was not in order in referring to a debate in the other House, and he would therefore only say if such sentiments were supposed to have been addressed to an English assembly it was strange that at the same time he only addressed to the French Minister a wordy despatch which that Minister justly said did not amount to a protest. He had been induced on the third day of the Session, in consequence of the information he had received, to call the noble Earl's attention to the article which had appeared in the semi-official French paper called *La Patrie,* and the ground in which the annexation of Savoy to France was advocated in that journal—namely, that of nationality. He received on that occasion an incomplete and unsatisfactory reply; he was told that he had introduced extraneous matters, and that he had wasted their Lordships' time on the mere authority of newspaper paragraphs. But what was the fact? That discussion took place on the 27th of January. Their Lordships could not have been aware that at that very time the *Patrie* was at the Foreign Office, having been sent by Lord Cowley in a despatch dated the 25th and received by Her Majesty's Government on the 26th. Lord Cowley stated that it was more than probable that the Foreign Secretary would have been made acquainted with the rumour that there existed a secret treaty between France and Sardinia, entered into before the late war, by which the latter bound herself, in case her territory should be considerably increased in Italy by the event of the war, to cede Savoy to France. Lord Cowley added that he had no knowledge of the existence of the Treaty, and had many reasons for not believing it, but he was induced to call his Lordship's attention to the fact that the question of the annexation of Savoy to France was beginning to occupy the public mind very seriously, and that it was likely to be in the contemplation of the French Government if the Duchies, and more particularly the Romagna, were annexed to Sardinia. But this was not all. The same day brought another despatch, in which Lord Cowley said that Dr. Kern had stated to him he could not doubt that active measures were going on for the realization of the project, and hoping that Her Majesty's Government would remonstrate against the supposed intentions of the Emperor before it should be too late. That despatch also was received on the 26th. Judging from the reply of the noble Earl (Earl Granville) to his question on the 27th January his noble Friend never could have seen either of those despatches. He (the Marquess of Normanby) in putting the question said, that he was quite sure he should not be told that the Government had no information on the subject; as it turned out, however, he (the Marquess of Normanby) was better informed upon the matter than was the noble Earl himself. The answer, however, which he did receive was, that Her Majesty's Government had received no information as to the negotiations said to exist between France and Sardinia for the annexation of Savoy to France. From that answer their Lordships were probably inclined to believe that such a despatch as that to which he had referred, had never been written. He did think that Her Majesty's Ministers ought to be more careful in ascertaining the facts on which they had to reply before they gave an answer so eminently inconsistent with the exact state of affairs. But this was not all. The effect of all the answers which had been given on this subject in that and the other House of Parliament was to create an impression that this question of Savoy might have been spoken of in the month of July but had never been reverted to since. The first day that any glimmer of light broke through the profound darkness in which Her Majesty's Ministers sought to envelope the question was the 10th of February—a very important day in other respects, because it was on that evening that Mr. Gladstone introduced the Budget in the other House of Parliament. On that day, having received information of the most important character, he thought it necessary to ask the Government to give an immediate reply to a question he then put:—and he certainly used all the courtesy he could on the occasion, for he sent to the noble Lord a copy of the paper which contained it the evening before he put the Question. That Question was put, and he received the same reply of rather affected pleasantry, that Her Majesty's Government could not attend to newspaper paragraphs—that anything of that kind was unworthy the attention of the Government. But the effect of the information was that the rumours to which he had alluded on the former occasions were strictly true, and that all persons in Paris had become aware that the article in question had been inserted through the authority and under the inspiration of Count Walewski. For it was Lord Cowley who, in his despatch of the 5th of July, reported that Count Walewski had reminded him of the same facts stated in the newspaper cited by him, that between July and January he had repeatedly warned the Ambassador that if England succeeded in carrying out her policy of annexation in Central Italy, it must be "at the cost of Savoy and Nice," which must in that case pass to France. This despatch was written on the 5th of February, it is docketed as received on the 8th. It would have been convenient to some, perhaps inconvenient to others, if it had arrived in the usual course on the 6th, because then the information would have been in possession of the Government the night of my Motion for an Address on the 7th. At any rate, it is docketed as arrived the 8th, and it must have been eight-and-forty hours accessible to the noble Lords opposite when I put my question on the 10th. I am perfectly ready to believe that from circumstances the President of the Council had not seen it, but one must also believe that the noble Lord the Under Secretary of State had not seen it, else he could never have volunteered to inform the House that the subject was, so to say, dropped between July and January. Their Lordships would recollect that it was on the very evening on which Mr. Gladstone brought forward his Budget he had thought it his duty again to introduce this question stating that he was sorry to detain their Lordships from hearing the interesting speech of Mr. Gladstone, but that he thought it was quite time that their Lordships should have some distinct information on the subject. But the fact was that it was with a view to the effect of that Budget, that both that and the other House of Parliament had been kept without any distinct information on this subject. The secret of the Cabinet was for that night kept, and the whole effect of the Chancellor of the Exchequer's speech preserved from all present contact with stubborn facts; true, no one believed his assertion that this was not to be a union of the Goverment but a union of the nations. All saw that on the part of the Emperor the Treaty was required to keep the commercial measure from any popular control which would be fatal to them. That on our part, all had been hurried on in order that the meeting of Parliament might find this country so far committed as to make it dangerous to recede; but when Mr. Gladstone went on to say,

> "This is not to be an union of the Governments; it is to be an union of the nations; and I confidently say again, as I have already ventured to say in this House, that there never can be any union between the nations of England and France except an union beneficial to the world, because directly either the one or the other begins to harbour schemes of selfish aggrandizement, that moment the jealousy of its neighbour will powerfully react, and the very fact of their being in harmony will of itself be at all times the most conclusive proof that neither of them can meditate anything which is dangerous to Europe."—[3 *Hansard*, clvi., 836.]

Every one who heard that statement believed that perfect harmony existed at that moment. That effort of oratorical art had cost the country something; but it was for the time successful, as it gave a Ministry which held the House of Commons by the slightest thread a strong temporary majority. But would the same effect have resulted had all the facts been known—had both Houses of Parliament been in possession of Lord Cowley's despatch—that measures for the promotion of what one of his colleagues afterwards called a scheme of selfish aggrandizement were at that time actually in operation, and that the harmony which was considered so perfect had been already broken? Had these facts been known the other House of Parliament would, in all probability, have thought the great national sacrifices they were required to make were not compensated by any counteracting advantages. Have the Ministers not been since found to avow that something was meditated, in their opinion, "dangerous to Europe?"

He now came to the part of the subject more directly involved in his Resolutions, namely, that part which affected the conduct of Her Majesty's Government in respect to the negotiations between France and Sardinia. No one knew better than Count Walewski how these proceedings would be scrutinized. Count Walewski is not unknown in this country. As French Ambassador he was for many years deservedly popular. It so happens that he was residing here in that character at a most extraordinary Ministerial catastrophe, which arose entirely from those irregularities in the conduct of diplomatic intercourse, of which I am now complaining. This was the cause of the summary dismissal of Lord Palmerston in 1851 by his present Foreign Secretary. When a very important communication is made to a Secretary of State by a Foreign Ambassador, it is the correct custom to record its substance to the English Ambassador abroad. Had Lord Palmerston adhered to this rule and communicated to him, as Ambassador at Paris, what he had said to M. Waleswki, he would never have incurred the consequences unknown to any other Statesman of having been dismissed with the unanimous assent of all his colleagues. Count Walewski on that occasion justly estimated his diplomatic duty. That which was told him by the English Minister, he considered as the property of his Government, and wrote an official despatch reporting Lord Palmerston's language; and when he (Lord Normanby) read Lord Palmerston's despatch to the French Minister, which had been agreed to in the Cabinet, he naturally remarked, "this is not the language of Lord Palmerston as quoted by Count Walewski in his despatch." He would not allude any further to the consequences thus produced, but had cited it as a proof that Count Walewski had every reason to suppose that Lord John Russell would be regular himself on these points; and should be surprised if any one engaged in these transactions shall consider this a light matter, when they recollect that Lord Palmerston's defence on that occasion was, that he considered the conversation "a private one," which excuse was accepted by no one. Having mentioned that subject he would, with their Lordships' permission, refer to a paper which he held in his hand, and which was remarkable as containing an incident which, until it was published in a London journal, had never come to his knowledge. The paragraph was contained in a journal published in London, and supposed to have relations with the French government, and he expected it was not written without authority. It was, in fact, the Imperial answer to Lord John Russell's speech in the House of Commons on the 5th of April. He would quote two extracts from this article in *The Morning Chronicle*, which, both from its tone and its type, showed that it had been inspired by high authority. It begins:—

> "We learn from Paris that the Emperor has been equally afflicted and hurt at finding himself accused of having been deficient in good faith towards England with regard to the union of Savoy and Nice to France."
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> "No Power is less entitled than England to be astonished at a result which was worked out, so to speak, by her own policy, when, in opposition to the counsels of the French Government, she laboured to bring about the complete annexation of the Duchies of Parma and Modena, of the Legations, and of Tuscany, to the kingdom of Sardinia. From the very moment that policy was manifested, Count Walewski never ceased, in his conversations with Earl Cowley, to point out the necessities that it would impose on France. The English Ambassador could not have left his Government in ignorance of the persistent and invariable nature of the declarations made to him on that subject; and if there is anything to be surprised at, it is that the blue-book contains not one trace of a communication which *ought* to be found in the archives of the Foreign Office, and of which the production would have served to prove that Lord John Russell was never ignorant that the system of annexations which he warmly patronized would have for its corollary and complement the union of Savoy and Nice to France. The latest warning given to him on that head was from the new Minister of Foreign Affairs, M. Thouvenel, a few days after his installation to office, when it was evident that the mode of solution proposed by the English Government would lead to the formation of a great State in the North of Italy.
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> "Here, in a few words, is a simple recital of

facts. Where is the duplicity? We leave any sincere and honest man to judge."

He now came to the despatch of the 24th of January, which was missing when the papers relative to the annexation of Savoy and Nice were presented, which might not at the first blush appear to be of much importance, but in which Lord Cowley stated that he had no specific information on the subject. The "latest warning" seemed to have been given on the 25th, when Lord Cowley had for the first time an interview with M. Thouvenel, with respect to which there were two despatches which did not bear on the part of the case to which he was addressing himself. On the 25th of January, however, it was that Lord Cowley had written that first despatch to the Foreign Minister at home in which he distinctly stated that the annexation of Savoy and Nice would take place if Central Italy were united to Sardinia. It was very evident that Lord Cowley had then acquired information of which he was not possessed the day before, and it was also evident that instead of sending an official despatch he had forwarded an account of these transactions by means of private letters, and perhaps had been desired to do so. The explanation of the French Government in the matter, he might add, was that we had had repeated warning as to what was likely to occur, and that we ought to have been perfectly aware that the course which we had been pursuing since the signing of the Treaty of Villafranca must lead to the annexation which we deprecated. And what was that course? England, a Power which had objected to the war from the first, which had done so on the ground of respect to European treaties, which had professed neutrality and non-intervention, had, when the ink was hardly dry which signed the preliminaries between the belligerents, interposed her meddling intervention to mar the execution of the solemn engagements on the faith of which the curse of European war had been averted. On the 19th of July, a week only after the war was concluded, Lord John Russell wrote a despatch, recommending to the Provisional Government of Tuscany the immediate election of an Assembly to decide upon their future fate, though the Government of that country was still usurped by the Sardinian Commissioner, who had been recalled; therefore from the first the whole proceeding had not a semblance of legality. This course, all tending, as he knew, to the annexation of Savoy and Nice, the Foreign Secretary seems to have pursued by constant intrigues at Turin and elsewhere, up to the beginning of last month. There was much in the recent conduct of France which gave room for uneasiness as to the future, but he thought sufficient allowance had not been made for the necessities of the position made for the Emperor by the line pursued by the English Government. It had been asserted that at least one of the Cabinet was very early informed of this contingency, in the event of Venetia being annexed as well as Lombardy, and had not expressed any strong objection. But as far as French feeling was concerned, it would have been more fatal to Imperial *prestige* if, without compensation, he had consented to the creation of a new State, which should extend from the south of the Maremma to within forty miles of Lyons, with an uninterrupted coast line from near Civita Vecchia to the Var. Venetia annexed might have been more dangerous to Germany, but not so obnoxious to France. The last act of the noble Lord the Foreign Secretary with reference to this quesion —the despatch of the 22nd of March, he (the Marquess of Normanby) was ready to admit was an able one; but at the same time he must express his opinion that it was certainly deficient in sincerity of statement. The noble Lord indulged in guess and hypothesis as to the line of the French Government on points upon which positive information had been furnished to him by the very agent he was addressing, and that was a course of which he (the Marquess of Normanby) must confess he could not approve. He believed that no advantage had been gained to Italy by the Treaty of Villafranca, still less by the violation of that treaty, to compensate for the misery, suffering, and bloodshed of the war. He had stated on previous occasions that he objected to the policy of all those measures; and, without reference to his own opinions, he thought there were indications that it was very possible the year 1860 might in its end resemble 1859, no more than the year 1849 resembled 1848. It was very possible that this newly constructed Italian kingdom might break down; the contingency would depend very much on the characters of the two persons under whose leadership the experiment had been made. With respect to the part which the King of Sardinia had acted in the matter, he believed that there never was a man of whom it might be more truly said than of Victor Emmanuel, who had grasped at the territories of his neighbours and given away his own, that he was *alieni appetens, sui profusus.* His conduct in abandoning Savoy, leaving Piedmont and adjourning its Legislature, had produced a great change in public opinion; and as to Count Cavour, he believed that neither in England nor elsewhere could he ever get over the fact, that when this barter was all settled he told his friend Sir James Hudson that Sardinia would never sell, exchange, nor surrender her territory. He wished by his Motion to cast censure on no man; but by refusing to adopt his Resolutions their Lordships would produce an impression that they approved transactions not sanctioned by the opinion of a great portion of the British public. He was well aware that any independent Member of their Lordships' House who took upon himself to introduce a question of this importance incurred a deep responsibility, but in the course which he had taken he was actuated by a strong sense of duty; and he therefore cordially recommended the subject to the attention of their Lordships. The noble Marquess concluded by moving the Resolutions.

EARL COWLEY:—My Lords, before I make any comment on the Resolutions which my noble Friend has just submitted to your Lordships, I beg to thank you for the courtesy shown to myself in postponing this discussion in order to afford me the opportunity of being present. I am sure that none of your Lordships will be astonished at my wish to take part in this debate. When I first read the Resolutions proposed by my noble Friend they appeared to me to contain so distinct and so specific a charge against myself, of being in some way or other instrumental in keeping back from your Lordships matters of great importance that I felt it necessary to ask permission of the Secretary of State to present myself before your Lordships in order that I might answer so grave a charge. It is perfectly clear that it is something which I am supposed to have done—or rather that I have left undone—which has induced my noble Friend to move these Resolutions—Resolutions which, if approved by your Lordships, notwithstanding what he says to the contrary, cannot appear to me in any other light than a vote of censure. The best way in which I can meet this charge is by simply stating to your Lordships all that has taken place with reference to these transactions. In the month of March, 1859, I received a communication from my noble Friend then at the head of the Foreign Department, stating that he had received information of a Treaty having been signed in the January preceding between France and Sardinia for the cession of Savoy to the former country, and desiring me to make inquiries into the truth of the rumour. I accordingly addressed myself to Count Walewski on the subject, and was assured by him that no such treaty existed. On the 4th of July, a despatch from Her Majesty's Minister in Switzerland passed through my hands in which, on the part of the Federal Council, he expressed apprehensions lest there should be an arrangement of that nature subsisting between France and Sardinia. Without waiting for instructions from Her Majesty's Government, I again went to Count Walewski, and he then told me that there had been discussions between the Governments of those two countries with respect to a cession of territory to France, and that it had been laid down on the part of France that if the event of the war were to make considerable territorial additions to Sardinia in Central Italy, France might think it necessary to demand some extension on the side of Savoy. I conveyed this information to Her Majesty's Government, and on the following day, the 5th of July, Her Majesty's Secretary of State addressed to me the instructions which are included in the papers that I hold in my hands; and I may say, once for all, that up to the time when the question took a more serious shape these instructions guided my conduct and influenced the conversations which I held with the French Government. On the 7th news of the armistice reached Paris; and on the 8th Count Walewski, in a conversation which I had with him, of his own accord, and without any provocation on my part, made a declaration that if at any time the idea of annexing Savoy to France had been entertained by his Government, it was entirely abandoned. This declaration was made unequivocally and without any reserve whatever. Your Lordships are aware that on the 11th the preliminaries of peace were signed at Villafranca. Your Lordships are also aware that those preliminaries received no acceptance in general by the populations of Italy, who thought they would benefit by becoming part of Sardinia, and they preferred annexation to that country to the arrangements made under the provisions of that treaty. Your Lordships are also aware that Count Walewski, from the moment those preliminaries were signed, was most anxious to carry out the stipulations which they embodied. It is perfectly true that in various conversations which I had with him, but particularly on the 25th of August and the 3rd of November, he declared to me his private opinion—I had no authority whatever to convey it to my Government —but he stated that, in his opinion, if the annexation of the Duchies to Sardinia were to take place, such a step would be followed by a demand for the annexation of Savoy to France. This was not an official communication made to me by Count Walewski; it was an observation which passed in common conversation, and I certainly did not take it, nor was it meant to be taken, as an official declaration which I was to forward to the British Government. Still, I thought it advisable to make it known to Government, and I accordingly did so in my private letters. Now, what would have been the consequence had I acted otherwise? I was in possession of the solemn declaration which Count Walewski gave in July, and if I had made the observation the subject of an official communication I should have involved my Government at once in the fruitless discussion of a question which to all appearance was about to engage the attention of a Congress, and I should have given up the advantage of the previous declaration which had been made to me, as I have already stated, unequivocally, and without any qualification whatever. Another consideration which weighed very strongly with me was that, I could not conceive that, whatever the wish or intention of France might be, it was possible that Sardinia would give up its territory. I did not believe that the King of Sardinia could alienate what has been well called "the cradle of his dynasty," and which, moreover, contains the last resting-place of his ancestors. My noble Friend, in the Resolutions which he has proposed, remarked that it is not usual to refer to private correspondence in public despatches. My Lords, I admit this; such a proceeding is undoubtedly irregular; but I think I can give your Lordships good reasons why I committed this irregularity. In the month of January last, when the change of Government, or rather the change in the Department for Foreign Affairs in France took place, I happened to be in this country on a short leave of absence. On my return to Paris I found the whole aspect of affairs altered. The question of the annexation of Savoy, which had completely fallen to the ground, was in everybody's mouth, and it consequently became necessary for me to speak to the new Minister for Foreign Affairs on the subject. The Congress, moreover, was no longer expected to assemble. As soon, therefore, as M. Thouvenel had assumed the direction of French Foreign Affairs I went and spoke to him on this question; but M. Thouvenel, from his long absence in Turkey, was so totally unacquainted with what had taken place that he told me on various occasions that, until he had had an opportunity of informing himself fully, he would give me no information. It was not until the 5th of February that he gave me any notification with respect to the intentions of the French Government. It is true that I had received information in the meantime from other sources that the matter was under the consideration of that Government, but it was only on the 5th that anything like an official communication was made to me. It was necessary for me then to recall M. Thouvenel's attention to the declarations formerly made to me; but before doing so I went to Count Walewski, who admitted the accuracy of my representations, but pointed out that on more than one occasion allusions had been made to the possibility of a demand by France for the annexation of Savoy in the event of territorial additions being made to Sardinia. In making my public report to the Secretary of State it seemed to me that it would be unfair not to make mention of Count Walewski's observations. I had the choice of doing that which was irregular or unfair. I could not hesitate between the two; and I think I have said enough to show to your Lordships that what I did was justifiable and proper, and I trust your Lordships will clearly understand that throughout these transactions there has been no communication withheld from Her Majesty's Government, and that the observations between Count Walewski and myself were proper subject-matter for private communication and not for official report. With regard to that part of the noble Marquess's Resolution which says that the "absence of any such record, more especially if such private correspondence is referred to in public despatches, is injurious to the public service, and unjust alike to the Foreign Minister who made the communication." My noble Friend who has so long been an ornament to the diplomatic service, must know that when a foreign Minister wishes to make a communication to a foreign Government, he has his own Ambassador or Minister to do it by, and that it is generally in that way that such communications are made. Now it does not appear that any communication of Count Walewski's opinion was ever made to M. de Persigny, and this is one of the greatest proofs that he had no intention to make it as official. My Lords, I am not sufficiently conversant with Parliamentary usages to know in what manner this Motion ought to be met; but I hope I have said enough to convince your Lordships that throughout the whole of these transactions no important communication was ever withheld by me from Her Majesty's Government, and that in making this particular communication by a private letter, and not in a public despatch, I did that which was most in conformity with the best interests of Her Majesty's service.

Earl GRANVILLE:—My Lords, I really think that, after the very clear, candid, and satisfactory answer given by the noble Earl to this Motion, and seeing that no Peer has risen to support it, I am only doing my duty in moving the Previous Question. The noble Marquess commenced by saying that no attack whatever was intended on the noble Earl by this Motion, and that he regretted extremely that it should have the appearance of it. I know enough of the good feeling of the noble Marquess to be assured that it must have been very painful to him to be compelled, by a sense of public duty, twice during this short Session to attack the two persons who succeeded him in the two diplomatic posts which he has last held. In one case, where the censure affected a young man who was comparatively unknown to your Lordships, and whose professional abilities were not generally known beyond the world of diplomacy, such an attack in his absence was much to be deprecated; but it cannot be of the slightest importance in regard to a person in the position of the noble Earl. He would not, in the noble Earl's presence, speak of his well-known good qualities, except to say that his abilities have secured him the confidence of every Minister by whom he has been instructed, and of every Foreign Minister with whom he has had diplomatic communications. The noble Marquess assured us, too, that he did not make his Motion with the slightest intention of turning Her. Majesty's Ministers out of office. This declaration is exceedingly satisfactory; but considering that his speech was a series of personal attacks on the noble Lord at the head of the Foreign Office, and of general hostilities against the Government, and that he had raked up, for the second time this Session, a story ten years old, evidently in the vain hope of throwing an apple of discord between two of the most distinguished Members of the Government, I am afraid it is not the will to turn us out which is wanting, but simply that the noble Marquess feels that he is utterly powerless to accomplish that object. The noble Marquess has complained, certainly in no very courteous terms, of two answers which I gave him early in the Session on this subject of Savoy; and he expresses his astonishment how, after reading Lord Cowley's despatch of the 25th of January, I could say that the Government had received no official information with regard to certain negotiations between France and Sardinia. Now, if the noble Marquess will turn to that despatch, he will see that Lord Cowley writes in it—

> "It is more than probable that your Lordship is acquainted with a rumour in Paris that there existed a secret treaty between France and Sardinia before the late war. I have no reason to believe in its existence, and for many reasons I am inclined to doubt it; still I could not take upon myself to affirm that some sort of engagement or understanding respecting Savoy does not exist between the two Governments."

How can it be affirmed on the strength of this despatch that I had the slightest semblance of a foundation for saying that we had received any official information of the existence of the Treaty? I do not think it is any part of my duty, representing Her Majesty's Government in this House, to give any answer to a statement on a point affecting France which has appeared in a journal in a third country, without, so far as I could be aware, any official authority; therefore, to that part of the noble Marquess' charge I shall make no reply. The noble Marquess then went into a long discursive attack on the conduct of Lord John Russell in encouraging an appeal to the population of Italy—which by the way he entirely failed to connect with his Motion—and, as far as I could make out, he endeavoured to show that by favouring the annexation of the provinces of Central Italy to Piedmont we were responsible for the annexation of Savoy to France. I. appeal to my noble Friend here whether he has ever received the slightest instruction, direct or indirect, from the Government to favour any particular mode of settling Italy. [Earl COWLEY: None whatever.] There is no indiscretion in saying now that, abstractedly speaking, different Members of Her Majesty's Government held different opinions as to what would be the best mode of distributing the provinces of Italy; but on this we were unanimously resolved, that the real policy of the Government was to insist on the Italians being left to themselves to decide for themselves on the mode of settlement which they might think best adapted for their future interests as a nation. I am personally too well acquainted with the facility with which we fall into a slipslop style of Parliamentary talking to take exception to forms of expression in speeches; but when the noble Marquess seeks to commit the House of Lords to such Resolutions as these I do think, with great respect for him and for what he has written, that he ought to put them into tolerable English. These Resolutions are to show the whole world what are our views upon the mode of conducting diplomatic correspondence. The noble Marquess moves,

> "That it appears by the papers lately laid before Parliament, and especially by a despatch from Earl Cowley to Lord John Russell, dated 5th February, that the French Minister had stated, and truly,"—

This makes it appear as if it were an extraordinary fact that the French Minister should have stated truly—what?—

> "That the intention of the Emperor of the French to take possession of Savoy under certain contingencies had been made known to Her Majesty's Ambassador at Paris, and by him communicated to Her Majesty's Secretary of State, on more than one occasion between the 12th of July, 1859, and the 25th of January, 1860, in private letters."

The noble Marquess makes it perfectly impossible for the French Minister to have stated truly with regard to all the correspondence between the Ambassador of England and the Secretary of State "on more than one occasion" between July and January. The next Resolution contains the gist of the matter. I do not think it goes far enough. If it be necessary to lay down the principle on which diplomatic correspondence should be carried on, I would go the fullest length in saying that all important communications between foreign agents and the Secretary of State should be by public despatches. But that is not the question. The real question before us is whether, in the particular case which the noble Marquess censures, it would be a right application of the principle or not. But if it be necessary to lay down an abstract proposition, I should wish to see it framed in clearer language. The noble Marquess proposes in his last paragraph,

> "That the absence of any such record, 'more especially if such private correspondence is referred to in public despatches,' is injurious to the public service."

I do not know who is the author of the words between inverted commas quoted by the noble Marquess; but he goes on,

> "Is injurious to the public service, unjust alike to the Foreign Minister who made the communication and to official colleagues at home."

Who are the official colleagues? Are they the official colleagues of Lord Cowley, who has got no colleagues at home? Or are they the official colleagues of Count Walewski, who, I flatter myself, has no colleagues in this country? I must apologize to your Lordships for having treated the matter thus lightly; but I think both in substance and in form it is not desirable to adopt these Resolutions. I have no wish to negative the general proposition. I quite agree that a rule should be laid down; but I do not think it applicable in the present instance, and, therefore, the more becoming way to treat the Resolutions will be to agree to what I shall now propose—namely, the Previous Question.

Motion objected to; and a Question being stated thereupon, the previous Question was put, "Whether the said Question shall be now put?"

THE EARL OF MALMESBURY: My Lords, I am anxious to express the feeling that prevails on this side the House that there is no intention whatever to express any censure of the noble Earl who has come over to meet us on this occasion. We are all conscious of the ability and zeal which he has always fulfilled the duties of that important mission, and certainly no man is more competent than myself to bear witness to that zeal and ability. This we are all perfectly conscious of; but I must add that the clear and straightforward statements of the noble Earl, do, in some respects, justify the observations of the noble Marquess, because the noble Earl has not attempted to deny that certain conversations, and information consequent upon those conversations, were sent by him to the Government, not in an official, but in a private form. My noble Friend (Earl Cowley) has even admitted that it may be on his part an irregularity so to act; but what I wish to point out to the House is that the result of that irregularity has been, in the first place, to enable the Government by a sort of quibble to state that they had no official information with respect to these subjects. It was correct to say that they had no official information; but it was a quibble to use the words so as to lead your Lordships to believe they had no information at all. I understood the noble Earl the President of the Council to ground his answer upon that; and he quoted a despatch, in which, no doubt, there was no official information, because, in fact, the information was given to the Government in private letters.

Earl GRANVILLE: The noble Marquess said, that if I had read a certain despatch I was inaccurate in stating to him that I had no official information, and I read the despatch to show your Lordships that there was no official information in it.

The Earl of MALMESBURY: As I understood him, the noble Earl to a certain extent deceived the House, and gave the impression that the Government had not received any information to excite apprehension in their minds as to the annexation of Savoy. Another result of the course taken by Her Majesty's Ambassador at Paris is that apparent injustice is done to Count Walewski, because the noble Earl has always spoken and acted as if Count Walewski had not communicated to my noble Friend at Paris all the intentions and views of the French Government. I therefore cannot help saying that I regret that my noble Friend at Paris did not put in the form of a public despatch, or what is called in the Foreign Office a separate or confidential despatch, the whole conversation which he had with Count Walewski, although the words of that conversation expressed only the private opinions of the French Minister. Your Lordships must be aware that the private opinions of a Minister placed in the position of Count Walewski bring with them a weight and importance which do not attach to the opinions of ordinary individuals; and when I was at the Foreign Office if a Foreign Minister had said so and so is my private opinion with regard to a great public question, I should have deemed these words as words to be remembered, to be acted upon, and to be repeated to my colleagues. I therefore cannot accept as a valid excuse for an irregularity in the usual manner of carrying on diplomatic business that private conversations with a Foreign Minister are to be thought of less consequence than conversations of a formal and official character. I think the whole amount of the charge which can be brought against my noble Friend is that he should have put the conversation in an official form, which might or might not have been published; and I think the Secretary of State is much to blame that he did not ask my noble Friend to put it in that form, so that it might be a document to be left in the Foreign Office for the use of his successors. But with respect to private letters your Lordships must not suppose that private letters and private communications cannot be converted by the Secretary of State into official information. On the contrary, it is constantly done. I have done it myself several times. Private letters have been made public and printed in blue-books—in fact, it is entirely in the discretion of the Secretary of State to make use of information conveyed in private letters in any way which he pleases, and, therefore, it is unfair to make any charge against the Ambassador. I should not have said another word if the noble Earl (Earl Granville) had not gone a little into the question of Savoy, and if some observations had not been made by the leading members of the Government in the other House with respect to what passed when we were in office. My accusation against the Government is of a much graver nature than what relates immediately to the question before your Lordships. It is that they were neither watchful nor jealous enough upon this question of Savoy. It is quite clear that in the private information sent from Paris in regard to this matter there was plenty of cause for alarm; but they might have gone still further back. The noble Lord at the head of the Foreign Department had a document within his reach sufficient to rouse the attention of the Government and prepare them for what was to come. There is a despatch now in the Foreign Office, dated as long back as October, 1858—a month after the agreement, or, I will rather call it, the conspiracy, between two great personages at Plombières—from the President of the Swiss Republic stating that he had reason to believe that some conditional or contingent agreement had been come to between the Emperor of the French and Count Cavour with respect to Savoy. We tried to discover what had taken place, but were unable to do so. We were told by my noble Friend (Earl Cowley) that he believed that no treaty had been signed. I do not believe that any treaty was signed; and the reason that no document was signed by either of those potentates—for I may call them both so—probably was that they might be able, without any violation of the truth, to say that nothing had been signed, and that there was no treaty in existence. It is, however, my conviction, amounting almost to knowledge, that a verbal and conditional agreement was then made, which has since been carried out. What was the conduct of the Government of that day? I know that I was myself so much alarmed that I communicated my fears to my colleagues, and was determined to take the earliest opportunity of showing how jealous England would be of such an event, and of warning France what would be the opinion of this country of such an act as the annexation of Savoy. Not only that—but for so doing I was taunted by the noble Viscount now at the head of the Government with uselessly offending France. What did the late Government do when the French troops marched through Savoy into Sardinia? When the French troops were about to march through Savoy into Sardinia the Swiss Government, true to the neutrality upon which depends its independence, referred to the treaties of 1815, and objected that those troops had no right to pass through the neutralized territory. Subsequently, there being some question as to whether the line of railway did not avoid the neutralized portion of Savoy, the Swiss Government withdrew their objection, and allowed the troops of France to pass. We thought that they were wrong in doing so. We thought the maintenance of the neutrality of that territory of such European consequence—we thought the exact, if you choose it, the pedantic, observance of the treaties of 1815 of such importance that we protested against the passage of those troops to Sardinia. On the 28th of April, 1859, I wrote as follows:—

> "Her Majesty's Government are aware from the communications which have reached them that the Swiss Government do not propose to raise any objection founded on the treaties to the passage of French troops along the road which passes through the neutralized portion of Savoy; but, as parties to the treaties by which the neutrality of that district was recognized, Her Majesty's Government feel it their duty to place on record that the march of the French troops through that district has been effected contrary to the treaty engagements to which France in common with other Powers was a party."

That shows how jealous we were, and how early we became jealous of this question concerning Savoy; and yet for having written that, I was taunted by the present Prime Minister of this country with having uselessly offended the French Government. Is it not fair, then, for me to say that the jealousy and apprehension which the former Government entertained with regard to this question were entirely set aside by the Government which followed, and that, in some degree, the event which has taken place may be attributed to their supineness, neglect, and indifference, or to their disbelief in the intelligence which they received from abroad? What has occurred would be perfectly incredible were it not witnessed by the evidence of facts and events. Who that knows that Savoy is annexed, and that the neutralized territory will be annexed to France and that in that annexation every principle that has been considered sacred in treaties has been violated, and that the whole act is a crime, could believe that only about two months ago the Secretary of State for Foreign Affairs said, (he believed he should not be out of order in quoting *Hansard*) in answer to a question from Sir Robert Peel:—

> "We have inquired of the Sardinian Government whether there was any engagement or intention to yield Savoy to France, and the answer has been generally that there was no engagement upon the subject, and that Sardinia had no intention to cede Savoy to France. That is the general nature of the answer which has been given. We have not communicated to the French Government the opinion entertained by other Powers, because we have had no communications with other Powers to ascertain what their opinions may be—

What, no communication with the other Powers your co-trustees under the Treaties of Vienna, not even so much as to ask their opinions? It is evident that the Government either cared not what was about to happen, or utterly disbelieved the information which they had received upon the subject.

> With regard to the last question of the hon. Baronet, 'Whether, in the event of the annexation of Savoy to France being effected, Her Majesty's Government are prepared to abandon the neutrality of Switzerland, s guaranteed by Great

> Britain in common with other European Powers?' I have to say that the Swiss Government have asked us whether, in case of such annexation, we are prepared to maintain the neutrality of Switzerland, and to provide in such a manner that the neutrality should in no way be injured; and we have always replied that we had determined to do so. It appears that the districts of Chablais and Faucigny more especially are guaranteed by the Treaty of Vienna in the same manner as Switzerland; that they are, in fact, part of the general arrangement for the guarantee of Switzerland," [3 *Hansard*, clvi. p. 1133.]

I hope that the Government will, if it is not too late, redeem that pledge. The neutrality of Switzerland is materially threatened by destroying the neutrality of this part of Savoy. If I take the declaration of the Government literally, I can have no doubt that they are as anxious as I am for the neutrality of Switzerland; but what has become of the neutrality of Savoy? Who would have believed, after the speech which I have just quoted as delivered two months ago, that the results which have happened could have occurred, as far as I know, without any opposition on the part of the Government? I have referred to this matter because "in another place" I have been taunted with not having acted with greater energy upon the Savoy question, and with having, when I did act, acted in a manner which was likely to promote ill-feeling on the part of France. The noble Earl's explanation having been entirely satisfactory, he having admitted that there was some irregularity in his mode of correspondence, and that important information should always be conveyed in an official manner, and there being no intention to embarrass Her Majesty's Government, I should recommend my noble Friend the noble Marquess to withdraw his Resolution, or, at all events, to assent to the course which has been proposed by the noble Earl opposite.

LORD WODEHOUSE said, he would not have troubled their Lordships but for one observation of the noble Earl who had just sat down, who said that the Government had deceived the House in the statement made by his noble Friend the President of the Council. Now, so far from having at any time misled their Lordships, his noble Friend in the speech which had been referred to said that he was not in a position to deny that some conversation had passed upon the subject between the late French Minister for Foreign Affairs and Lord Cowley, so that his noble Friend's statement was strictly in accordance with the facts. He himself (Lord Wodehouse), afterwards stated that there were no despatches, no communications of a formal character upon the subject (as in fact there were not), but that he did not deny that there had been communications between the French Secretary of State for Foreign Affairs and Lord Cowley. His noble Friend the Ambassador at Paris had given so full an account of what had happened that it was unnecessary for him to add a word to it. He had fully confirmed what he (Lord Wodehouse) had said upon a previous occasion, that the French Government had attached no importance to the conversations which had taken place, because if they had done so they would have addressed a despatch upon the subject to the French Ambassador in this country. He had no intention to follow the noble Earl who had just sat down into the general question of the annexation of Savoy; but he must remind the noble Earl that however important the late Government might have considered the matter they were undoubtedly satisfied with very little being done. He maintained it was perfectly unjust to say that Her Majesty's Government had not seriously opposed that annexation. Those who had read the despatches which had been laid before Parliament would scarcely agree with the opinion of the noble Earl on that point. The question of the annexation of Savoy had undoubtedly produced great disquiet throughout Europe, and he could assure their Lordships that the part which Her Majesty's Government had taken with regard to that question had not left the impression on the mind of any Power that they were indifferent to what had taken place. The noble Earl who spoke last had referred to the position of the neutralized provinces of Savoy. That important point was at the present moment the subject of negotiation with all the great Powers of Europe; and therefore it could not now be conveniently discussed by their Lordships. The noble Earl expressed regret that steps had not been taken in time, in concert with the other Powers, to prevent the annexation of those provinces to France. He could only say that all the Powers who were parties to the guarantees given by the Treaty of Vienna had been consulted by Her Majesty's Government, and the proposals which had been made relative to that subject were still under consideration. He had every confidence that if the Motion were pressed their Lordships would adopt the Previous Question.

The Marquess of NORMANBY must begin by reminding the noble Lord who had just spoken that his explanation, by which he endeavoured to establish the accuracy of the answer given to the question formerly put to the noble Earl the President of the Council failed, inasmuch as it related to a different reply given upon another occasion. What he had complained of was, that on the 27th of January, he had been told that the Government had no information as to the state of these negotiations, with no qualification of the denial for the use of the word official, though the day before a despatch had been received from Lord Cowley stating, that "Dr. Kern trusted Her Majesty's Government would remonstrate against the Emperor's intention before it shall be too late." He did not think it necessary to notice the pertinacity with which the noble Earl had attributed to him an intention to censure the Ambassador at Paris, although he had disclaimed such an intention, stating that the whole blame rested with the Foreign Secretary; the fact was that the noble Lord the Foreign Secretary had taken no means of meeting the charge made against him by the French Minister, which charge amounted to this—that the noble Lord had done all in his power to prevent the execution of that basis of peace which he had admitted to be a blessing in Europe. Not having in any respect defended himself against that accusation, on him only rested the responsibility. With respect to the circumstances which led to the dismissal of the noble Viscount now at the head of the Government from the Ministry of Lord John Russell, he had introduced that topic because it furnished the strongest possible example of the evil produced by these irregularities in the conduct of diplomatic correspondence. Count Walewski, whose name was mixed up with the present affair, also knew how much Lord John Russell then disapproved of the abuse of private communications, because he was a witness of how he had visited it on the noble Viscount. He had always viewed the conduct of the noble Viscount on that occasion as a great blot in his character. Nor was he singular in that opinion, for the noble Viscount's colleagues had regarded the matter in the same light, having unanimously concurred in his dismissal from the Cabinet. Certainly, the noble Earl opposite must have been gravely dissatisfied with the noble Viscount's proceedings, because he had been induced to take his place at the Foreign Office. It was very convenient for the present Prime Minister and Foreign Secretary last year to forget the disagreement which had occurred between them on the most important subjects; but at this moment there was scarcely an European statesman—certainly, there was not a single French statesman—who could not pass a civil service examination as to every one of the points which led to what was supposed at the time to be the final separation between those two noble Lords. The result of the debate had been to elicit a clear admission that a most important matter—one likely to compromise the two countries had been made known to our Ambassador, and by him communicated to the Foreign Secretary by means of a private communication instead of having been made in a public despatch, and placed in the Foreign Office for the information of all future Secretaries of State. He was quite satisfied with the result he had already obtained. What he wished was to show to Europe that their Lordships' House did not sanction any of those irregularities in the mode of conducting diplomatic affairs to which he had alluded. He had not heard any objection to the principles he had laid down; and he had no doubt, from what had fallen from the noble Earl opposite, that they would be adopted in future by Her Majesty's Government. He would not withdraw the Resolutions, but he had no objection to accept the Previous Question on them, on the understanding that his Motion was founded on principles which their Lordships would be always inclined to sanction.

The Previous Question was then put, "That this Question be now put."

Resolved in the *Negative.*

House adjourned at Half-past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 23, 1860.

Minutes.] New Member Sworn.—For Clare, Francis M'Namara Calcutt, esquire.

Public Bills.—1° Charity Trustees.

2° Registration of Births, &c.; Fisheries (Scotland).

MR. MASSEY AND THE REFORM BILL.

MR. BERNAL OSBORNE said, that it might be for the convenience of the House if the hon. Member for Salford would state whether it was his intention, after the second reading of the Reform Bill, to persevere with the Motion of which he had given notice for referring the Bill to a Select Committee.

MR. MASSEY said, he had only to say that as the noble Lord the Secretary for Foreign Affairs had announced on a former evening, in answer to a question put to him by an hon. Member, that he should consider his (Mr. Massey's) Motion as equivalent to one for the rejection of his Bill, and as he had no such object nor intention as to reject the Bill, he was left without any other alternative than to abandon his Motion. He would, therefore, give notice that it was not his intention to proceed with his Motion.

REPRESENTATION OF THE PEOPLE BILL. SECOND READING.

ADJOURNED DEBATE. THIRD NIGHT.

Order read, for resuming Adjourned Debate on Question [19th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. EDWIN JAMES said, he rose to renew a debate, which had certainly been of a rather languid and uninteresting character, and had been somewhat delayed. Before making the few observations which he had to offer on the Bill itself, he wished to advert to the speech delivered by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside), who immediately preceded him in this debate. The whole tendency of the arguments of the right hon. and learned Gentleman appeared to be, that the extension of the franchise, as proposed by the noble Lord, to the occupiers of £6 houses in boroughs, was calculated to create a great preponderance of the democratic element, and was of a dangerous and revolutionary character. But it must have struck every one who heard that speech that if the measure were of such a dangerous and revolutionary character, and if the working classes were not fit to be trusted with the franchise, it behoved hon. Members on the other side of the House to have met the question for the second reading of the Bill with a direct negative. The right hon. Gentleman had followed the hon. Member for Leeds (Mr. Baines), who, in an able and edifying speech, had proved by statistics, the prudent habits, increased intelligence and advancement in education of the working classes; but the whole of the arguments of the speech were met by the right hon. and learned Gentleman with a sneer; and he was the more surprised at that, because, on referring to the speech of the right hon. and learned Gentleman in the debate of 1859, he found that the right hon. and learned Member, when speaking in behalf of the measure then brought forward by Her Majesty's Government, pronounced the Bill calculated to enfranchise the working classes, and read a letter from one whom he described as an influential inhabitant of the borough of Marylebone, stating that the Bill was entitled to credit at the hands of the working classes, as the lodger franchise would add 15,000 skilled artizans to the electors of the borough. Whence, then, had the right hon. and learned Gentleman this new-born dread of the enfranchisement of the working classes? He appealed from that right hon. Gentleman to the right hon. Baronet the Member for Hertfordshire now sitting near him (Sir E. B. Lytton). That right hon. Baronet declared that the Government to which he belonged were not afraid of the working man, and that for his own part he was proud of the English workman, whether as the simple English peasant with his homely virtues, or the skilled mechanic of the manufacturing towns with his thirst for knowledge, and with his dreams of a political Utopia quite as rational as that of Plato. The right hon. Baronet, he presumed from his writings, had a better acquaintance with the working people of this country than the right hon. Gentleman, and he had no fear of them, and yet they were told by the latter that this Bill was dangerous and revolutionary because it would extend the franchise to so many of the working classes. The right hon. Member for Buckinghamshire had argued that the Bill, by conferring the franchise on £6 and £10 occupiers in boroughs and counties, would create an homogeneous constituency. He did not understand the precise meaning of that expression; but he thought the Bill of the right hon. Gentleman was open to the same objection of creating a homogeneous constituency, because it would have conferred the county franchise on a £10 occupier, and the borough franchise on a £10 occupier also. Assuredly in conferring the franchise they must take some *status*—they must take people living in houses; and, except that the Bill was deficient in not creating other franchises, he could not comprehend the objection urged to the homogeneous character of the constituency. As everybody must live in a house, there was, under the £10 occupation franchise, every variety in the constituency, and one street might comprise both professional and commercial men. Until some celestial constituency that did not live in houses, but descended to the earth at election times for the purpose of voting, were obtained, he should be unable to understand the argument of the right hon. Gentleman. The right hon. Baronet the Member for Droitwitch (Sir J. Pakington), who never omitted the opportunity of having a fling at a metropolitan constituency, told the House that a great number of the Marylebone electors very seldom voted. He had observed, since he had the honour of a seat in the House, that nothing told so well in a debate as a species of imaginary conversation; and they had been told of an imaginary conversation which the right hon. Baronet had with a sulky resident in Marylebone, who assured the right hon. Baronet that he had not interfered in the election for the borough, whether on the side of Colonel Romilly or of Mr. Edwin James.

Sir John PAKINGTON: It was an extract from a pamphlet by Sir John Walsh.

Mr. EDWIN JAMES: This was an imaginary conversation—[Sir John Walsh: No, it is a fact] with a retired optician, a Conservative elector. But why should such an elector vote if the Liberal interest preponderated there? Might not the same imaginary conversation be represented as having occurred at Droitwich? A Liberal elector living there might very well be made to say,—"Sir John Pakington is a Conservative, and he commands such influence that it is not the slightest use for me to oppose him. I listen, therefore, to his speeches in which he talks a good deal about politics and sometimes about himself, but I do not vote." Such a person might very well be described as sulky and disgusted with the whole system of politics, but this furnished no argument against the extension of the franchise when applied to boroughs in which the Liberal interest preponderated. Having said so much, he would now venture to make a few observations on what he presumed to call the defects of the measure introduced by the noble Lord. Firstly, this Bill was defective on account of its non-enfranchisement. Secondly, it was defective on account of its non-enfranchisement, which was a consequence of its other defect. It was most defective in not varying the constituency by giving a lodger franchise, by which the Government would have secured a great deal of the intelligence, and a great deal of the intellect, of the country, which he did not hesitate to say would, to a certain degree, be a safeguard and a ballast to the vessel of the State against what appeared to be a too democratic element. The Bill was extremely defective again, because it hampered the franchise by exacting the payment of rates as a condition precedent to a vote; because pretending to be the adjustment of a great question, it was the mere skeleton of a Bill; and because it provided no system for the revision of registration, which he believed to be essential in any extension of the franchise. A great deal had been said about the extent to which the franchise under the proposed Bill would be conferred. Now, Her Majesty's Government, through the noble Lord, had stated that the increase of numbers by the £6 franchise would be somewhere between 157,000 and 160,000 electors in boroughs, exclusive of counties. He believed that statement to be entirely fallacious, the principle on which the returns were made to be fallacious, and that the noble Lord was not himself aware how far the franchise would be extended by his proposed measure. He ventured to affirm that the statement put forth by the noble Lord (Lord John Russell) did not give to the House anything like a true view of the extent of the new franchise if the Bill should pass. [*Opposition cheers.*] Those cheers came from the opposite side of the House, whence he supposed they would make the fact an argument to show the danger of so increasing the constituency. He had no such fear, and he drew from the fact an argument of the very opposite character. It was essential, in a question of reform, when endeavouring, after the lapse of a quarter of a century, to adjust the representation of the people, to have that adjustment based upon a sound and permanent foundation. He was not one who thought it necessary every year or two to have an extended suffrage bill; but that the measure, in order to be permanent, should leave no reasonable objections on the part of any class who were really entitled to be included in the electoral body. The Returns upon which the Government relied set forth the number of male persons resident within any Parliamentary city or borough in England or Wales, or within seven miles thereof, who were assessed to the poor rate. But in taking the names of persons assessed, they took merely those whose names actually appeared on the rate-books, whereas everybody acquainted with electioneering matters knew that under the Compounding Acts the names of thousands of tenants who would have the franchise could not appear. A Return moved for by the hon. Member for Lambeth (Mr. Williams), and printed in August, 1857, would have enabled the noble Lord to approximate much more closely to the numbers which would be enfranchised by his Bill. This Return gave the whole number of houses rated in six metropolitan boroughs; and then getting the number of houses rated, and making the necessary deductions, they would arrive at something like the number of occupiers. In Marylebone it had been stated that 500 persons only would be enfranchised under the new Bill; but he had ascertained that in St. Pancras alone 3,760 £6 tenants would receive votes. He was delighted at this, but the noble Lord, though he professed to be pleased at the operation of the Bill, would probably be startled at such a result. At all events, it was right that before legislating on the subject the House should distinctly know the effect of the proposed measure. As hon. Members were aware, an occupier, in order to vote must be rated and must pay the rates; but there were two Compounding Acts in force, the provisions of which were resorted to in the metropolitan districts and in many of the large boroughs in thousands of instances. The first of these Acts, the 59th of George III., after reciting that in large and populous towns payment of the rates was often evaded, went on to enact that in the case of rents between £20 and £6 the owners should be assessed instead of the occupiers. The rate-books, therefore, in these cases merely gave the names of owners, who might be rated for 50, and as in St. Pancras, sometimes for 100 houses, and the names of the tenants were not given at all. The Return of 1857 purported to supply the number of houses rated for the relief of the poor in six metropolitan boroughs; and, taking Finsbury alone, there appeared to be there 39,621 houses (not tenements) rated for the relief of the poor. There were no houses under £6 annual value, as he had ascertained from inquiry. *Primâ facie* it would appear that there were 39,000 occupiers who were entitled to vote, but the fact was that there were in many instances two, three, or four £6 tenants in each house. Making then the deduction fixed on by the Government—namely, 27½ per cent for changes of residence and occupancy by females, the result would show that the calculation of the noble Lord as to the numbers which would be added to the constituency by giving persons who paid £6 a year a vote was very much too narrow. The noble Lord's Return set out the existing constituency of Finsbury at 20,951, and the noble Lord informed the House that the addition which would be made to the constituency by his Bill was 515. If they deducted 27½ per cent from 39,801, the number of rated houses, they would find that the noble Lord's calculation was ridiculously absurd. Take next the Tower Hamlets. From the Returns it appeared that there were 28,483 £10 voters, and the noble Lord calculated the increase by the £6 franchise at only 5,488; but it appeared from a calculation by the hon. Member for the Tower Hamlets that the number of houses, none of which were rated under £6 was 88,327; which, with the deduction of 27½ per cent, would be the number of voters under the new Bill. Then take Marylebone. The Returns showed that constituency to be 21,031; and the addition by the £6 franchise would only be 406. He was struck by the small amount of the expected increase, and made inquiries, from which he learned that the total number of rated houses in the borough, none less than £6, was 43,880. He found that in the parish of St. Pancras alone the number of houses for which the owner and not the occupier was rated was no less than 3,796, and therefore there was the number of persons who would by very simple means obtain a right to vote. Without going into greater details, he would only add that, according to the Government Returns, the total addition to the aggregate constituencies of Finsbury, the Tower Hamlets, Marylebone, Westminster, Lambeth, Southwark, and Greenwich would be only 13,992: while, taking the number of rated houses in those boroughs, and making a deduction of 27½ per cent for female occupiers, change of residence, &c., he found the actual increase would be 109,960. He had not confined his inquiries to the metropolis, but had addressed letters to the authorities of about eighty other towns, and the result of the information he obtained was that it was impossible to accept the Government Returns as showing the real number of persons who would be enfranchised. In Blackburn the Government Returns showed an expected addition of 1,110, but the town clerk informed him that there were 3,796 tenements in that town for which the owners were rated and not the occupiers. He found that in Macclesfield there would be an increase of 2,760 *plus* that assigned by the Government Returns, and in Bolton the increase would be 2,074. In Ashton-under-Lyne the real increase would be 2,000. [Mr. GIBSON was understood to dissent.] He (Mr. James) had a letter from an intelligent gentleman of that town stating that had the Government chosen to ask for proper Returns they could have obtained the information that was needed, but they had chosen to mix up the question of estimated value with that of rating, which had produced a series of the grossest blunders. That was the statement of a strong supporter of the right hon. Gentleman (Mr. Gibson), who was favourable to an extension of the franchise, but who thought that the real facts ought to be made known. The errors in the Government Returns arose from taking the persons assessed instead of the occupiers. He would state how tenants not assessed might become voters. When the owner compounded for the rates the tenant had a right, under the 30th Section of the Reform Act, to claim to be placed upon the rate-book ; and a subsequent Act, passed at the instance of Sir William Clay, facilitated that proceeding. But it had been held in a Court of Law that where the owner was rated for a house, if he charged any amount, even one shilling, of those rates to the tenant, the payment of the rates inures to the benefit of the occupier, who was entitled to a vote. It had appeared to him extremely material that the House and the country should know something of the extent to which the franchise would really be extended by the Bill under consideration. The very footnotes in the Government Returns, however, pointed out that the exact numbers could not be ascertained with regard to Norwich, Pontefract, and Finsbury. One of the great defects of the Bill was its principle of non-disfranchisement. It appeared to him that the Government had not had the courage to deal with the Bill as a great question ought to be dealt with. If public opinion did not back them in the great question of Parliamentary Reform it would have been almost better to wait until public opinion was strong enough to aid them. An imperfect attempt unsettled a great deal and settled nothing. It might have been naturally expected that the noble Lord (Lord John Russell), the parent of Reform in this country, and who had, moreover, taken a very active part in defeating Her Majesty's late Government on the question of Reform, would bring in a measure, to some extent at least, satisfactory. But the Bill of 1854, which that noble Lord introduced, was a far more satisfactory measure, because, while it to some extent tempered a large extension of the franchise by giving intelligence, property, and wealth a preponderating influence, it was a far bolder Bill as regarded the question of disfranchisement. The noble Lord proposed, in 1854, to disfranchise 19 boroughs. By that measure he would have had 63 seats to dispose of. He appeared to have then taken as the basis of his calculations not merely the principle of considering population, or that of the number of electors, but he combined the two as objects of consideration, which appeared to him (Mr. James) precisely the proper principle to adopt. There were many large populations, in which from their position there were not likely to be many new electors grow up, and therefore he thought the proper principle was to combine population and electors, both for enfranchisement and disfranchisement. The noble Lord, whom he believed to be a most sincere Reformer, had not, perhaps, that influence which he might have had in another Cabinet. He (Mr. James) could not fail to remember how, in the course of the debate on the Reform Bill introduced by the late Government, the right hon. Gentleman the present Chancellor of the Exchequer stood up as the vindicator of nomination boroughs. Hon. Members who heard that able speech might have imagined that they were carried back into the time when Mr. Croker, the mere creature of a rotten borough himself, stood up, in 1831, for Aldborough and for rotten boroughs. The right hon. Gentleman's speech was a mere reiteration of the arguments which Mr. Croker adduced. Mr. Croker was the creature of the rotten borough system—he never ventured to breathe the pure atmosphere of a Liberal constituency. Mr. Croker, who established a great reputation, by the arguments which he used with extreme ability, expired with the system, and his political reputation was embalmed in the undying satire of the author of *Coningsby.* But the right hon. Gentleman, and the noble Lord as well, to some extent repeated his arguments, and the noble Lord invoked the name of Edmund Burke and of Lord Macaulay, as the Chancellor of the Exchequer did also, to support the argument for the preservation of nomination, or what were called rotten boroughs. Now, there never was a greater mistake made in a debate than to invoke the name of Lord Macaulay in support of an argument for nomination boroughs. The noble Lord the Member for the City of London sat by the side of Lord Macaulay in December, 1831, and he could not have forgotten his eloquent denunciation of rotten boroughs in opposition to the arguments of Mr. Croker. Lord Macaulay said—

> "You close against men of talent the broad entrance which ought to stand open to them, and in exchange open to them a by-entrance, always narrow, always obscure, often filthy, through which they often have to pass by crawling on their hands and knees. The representative of a nomination borough comes into this House wearing the badge of slavery. He cannot speak of his independence without exciting a panic. That," said Lord Macaulay, "is what your system of rotten boroughs has done for men of talent."—[*See* 3 *Hansard,* ix. 383.]

How, then, could the noble Lord and the right hon. Gentleman invoke such a name in favour of such a system? Immediately that Lord Macaulay had emerged from the bondage of Calne he sat for the large constituencies of Leeds and Edinburgh, and never dreamed, he (Mr. James) ventured to think, to the last moment of his existence, of adducing an argument in favour of the rotten borough system. In 1839, Lord Macaulay wrote to Mr. Black, "I shall be able to take part in politics as an independent Member of Parliament, with the weight and authority of a man who speaks in the name of a great and intelligent body of constituents." The Chancellor of the Exchequer had also alluded to Mr. Pitt. What did Mr. Pitt say in his speech on the Motion for an inquiry into the state of the representation of the country? He said: "I avow myself the enemy of close boroughs. They are the strongholds of corruption, to which I attribute many of the calamities of the country." The noble Lord had spoken of nomination boroughs as a kind of harbour of refuge for great men ostracised by some sudden caprice of a popular constituency. The right hon. Gentleman the Chancellor of the Exchequer spoke of them as the nurseries of rising statesmanship. What sort of harbours of refuge had Thetford, Harwich, Ashburton been, and to what eminent statesmen had they given seats in that House? He asked the noble Lord to point to a single statesman of whom a rotten borough had been a nursery since 1832? [AN HON. MEMBER: Tiverton?] Tiverton a nursery. It surely was not an infant statesman who was nursed at Tiverton, but a statesman whom they were all proud to see in that House. The system of disfranchisement proposed by the noble Lord in the present Bill seemed not only extraordinary but incomprehensible. Tiverton, for instance, was still to return two Members. Tiverton, taking the noble Lord's return, had 750 electors. And yet one Member was to be taken away from Guildford, which had a constituency of 937. There was another borough, Tavistock, in which it was supposed that a noble Duke had some interest. Tavistock was to keep its two Members — it had 467 electors. Hertford was to lose one Member, and it had 1,803. Malton, where it was supposed the Whig interest predominated, was to keep its two Members, with 789 electors. Maldon, however, was to lose one, with 1,213. Wycombe was to keep two Members, with 521 electors. Dorchester on the other hand was to lose one, with 551. He protested that he could not understand the principle on which those changes were made. If he was told that it was founded entirely upon population—then he declared such a principle was quite wrong. The principle of 1854 was far better. The proper way was not to consider the amount of population alone but to look to the number of persons likely to grow into electors. The result, however, of the principle adopted appeared to have been singularly fortunate for Whig boroughs. In the metropolitan boroughs there was a large number of respectable and intelligent persons occupying portions of houses. Many hon. Members must have received letters from persons of various classes occupying apartments, perhaps for seven years, paying perhaps £50 or £100 a year for them, and yet having no vote—persons managing schools among the rest, or persons occupying rooms in public institutions. The noble Lord would not it seemed condescend to take a lesson from the

Reform Bill introduced by the right hon. Gentleman the Member for Buckinghamshire, and yet it contained a most valuable principle — that of the lodger franchise. Vulgar epithets might be applied to such a principle—it might be termed a "fancy franchise"—but it was a franchise of a large and an intellectual portion of the community, which would fairly counterbalance the very great extension proposed in the Bill. That principle was entirely ignored in the present Bill. The Bill of 1854, which was, no doubt, to some extent a precedent for the Bill of the right hon. Member for Bucks, contained that franchise, which he believed to be a safe one, but the noble Lord, for reasons which he could not comprehend, had omitted it from his present measure. Then there was another defect, which would seem very considerable in the eyes of persons really attached to the Liberal cause — it preserved a constant impediment to the exercise of the franchise, by exacting as a condition the payment of rates, which in the Bill of 1854 was given up. In 1854 the noble Lord stated that the payment of rent was a sufficient evidence of solvency. By insisting on the payment of rates persons were often disfranchised, not through their own fault. It was a monstrous injustice that persons should be disfranchised for no fault of their own, and no one could doubt that under the present Bill great numbers of voters, both in counties and boroughs, would be disfranchised for not having paid their rates at a particular day. This he believed would have the effect of destroying one-half of the proposed extension of the suffrage, by shackling, as it would do, the exercise of the voter's privilege. He thought this Bill, if it passed with all those defects, could hardly lead to a settlement of this question. It did not appear that it was to meet with any opposition on the second reading in that House. The Bill would probably go into Committee, and then, he hoped, efforts would be made to amend and improve it. What fate might be reserved for it in "another place" it was impossible to say, but he thought there would be considerable hesitation before the responsibility was incurred of rejecting it. A large number of intelligent persons were anxiously awaiting—not pressing by turbulence or violent excitement—the passing of a Reform measure. He believed that both parties in the House were deeply interested in having the question of Reform in the representation of the people satisfactorily set at rest. He trusted that on going into Committee they would be able to introduce clauses which would make it a Bill something worthy of the name of a Bill to amend the representation of the people, and he trusted, too, that there would be considerable hesitation before the responsibility was incurred of rejecting the measure. On a former occasion a great statesman, now passed away, had warned his Peers in the House of Lords to be careful how they interfered in the mighty Corn-law struggle, between the people and their food. He trusted some statesman equally judicious would advise them to be cautious how they interfered between the people and their just political rights. Her Majesty's Government had not brought forward a measure equal to the occasion. They were bold, some thought them reckless, in their financial measures—they were cowards on the question of political reform. The present Parliament, which would be memorable for great measures of social and financial interest, gave a remarkable opportunity for adjusting for a quarter of a century the great question of Parliamentary Reform. The Government had lost the opportunity of which they had not the courage to avail themselves, and upon them must rest the responsibility of having disappointed, as they had done, the just expectations of a forbearing and intelligent people.

MR. HARDY said, that although he had listened with attention to the speech of the hon. and learned Member for Marylebone, he found a difficulty in understanding on which side it had been made. The facts he had adduced and the arguments founded on them, seemed to put him in a dilemma in which the hon. and learned Gentleman wished to place hon. Members on the Opposition side of the House, and to impose on him the duty of moving a direct negative to the second reading of the Bill, as one wholly insufficient to meet the necessities of the times. But the course adopted with regard to the Bill was in his opinion one due to the importance of the subject, for it showed that there was no disinclination on the part of the Conservatives to consider a proper measure of reform; and if they criticised the measure of the noble Lord, that did not preclude them from saying that they were as anxious as he could be to carry out a Reform of the representation of the people. If they described this measure as reckless and revolutionary it was because they found that it tended downwards, and that its ultimate effect would be to destroy the existing constitution altogether. But it was not necessary to adopt the Bill in its present shape, nor was it necessary for the House at that moment to express an opinion as to how it was to be amended. The noble Lord called on this Parliament — the very Parliament to which the hon. and learned Gentleman (Mr. James) had appealed, to do justice to the people—to commit suicide, to destroy itself, and to destroy itself for what? was it to produce a better Legislature than that which was then sitting? The House had not yet heard from any Member of the Government what was the object of the Bill, whether it was simply to admit within the pale of the constitution certain persons now excluded from it, or whether it met the object to which the right hon. Secretary of State for the Home Department referred in a speech which he made some time previous, when he said it would be incumbent on any individual who proposed a Reform Bill to show what were the grievances to be remedied and what were the objects to be obtained, and to show also that better government would be secured by the change than was attained by the operation of the existing Parliament. He (Mr. Hardy) confessed that it was with no little astonishment he saw this Bill produced as the result of the deliberations of the Cabinet, because he could not forget the words of the right hon. the Home Secretary, nor could he forget what fell from the noble Viscount at the head of the Government, when that noble Viscount, speaking of what was necessary for a Reform Bill, totally ignored the principle now put forward, repudiated what had been stated by the noble Lord the Member for the City of London, and sketched out a scheme totally at variance with that now before the House. But since that time there had been a compact. In former times they had heard of the "Lichfield House compact;" now they had the "Willis's Rooms compact." There was a meeting in Willis's Rooms. But it seemed that the hon. and learned Member for Marylebone had not been consulted on the subject; the whole affair had been given into the hands of one hon. Member of the House, who, according to his own friends, ruled the Cabinet, and was the "out-door agent" of the Government, as one of his friends at Manchester had called him. And what said the right hon. Chancellor of the Duchy of Lancaster, who was the only Member of the Government that had spoken? Did he speak of the Bill as one strengthening the constitution and benefiting the people? On the contrary, he spoke of it "with bated breath and whispering humbleness;" and he stated that they "had been asked" to bring in a measure, and that no Government could sit on those benches which did not bring in a Bill to amend the representation, that no Bill would be satisfactory which contained "much less" than the present. That was all he said in its favour; and then he went on to say that he hoped it would be "a safe and satisfactory" settlement of the question. The House had heard from the hon. and learned Member for Marylebone what he considered satisfactory, and that as far as he was concerned the Bill would not be in any sense satisfactory. Hon. Members also on that side of the House were of opinion that the Bill was not safe, and he wished to know whom the present Bill was introduced to conciliate. The great masses of the people were in favour of a moderate measure of Reform. Was this measure, then, to be given to them as a satisfactory measure, or was it given to those who looked beyond it, who looked to something ulterior? The Bill was avowedly a Bill not for the better quality of the constituency, but simply to add to them in numbers. It was quantity, not quality, that was proposed to be brought into the Constitution. It was said that the working classes ought to be added to the voters. It had been assumed throughout the debate —he would not say by those who spoke in favour of the Bill, for, with a slight exception, no one had spoken in favour of it— that the working classes were at present excluded. He denied, however, that the working classes were excluded from taking their part in the working of the constitution. Even under the £10 franchise there had always been working men admitted, and by the raising of rents and the decrease in the value of money, many constituencies were largely increasing and many were being added to the constituent body by their industry and their prudence. The object of the Reform Bill of 1832 was, that by giving a franchise of £10 a constituency would be secured, not of men living from hand to mouth, not of men living by daily labour, but men who had acquired something by their thrift and their prudence, and had some stake in the country. It was distinctly put forward as one of the advantages of the Bill that it would not give the vote to those living by day labour, because it was supposed that that class was more liable to corruption and to be influenced by demagogues than persons in the class above. The hon. and learned Member for Marylebone had spoken of the present state of the constituencies as not being homogeneous; but the effect of the present Bill would be that a single class of voters would overbear and override all the constituency. The hon. and learned Member, took exception to a statement made by his right hon. Friend (Sir John Pakington), who pointed out the large number of electors in great constituencies who did not vote. But it would be found that upon several occasions a majority of the electors for Marylebone, to the number of 11,000, did not vote, and that the whole business was done by 9,000 voters. It was clear, therefore, that partizan clubs could influence the more active part of the electors who governed the election, and that the more respectable part of the electors kept back from the poll. The Chancellor of the Duchy of Lancaster told the House that the object of this Bill was to give admission to the working man; but the coarse process of lowering the franchise was not the way in which this object ought to be attained. He agreed with Mr. Austin in his pamphlet, that as they went down the social scale it would be impossible to resist a further influx on the same principle of lowering the franchise. Mr. Austin contended that "every extension of the franchise, in the direction of universal suffrage, tended to introduce it, for the jealousy and ambition of the excluded classes were inflamed by the admission of those whose place in the social scale was not higher than their own." He agreed with this opinion, and had no doubt that if the principle were laid down, that the great body of the working classes were to be admitted without selection, those who did not live in £6 houses would also claim to be enfranchised. Parliament would be unable to stop; and this was the only reason why the Bill was supported by any party in the country. He was wrong in saying that no one had supported it, for two hon. Members had spoken in favour of the Bill. The hon. Member for Halifax (Mr. Stansfeld), an earnest Radical reformer, spoke in its favour. But how? Not as a safe and satisfactory settlement of the question, but as a means by which he could place the lever of reform on a better footing to rouse the masses to put down what he considered to be a system of class government injurious to the country. In this he was followed by the hon. Member for Birmingham (Mr. Bright), whose support alone rendered this a most suspicious Bill. The hon. Member had interrupted his hon. Friend the Member for Dorsetshire (Mr. Ker Seymer) by exclaiming, "I never said that this Bill would not settle the franchise." That was true; but did the hon. Member for Birmingham ever say that it would settle the franchise? That hon. Gentleman was cautious in the House, but bold out of it. If the Bill was to settle the franchise, why did the hon. Member in his speech upon it threaten the House with the indignation of 20,000,000 of people, and of 6,000,000 of adult males? Did the hon. Member wish the House to give the franchise to those 6,000,000 of adults? His argument, if that were not his meaning, seemed to be a little difficult to understand. He called on the House to say whether they were for reform or not, and then they would see whether or not he could get up a storm in the country. He (Mr. Hardy) replied, that though not adverse to reform, they were not for such a reform as the hon. Gentleman (Mr. Bright) wished, because they saw that he supported the Bill, not as a settlement, but to get a standing-ground with an immensely-increased constituency, and so to overbear and override the property and intelligence of the country. And then the hon. Member for Birmingham out of the House threatened something more. Surrounded by the great manufacturers he declared that if Parliament did not pass this Bill there would be delegates from every trades' union in the country sitting in London. What did that mean? Did he mean to say that the trades unions represented the £6 householders only, or the whole of the working classes? The hon. Member took exception to the representations of his right hon. and learned Friend (Mr. Whiteside) with respect to the views of the working classes on trades' combinations and political economy. Curiously enough, about that time he received the speech of a Canadian gentleman recently published, who quoted a document that showed that the right hon. and learned Gentleman and his right hon. Friend (Mr. Disraeli) were not wrong as to the views of the working classes in trades unions. The document was issued in 1850 by the Metropolitan trades delegates, who said that,

> "The middle classes, whose predominant influence and power were acknowledged and accepted,

> had introduced as principles of action the meanest incentives and motives that can animate the human mind, namely, the free and full action of unenlightened self-interest, the unqualified love of wealth and the gratification of this love; and that their political philosophy was wholly mercantile."

The whole document justified the statement of his right hon. Friend (Mr. Disraeli) that the views of the working classes had been in favour of protection to native industry as against free trade, for it contained these words :—

> "We advance and maintain the principle that established and home trade should first be considered and preferred, and that changes and foreign trade should only be undertaken by means of that value or capital which may be over and above what is required for maintaining in their employments the members of each nation."

Such was their political economy, which he only threw in by the way, as allusion had been made to the subject. Again, the hon. Member for Birmingham, at many meetings and by a regular scheme had shown himself favourable to a rating suffrage throughout the country. He used this Bill as a stepping-stone to giving a vote to every man who was rated. But had they not had some warning on this subject? A Committee had been sitting in the other House of Parliament, which had communicated to that House the result of their investigation. And what did they find as the result? The inquiry was directed to the effect of the Small Tenements Act. The result was just what might have been anticipated from any such rash and reckless extension of the suffrage as was proposed, and was looked forward to by the hon. Member for Birmingham. What, he would ask, had been the result even of the original Municipal Corporations Act? Were men chosen who were fitted by their intelligence and wealth to regulate municipal affairs, or were not agitators rather elected, who made the town-councils the means of influencing the elections of Members of Parliament? But under the extension caused by the Small Tenaments Act what was the result? In one constituency the Committee found that rate-payers who were rated at £26,000 were in the minority, while the majority, which returned the members of the town-council, were only rated at £4,000. In another case the minority were rated at £16,000, while the majority, who determined the whole election, were rated at only £661. In another town of 5,300 electors, 1,000 represented £27,000; while 4,300 only represented a rating of £7,000. Had the present system of municipal elections checked expenses in boroughs? On the contrary, the borough rates were frequently so heavy, that persons were driven out of boroughs, and resided in the neighbourhood to get out of the way of the increasing borough rates. If they gave immense powers of taxation into the hands of those who paid little towards it, the result would naturally be that they would lay the burden on their richer neighbours. The hon. Member for Birmingham laid great stress on the connection between numbers and property, as shown in the income tax, and similar Returns, as proving the rights of the large towns to additional representatives. But these Returns became wholly fallacious when they were made a ground for extending the suffrage by lowering the franchise, because it would put into the hands of those who had no property, the power of controlling those who paid the very income tax on which the hon. Member founded the claims to an increased representation; they were, in fact, about to make the persons who did not pay, control those who did. When they found that it worked in this deplorable manner in the municipal franchise was it not enough to make them pause before they introduced it also into the Parliamentary? Was there anything else that they had discovered in this inquiry by the Lords' Committee into the working of the municipal franchise? Had they not discovered, and was it not confirmed by other inquiries which had been instituted, that an extended franchise directly tended to increase corruption to an unbounded extent? The Report of the Committee spoke of it in strong terms. Hired canvassers were employed, electors were bribed with drink and small payments of money; and it was abundantly proved that large expenditure was thus incurred in connection with the municipal elections, with the view of influencing the return of Representatives to Parliament. What, then, would be the effect if those very electors, who were so corruptible in municipal elections, were to be brought in a mass into the Parliamentary elections—as brought in a mass they would be, because in the great boroughs at least there were rated houses below the value, few if any of £6; and if the people chose to take upon themselves the payment of the rates, which they might easily do without increasing their rent, they would all be admitted to the franchise, and so the whole municipal constituency, part of which was now excluded from the Parliamentary elections, would come in and influence those elections to an inconceivably greater extent than they did now. The Committee of the Lords further said that no trifling deterioration of the constituency was caused by this arrangement in towns, by which the direct ratepayers were outnumbered by those who paid no rates or paid them only indirectly, and urged that the actual, direct, and continuous payment of rates should be made the indispensable condition of municipal suffrage. There was nothing in the evidence bearing on the municipal which did not equally apply to the Parliamentary suffrage, and yet it was already proposed that the actual payment of rates, which formed so important a check upon the admission of improper persons, should now be swept away. The hon. and learned Member for Marylebone showed conclusively that the Returns submitted by the Government were quite fallacious as the basis of any estimate of the proposed additions to the constituency, and that the occupants of small tenements might, by an arrangement to pay their own rates, which they could easily make, claim to be registered as voters in incredible numbers. He would now view these Returns in another light. They were, he understood, founded on what was called the gross estimated rental column of the poor-rate book; but a correspondent of the leading journal, who he supposed had had some connection with their compilation, asserted that they represented also the rental actually paid to the landlords. That assertion he disputed in the strongest terms. He was sure it was not correct. Now for the proof. The proof in the first place, was manifest on the face of these Returns, because there were several towns where the £10 householders were fewer than the £10 voters; and therefore, there were men who enjoyed votes as occupants of £10 houses, but whose names were not entered in the columns devoted to gross estimated rental in the rate-book. They would find that the number of £10 houses, as given in that column, was fewer than the number of £10 voters. There were no fewer than forty boroughs where that was the case. An hon. Friend had given him an instance of what took place in his own borough. A man claimed before the revising barrister to vote on a £10 house. There was produced against him the rate-book, from which it appeared that he was assessed at the sum of £4 10*s*. This would not give more on the gross estimated rental than £6; and yet he proved to the barrister that he paid a rent of £10, and was admitted on the register. How was it that there was such a difference between the actual and the estimated rental? It arose partly from this cause, that in boroughs which consisted not of one parish but of many, there was a continual struggle going on between the parishes to keep the rating as low as possible in order to lessen their respective proportion of the borough rate. In the same way an effort was made in county parishes to keep down the gross estimated rental, in order that each might escape from paying its fair proportion of the county rate; and the consequence was that in the majority of cases the gross estimated rental did not represent the actual rental. He could give one or two instances in cases where he had himself made inquiries. The borough which he had the honour to represent (Leominster) was divided into two portions—the main parish, in the town itself, and what was called the out parish. In the borough parish there had been no column of the gross estimated rental kept for a number of years; so that the only return for the borough was in point of fact the rateable value, which it was clear was much below the actual amount. In the out parish the gross estimated rental was fixed, as far as it could be ascertained, at the actual rental paid to the landlord with a deduction of 15 per cent. With regard to the town of Banbury, he had received a letter from a gentlemen on whose statements he could rely, in which it was stated:—

> "In the township of Nethercop, the most populous part of the Borough of Banbury, the gross estimated rental stated in the rate-book is, on an average, only three-fourths of the actual rental, and, in some instances, not half that amount. The consequence is, that a great number of houses which are really of the value of £6 are excluded from the overseer's return. Lord John Russell estimates the additional electors in Banbury at 194, but in reality there will be about 400.

He believed he might appeal to every Gentlemen who represented a large constituency to confirm his statements. He would like to appeal to the hon. Member for Nottingham on this subject, because he had heard, not indeed from the hon. Member, but from other sources, that the state of things in the town of Nottingham had been wholly misrepresented. He believed the same would be found to be the case over almost the whole country. The gross estimated rental was perhaps three-fourths of the actual rental, and sometimes much less. If so those Returns must be wholly fallacious, and he must say that the Government itself did not seem to have entire confidence in those Returns, or why had they not made the slightest opposition only a few evenings ago to the appointment of a Committee of inquiry in the House of Lords. He might be told that it was part of the arrangement that the inquiry should not interrupt the progress of the Bill. It might be also said that the noble Lord had confidence in his Returns, and no fear of their standing the proof. But when the noble Lord took upon himself to declare, on his responsibility as a Cabinet Minister, that a Motion for referring the Bill to a Select Committee in that House would be equivalent to a rejection of the Bill, why should the Committee in the other House be sanctioned —at least not resisted by the whole Cabinet—unless they felt that there were, after all, some grounds for inquiry. Either the inquiry was needful or it was not; and he wished to ask the noble Lord to say whether the whole Cabinet had confidence in the accuracy of these Returns or not? If they had not, then inquiry was needed, and it was monstrous, after the manner in which the accuracy of the Returns had been questioned, to press the House to pass the Bill before they were furnished with reliable *data* on which to form their judgment of what would be its effect. They were told they ought not to represent what was proposed as a homogeneous addition to the franchise, but he contended that this measure would be an actual transfer of power. It would take away the power from the present constituency and would give it to a class of which they knew comparatively nothing—a class into whose character and position the noble Lord and his colleagues had sanctioned an inquiry in the other House of Parliament, though they were to be allowed none in that House. Surely the noble Lord could never mean to ask them to legislate blindfold on so important a subject, on the ground that any errors they might fall into would be corrected elsewhere, or was the inquiry in the other House nothing but a mockery, a delusion, and a snare? He appealed from the noble Lord to the noble Viscount at the head of the Government, and he asked him whether it was fair or just to press the House to legislate without sufficient means of information. He appealed to him to allow the House an opportunity of weighing this question in nicer and more accurate scales than his noble Colleague had offered them; and to give them the same opportunity for obtaining accurate information as the Government had granted to noble Lords in "another place." The noble Viscount, pressed either by the arguments or by something else on the part of his noble Colleague, had yielded those more Conservative sentiments which he entertained and expressed when sitting on the Opposition benches last year; while the noble Lord the Member for London had carried out all he expressed when he sat below the gangway, under his leading—but it was folly to talk of leading, it was dragging. The Government was dragged. They knew it well. There was not a Member in the House who, in spite of the insincerity of public men, did not know that those who sat on and behind the Treasury Bench were dragged reluctantly along; that they had no sympathy for the measure; that in their hearts they disapproved of it, though they dared not speak out their sentiments. But the time was coming when they must speak out, for hon. Members on his side of the House were determined that the Bill should be fully considered. It was folly to represent the opposition to the measure as manifesting a resistance to reform in any shape. What hon. Members said was, give us information; tell us what is your object; show us whether, by this Bill, we shall obtain a better Government for the country than we at present possess. The Secretary for the Home Department said he had prepared and was ready to bring in a Bill for making a proper valuation. That would be a means of ascertaining what sort of constituency, both in towns and counties, would be obtained; but meanwhile the Government called on that Parliament, which was elected not only to pass a Reform Bill, but to deal with other great questions of the country—they called on that Parliament, which they thought fit to deal with questions that were tantamount to a fiscal revolution—nay, a Parliament which had sanctioned a fiscal revolution—they called on that Parliament to declare that it was not fit to conduct the ordinary affairs of the country. The effect on hon. Members themselves was most disastrous. It led them away from the consideration of their proper duties, to consider what they were to say to their constituents next year, rather than what they were to do now; for it was obvious that in the whole of these debates hon.

Members had been afraid to speak out lest they should have to appear hereafter before the new constituency of which they might have spoken. Yielding to the dictation of the hon. Member for Birmingham, the Government were about to swamp constituencies which had done justice to the interests of the country. Numbers, according to the hon. Member for Birmingham, were a cure for everything. They would enable us to live at peace with all the world, to place taxes on the right shoulders, to get rid of corruption. He ventured to say, on the contrary, that lowering the franchise in the mass, without consideration or selection, would promote war, extravagance, and corruption. The author of the Bill had said that he was going to effect his object in a direct and simple way, and made simplicity the merit of the Bill. He wished the noble Lord would confine his simplicity to foreign affairs. The Constitution of this country was a complex thing; it was not a Constitution made by the hon. Member for Birmingham; it had grown and adapted itself to the various wants of the people; it was full of what the hon. Member would call anomalies, but they were anomalies of the most valuable kind, which promoted the national interest and prevented the possessors of wealth and intelligence being overridden by mere numbers. There were great varieties of franchises prior to 1832, and what did the noble Lord himself say in 1854? He regretted that the Reform Bill of 1832 destroyed so many franchises, and that in confining themselves so much to one species of franchise only, he had not made it sufficiently various, and therefore not sufficiently comprehensive. Surely the noble Lord had arrived at years of discretion, in 1854, when he endeavoured to restore some of those complexities; surely the noble Lord was not then an infant legislator, and yet it appeared that now the noble Lord saw things in a different light, and simplicity was the only object to be aimed at. In like manner the right hon. Gentleman the Chancellor of the Duchy of Lancaster said they could accomplish their object better by the direct and simple means of this Bill. He hoped the right hon. Gentleman would tell them what their object was. He could understand and appreciate the views of the hon. Member for Birmingham. His view was an ulterior one; he told them so himself, not, indeed, in that House, but in other places. He meant to go on to a rating franchise; and he told his friends to accept of this disfranchisement of twenty-five Members for the present, as it would help them to get rid of all small nomination boroughs. But it did not follow that a small borough was a nomination borough. There was as much independence in many small boroughs as was to be found in some of the largest cities in the kingdom, and he for one would rather be the free choice of a small but independent constituency than the nominee of a public-house clique, which it was well known dictated the returns in many of the large towns. When all other arguments failed him the hon. Member for Birmingham assured them that in following the noble Lord the Member for London they were following a man who walked in the light of the Constitution, who valued what had been done by his ancestors, and who appreciated the advantages of an aristocracy. If that were so, how striking the contrast presented by the hon. Member himself. When he looked back, it was only to malign the aristocracy. But which of the noble Lords were they to follow—the noble Lord of 1852, the noble Lord of 1854, or the noble Lord of 1860—because anything more different than the schemes brought forward at those periods could not possibly be conceived. An interesting history had been given in "another place" of the circumstances connected with the Bill of 1852. It was said to have been predicted by a great statesman that the Act of 1832 would stand until the noble Lord was *in extremis*. That prediction was fulfilled to the letter, because it was only when the noble Lord felt himself *in extremis* that the Bill of 1852 was proposed. But could anything be conceived more opposed to each other than the noble Lord's Bill of 1854 and the present measure? There they had a variety of franchises—they had the representation of minorities—they had rating clauses and residence to the extent of two and a half years. The noble Lord then said:—

> "Leaving out, therefore, those who have not a certain degree of independence, or at least those who, not having given sufficient proof of it by continued occupation to entitle them to vote—that is leaving out all those living in houses rated under £6 and taking in all those who are rated above £6 a year, provided they shall have fulfilled the municipal term of residence (*i.e.*, two years and a half before registration). By this means we should obtain an extensive representation of the country, which will include within its limits a large number of the working men, those who are most remarkable for steadiness of conduct, &c., and are enabled to inhabit dwellings of a better character than those occupied by the great mass of their fellow-workmen."

The present Bill was a very different measure. It contained no rating, but a £6 rental franchise—no representation of minorities, no franchise from payment of income tax, no lodger franchise, no degree at the university franchise, no savings bank franchise—though all these were put in as checks on the lowered franchise in 1854; and yet he would venture to say that the noble Lord's intellect was as keen and his abilities as great when he proposed that measure in 1854 as they were now. Yet they were asked to take the noble Lord as their leader, the noble Lord who was dragging after him those who should be his ready followers, the noble Lord who, according to the hon. Member for Birmingham, would be sure to lead them in the path of the Constitution. He could not help thinking that upon this question of Parliamentary Reform the hon. Member for Birmingham was something like the giant of old, the renowned Cacus, who dragged his victims backwards to his cave, so that their footsteps might point the other way. The hon. Member had got his spoil by the tail, but though he might say, pointing to the footsteps, that they were in the path of the Constitution, everybody knew whither he was leading his dupes. Though the footsteps might point outwards, he was dragging them down into the democratic abyss. They knew well that the hon. Member for Birmingham did not walk in the light of the Constitution. He maligned the aristocracy. Now, he maintained that in this country it was essential for liberty that there should be a strong and powerful aristocracy. The hon. Member for Birmingham might exult in what he called the social liberty of a neighbouring country, he might prefer despotism with equality and social liberty to constitutional liberty. But there could be no doubt that if his policy were adopted we must have democracy, or despotism founded upon democracy. Burke—a greater man than, probably, any that now sat in the House —said, speaking of the House of Commons as a link connecting the Crown and the House of Lords with the masses,—

> "That artificial representation being once discredited and overturned all goes to pieces, and nothing but a French democracy or arbitrary monarchy can possibly exist."

In 1854 there was an apathy to which the apathy of that time was not to be compared. They did not then view with the dread they did now the indiscriminate lowering of the franchise, for they had not had so much experience of the evils resulting from the system, and the operation of a widely extended suffrage in America and Australia. Since that period, however, they had been obliged to look to what was passing in those countries, and it was found that so vast an extent of the suffrage did not produce to reflective minds results so satisfactory as the hon. Member for Birmingham had previously assured them would be the case. Again they were now told that the Bill was but a step in disfranchisement. But, as he had said, he believed many of those small boroughs were as independent as the larger ones. Allusion had been made to the different views expressed by the Chancellor of the Exchequer on this point last year and those he now held; the Proteus-like changes of that hon. Gentleman were such that it was idle to dwell upon one case as an illustration, but upon this particular point the best and only real refutation of his present views would be, if the House could bear them unenlivened by the telling delivery of the right hon. Gentleman, that the Clerk at the table should read the various speeches that had been made by the right hon. Gentleman from time to time upon the subject. The right hon. Gentleman, however, had not spoken in favour of nomination boroughs, but in favour of small boroughs, as admitting Members of ability who might not have an opportunity of coming through the larger boroughs. An American writer and lawyer of the greatest eminence, Mr. Justice Story, saw the real excellence of the British constitution:—

> "In England" (he says) "the House of Commons, as a representative body, is founded on no uniform principle, either of numbers, classes, or places, such diversities being important checks upon undue legislation as facilitating the representation of different interests and opinions, and securing a well-balanced and intelligent representation of all the various classes of society."

That view was borne out by the results arrived at in this country. The disfranchisement proposed by the Bill proceeded on no distinct principle. Disfranchisement should be carried so far only as it was thought advisable to enfranchise, but with no ulterior objects. There was, however, a provision in the present Bill which appeared to be most objectionable, and a step in the direction in which the hon. Member for Birmingham desired to proceed. The proposition to give three Members to large towns was the beginning of that course which the hon. Member for Birmingham wished to be completed; for that hon.

Member had put forward schemes for allotting six, seven, or eight Members to large constituencies. He maintained, then, that giving three Members to boroughs would inevitably lead to population being taken as the ground for apportioning the number of representatives. He doubted whether it was prudent ever to create what were called unicorn counties, and the increase in many of those counties was now sufficient to justify their being formed into two divisions. An important point omitted in the Bill related to the question of the boundaries of boroughs. This ought to receive consideration, as it was a question whether, where boroughs had considerably extended beyond the limits fixed in 1832, but where the population beyond the boundaries were of a homogeneous character, those boundaries ought not to be re-adjusted so as to include them in the list of voters. He would not, however, dwell upon this point. Then the hon. and learned Member for Marylebone (Mr. E. James) had spoken upon the question of registration. Certainly, if they were going to have such vast constituencies, it would be essential to have a cheap and easy form of registration, or the expenses would be enormous; and it was idle to carry a Bill without due provision for giving full effect to its objects being made in it. There was one point, by the way, in which the hon. and learned Member needed correction. He had spoken of Mr. Croker as the representative of a nomination borough; but the fact was that Mr. Croker was at the time the representative of the University of Dublin, and was not, therefore, personally interested in nomination boroughs. He confessed that one of his chief objections to the present Bill, which had been allowed to proceed without meeting with any distinct opposition, arose out of the mode in which it was supported. He found that the only real supporters of the Bill were those who wanted to carry it further. It was because he believed that they were right in their anticipations who thought and desired that the Bill would create a fiscal revolution, so that the taxes should be laid entirely on one class, that he was opposed to it; and he believed also that the Bill would give power to those who paid no taxes to involve this country in difficulties with other nations which would occasion no burden to themselves. In reference to such views as were expressed by the hon. Member for Birmingham, Lord Brougham had said:—

Mr. Hardy

> "So if our friends of the ultra-free trade persuasion were to be humoured in their fancy that by imbibing their doctrines all men are becoming virtuous, and especially all Governments peaceful, and some fifteen or sixteen millions were struck off our revenue, while the army was disbanding to lower the wages of labour, and the navy breaking up to be sold for old stores, the certainty is apparent to all but these lay preachers that we should forthwith taste the sweets, not, perhaps, of cheap commodities, but of rebellion, civil war, revolution at home, and of eventual subjugation by such of our neighbours as had not yet become converts to the true faith."

But in fact there could be no doubt as to the ultimate objects and intentions of the hon. Member for Birmingham and those who united with him in supporting this Bill. Those objects were openly and fully avowed at a recent great meeting in Manchester, at which the hon. Member was present, by Mr. Wilson, the chairman, who usually acted as fugleman in the Free Trade Hall, and afterwards by the hon. Gentleman himself. The speech of Mr. Wilson gave some indications of the really revolutionary tendency of this measure, and it was evident that if they admitted these great masses to the franchise, revolutionary designs would be much more easily carried out. One man might govern them; they would be carried away by demagogues who, obtaining a powerful influence over their passions, might, in some sudden burst of enthusiasm, sweep away the most stable of our institutions. In such case they knew the result, for as it had been said, "Democracy is like death; it takes, but never gives back." Mr. Wilson had said he was "well inclined to the present Government. With Cobden as commercial traveller and plenipotentiary in foreign affairs, with Bright taking the out-door department, and Gladstone and Gibson inside, the firm was doing a roaring business." The firm had certainly drawn some very long bills, as firms who did a "roaring business" were accustomed to do. They had drawn on acceptors not trusted by everybody; they had speculated a little too largely, and, as it would be proved next year, in a manner not very satisfactory to the people of this country. At all events, he was sure the payers of direct taxation would not like it. The hon. Member for Birmingham, adopting the resolution which was carried at this meeting, was of opinion "that no measure of Parliamentary reform will be satisfactory to the country less than that which will confer the franchise on every male person rated in boroughs, or entitled to be rated, to the poor; which will more equally distribute Members in proportion to population and property, and will give the voter the protection of the Ballot." The present measure was described by its promoter as a safe and satisfactory settlement; but the only voices raised in favour of it were those of persons who declared that nothing could be safe or satisfactory which did not go this great length. On the occasion to which he was referring the hon. Member for Birmingham, after a speech of great eloquence and power, which was no doubt calculated to produce a great effect on the minds of the seven or eight thousand persons who heard him, came at last to his peroration. "I do not address the Court," he said: "My voice is too honest and unfaltering for courtly ears." How it happened that his voice did not falter after such extraordinary calumnies and misrepresentations as he had uttered against the aristocracy he (Mr. Hardy) could not imagine. He said, however, that his voice was too honest and unfaltering for courtly ears—that he did not address the Court. What schemes in the hon. Member's mind must those be which were unfit to be addressed to a constitutional monarch? What schemes must he be brooding over if his honest voice could not be heard by that Sovereign who had been always ready to hear every voice that spoke in the spirit of the Constitution. The hon. Member in lauding his own honesty reminded him of what was said of the Ear of Kent in *King Lear*:—

> "He cannot flatter, he!—
> An honest mind and plain—he must speak truth:
> An they will take it, so; if not, he's plain.
> This kind of knaves I know, which in this plainness
> Harbour more craft, and more corrupter ends
> Than twenty silly ducking observants,
> That stretch their duties nicely."

The aristocracy, said the hon. Gentleman, were "so wrapped in luxury" that they would not listen to him. But was it not the glory of this country that a large portion of the aristocracy had sprung from the same class as that to which the hon. Gentleman himself belonged? At what time, then, did that aristocracy cease to be identified with the common interests of the country and the welfare and happiness of the people at large? Was it when they became possessors of landed estates? When they had raised themselves did they lose the estimation of their countrymen? Did they lose their love of their country because they had a title attached to their names, or their names annexed to the land? Did they forget those classes from whom they had risen? The aristocracy ought not so to be spoken of. They had done much for liberty in this country; they had been a kindly race, knitting together the rich and the poor; they had bound together with indissoluble bonds the various classes of the people whom the hon. Member had affected to represent, but could not stir up. The aristocracy, whom the hon. Member maligned, and with regard to whom he had said that they would not listen to a voice which, if honest, was too unfaltering—the just rights of that aristocracy, the just rights of the people, and the just rights of the Crown, was the foundation of the Constitution which the hon. Member was endeavouring to destroy, dragging after him in so doing a Government, many of whose Members were as much opposed to his schemes as he (Mr. Hardy) was. The hon. Member dragged after him also many Members of that House who had no confidence in this measure, or the results it would attain, and he (Mr. Hardy) regretted the fact, for the sake of the honour of public men; he regretted to see the insincerity which had prevailed throughout the House upon this subject. He trusted, however, that there were some hon. Gentlemen on the Opposition benches, who would not care what the result might be of doing their duty to their country, and honestly expressing their sentiments according to the dictates of their own consciences. For his own part, no man valued more than he a seat in that House, but he should consider himself degraded if because he valued that seat he withheld his opinion upon any question that came before him. He felt it his duty, therefore, to say that the hon. Member for Birmingham was dragging the Government and those hon. Gentlemen who supported them down a slope, tending inevitably to an abyss, from which there was no return. It was because he believed in the truth of what the hon. Member said, as to the effects of a Bill like this, should it ever pass, that he appealed to the supporters of Her Majesty's Government, and he asked those Members, some of whom had grown grey in the service of their country, and who, though opposed in politics to those on his own side of the House, had done their duty honourably, and endeavoured to advance the interests of the country—he asked them, if they believed with him that this scheme tended to radicalism and revolution, to put forth their energies to arrest its progress. Let them not be deterred by the fear that the Government would treat any Motion as a vote of want of confidence from performing their duty. Whether the Bill ought be referred to a Select Committee or not was another question, but he could not suppose that the hon. Member for Salford had placed a Motion to that effect on the paper without due re-reflection, and he was astonished that the hon. Member should be threatened into abandoning it, because the noble Lord (Lord John Russell) had said he should take the carrying of such a Motion as equivalent to the rejection of the Bill. The position which that hon. Gentleman occupied in the House ought to have prevented him, unless he were thoroughly in earnest, from placing on the paper a most important Motion, which at a whisper from the noble Lord he now withdrew. With the experience of years the noble Lord had only been able to produce this miserable abortion—after the expectations which, when on the benches below, on the Opposition side of the House, he shadowed forth to the Radical party as the result of his accession to office. In truth the noble Lord had yielded himself in his old age as a prey to demagogues, and had allowed them to lead him against his own will, and that of many Members behind him, into a course which they had not the courage to denounce. But he would remind the House that they were not legislating for this Parliament, nor for the next, nor for any particular period, but they were legislating for one of the greatest nations that had ever influenced the destinies of the world ; for a country that had made its impression on every part of the civilized globe. Let them look back into history with somewhat different feelings from those expressed by speakers at such meetings as he had referred to ; let them consider whether the aristocracy had really led them into wars and expenditure, or whether the people had not gone heart and soul with them in all their wars, and notably in the late Russian war, which was, he might say, almost forced upon the Government by the people, and in despite of the efforts of the hon. Member for Birmingham. He would not ask the House to give a factious vote. This was no party question ; he desired that no unfair advantage should be taken, that no combinations such as those directed against his own party when in office should be formed; but he and those acting with him wished to retain that which was so vital to the constitution of this country—they wished that each class—property, wealth, intelligence, and numbers—should retain their due place, and that no one class should be placed in a position of such predominant power as to override all the others. They believed that their present combined Constitution had advanced the country to that height of civilization at which it stood, and had contributed to the establishment of a free Parliament, where they could freely express their sentiments ; and he believed that the more freely they spoke, even if for the moment some of their constituents disapproved of their sentiments on this subject, the more they would be honoured for their integrity. Lastly, he would call upon them to remember they represented a Constitution which would be destroyed by the measure the noble Lord proposed; and believing that Constitution to be sufficient to protect this country and advance its interests, he trusted they would defend it, and not allow themselves to be led astray, but that they would combine heart and hand with him and those who held the same views, in maintaining and upholding, in all their integrity, the well-defined rights of the people, the aristocracy, and the Crown.

SIR GEORGE LEWIS : Sir, a considerable portion of this debate, especially during the present evening, has turned upon the statistical Returns relating to the representation which have been laid on the Table by the present Government. Now, when Her Majesty's Government undertook last autumn to bring forward a Reform Bill it was their desire to ascertain the best *data* which could be obtained for the construction of so important a measure. They accordingly framed instructions, which were sent round to the country overseers from the Poor Law Board, in order to procure the most accurate returns which could be prepared for their guidance. These instructions were framed with deliberation and care. If necessary, they could belaid on the Table, and in our opinion the returns obtained are correct and complete returns, so far as the rate-books furnish the means of obtaining them. The rate-books form, the only basis upon which it is possible that such returns can be founded. It was not possible to institute a new valuation of the country, and to obtain the results within the time during which they could be used for purposes of legislation. The Government could therefore only address themselves to a digestion of the facts recorded in the rate-books. My belief is that these results are, as I have stated, accurate and complete for the purposes of legislation. The hon. and learned Member for Marylebone (Mr. E. James) in his somewhat tesselated speech has said that we have made important errors both in framing the Returns and in the inferences we have deduced from them. I maintain in contradiction to the hon. and learned Member and in the most confident manner that the Returns are substantially correct, and that the Government have not made any serious error in the inferences they have founded upon them. I rejoice to think that a Committee has been appointed by the other House which is likely to inquire into these Returns. It is a matter well fitted for the investigation of a Select Committee, rather than for debate in this House, and I believe that when those Returns are deliberately examined they will be found to be worthy of the confidence which the Government has placed in them. The hon. and learned Gentleman has accused the Government of making a blunder in their use of these Returns. I retort the charge, and say the blunder is on the part of the hon. and learned Gentleman. Let me first call attention to the case of Finsbury, upon which the hon. and learned Member rested a good deal of his case. If he looks at the note at the bottom of the page he will see that the returns from the parishes of Islington and St. Lukes do not contain the number of persons occupying tenements which are rated to the owners instead of to the occupiers. That is the only case in which the return does not comprise those occupiers whose landlords are rated instead of themselves; it is an exceptional case, and the fact is stated in the return, but which the hon. and learned Member abstained from mentioning. If the House will refer to the notes C D, referring to Hull and Norwich, they will find they are also cases where these omissions occurred, but where they did occur the fact was stated on the face of the Returns; and their total amount is insufficient to affect materially the aggregate results of the Returns. The hon. and learned Gentleman told us that the Returns did not include occupiers whose tenements were rated to the landlord. I affirm, on the contrary, that these Returns do contain an accurate account of all occupiers—not of all tenements, but of all occupiers whose rates are compounded for and paid by the landlords. If the hon. and learned Member will refer to the places marked "A" in the first page he will find a note that the places thus marked contain the number of tenements, and not of male occupiers, thus showing that in other cases the male occupiers are returned, which is the correct return. In those places marked "A" there are numbers in excess of the number of male occupiers, and if the Returns had been laid before the House as the Government received them they would have shown a number greater than the truth, and not less. In these cases an estimated deduction has been made on account of unoccupied tenements, female occupiers, and other causes. The hon. and learned Member assumes that the total number of occupiers whose rates are compounded for and paid by the owners below £10 will naturally be placed upon the register. That argument is wholly fallacious, and upon that fallacy his estimates are founded. But there is no reason to suppose that a greater proportion of occupiers below £10, whose rates are compounded for, would under the Bill find their way upon the register than of the occupiers above £10 in a similar condition. Compare one or two cases where we have returns of the persons rated above £10 and the number of names on the register. In Liverpool the number upon the register is 18,779, but the number of persons rated above £10 is 39,730. No doubt a large part of that difference is due to the fact that those whose rates are compounded for do not claim to pay the rates themselves, and therefore are not placed upon the register. In like manner in the Tower Hamlets the number on the register is 28,843, but the number of houses rated above £10 is 67,859. I might multiply these examples, but they are sufficient to show the utter futility of the argument of the hon. and learned Gentleman, who seeks to make us believe that every person occupying a house below £10 will actually be placed on the register under the new system. It must be obvious to any one who takes the trouble to consider the matter, that all those causes which tend to prevent occupiers above £10, whose rates are compounded for, from finding their way upon the register will operate with increased intensity upon occupiers below £10. Changes of residence, not claiming to be rated, and other causes will apply to those below £10 as well as to those above, and I will take upon myself to affirm, that if this Bill should come into operation, we shall find that the number we have stated is a *max-*

imum, and one which is liable to very serious deductions. Therefore I say that the theory advanced by the hon. and learned Gentleman, supported by perverted facts and by the suppression of material statements appearing upon the face of the Returns, is utterly untenable. The hon. Gentleman who spoke last said the Returns were fallacious, and he particularly adverted to the column containing the gross rental as not exhibiting the real annual value. When Returns are declared to be fallacious, I apprehend any one would understand that there was some intentional deceit imputed to the person who brought them forward. If that be the intention of the hon. Gentleman I can only say nothing can be further from the fact. It was the sincere wish of Her Majesty's Government to obtain an accurate foundation for legislation, and it is their belief that in a vast majority of cases the first column of the rate-book does accurately exhibit the rent paid by the tenant to the landlord. We have sent circulars to the auditors of the Poor Law unions, before whom the rate-books come, and their answer generally is, that throughout the country the first column in the rate-books is not the rateable value, with which I am inclined to fancy some hon. Gentlemen confound the entry in that column, but that it does correctly exhibit the rental actually paid. I am quite aware of particular instances to the contrary, and if in Leominster the return is not filled up from the first column of the rate-book, then that return is incomplete. There may be parishes, too, in which a small rateable deduction may have been made, but I believe the practice is generally to enter in the first column the total annual rental. The hon. Gentleman, referring to some words I used at a meeting in the country, has called upon me to state the policy with which this Bill was introduced to the House. He reminded me that I had said it was incumbent upon those who proposed a Reform Bill to state what were the evils which it was proposed to remedy, and to show that the remedy proposed was adequate and suited to the evil. I accept the challenge of the hon. Gentleman, and if the House will bear with me I will state the grounds upon which I support the Bill on the table. Now, Sir, the object of the Reform Act of 1831, and of the previous Motions for Parliamentary Reform, was, I conceive, to guard against the following evil,—namely, the representation of thinly inhabited towns, and the non-representation of populous counties and large manufacturing towns. If any Gentleman will examine the Motions which were made from the year 1780 to the year 1831, he will find the evils which I have stated explained in different forms, and also that the different plans of Parliamentary Reform were almost exclusively directed to the removal of those evils. Those who remember the debates on the Reform Bill of 1831 will, doubtless, bear in mind that it was Schedule A by which small nomination boroughs were disfranchised, to which almost exclusive attention, both of the House and the country, was directed. Comparatively little attention was paid to the places to which the franchise was transferred ; the great fight of that day turned on Schedule A. Although the plan was a comprehensive one, the principal attention of the House was directed to the disfranchisement of boroughs and the enfranchisement of boroughs and counties. The uniform £10 suffrage, then introduced with respect to boroughs, was accepted at the time as a sufficiently popular suffrage ; but comparatively little contest took place on that question. I think it material, with respect to the present Bill, that we should know what was the effect of the change of the suffrage at the time of the Reform Bill, because the public attention has been almost exclusively directed to another effect of the Reform Act of 1831, and little attention has been paid to its effect upon the suffrage. A Return (No. 129) has been laid on the table which enables the House to test the figures I am about to read. The total number of voters in boroughs in England in 1830, the year before the Reform Bill, was 168,375 ; and the registered electors in boroughs in 1832-33, according to the first registration after the passing of the Bill, was 286,234. But to make the comparison fair it is necessary to compare only those boroughs which existed both before and after the Reform Bill; I deduct, therefore, the voters in the disfranchised and enfranchised boroughs. After making that deduction, and confining the comparison to boroughs existing both before and after the Act, the number of voters would stand thus :—in 1830, 162,640, and in 1832-33, 201,794 ; showing, under the operation of the Reform Act, an increase of 39,154. The operation, therefore, of that Act in increasing the total number of voters in boroughs, existing both before and after the Act, was not very considerable. There were many places in which under the unreformed Act the number of voters was very great, owing to the scot-and-lot voters, and the effect of the Reform Bill in those boroughs was to diminish the total number of voters. In Scotland the measure of 1831 produced an entire change. With regard to Ireland the change was less considerable. The Act of Union, which was itself an important Reform Act, disfranchised no less than eighty-four boroughs. In attempting to form a judgment of the probable consequences of the Reform Bill now on the table, it is material that we should look to the Reform Act of 1831, for it is by doing that, and by comparing the period since 1831 with the previous period, that I ground to a great extent my support of the measure, believing the time has come when it is desirable that some further progress should be made in the same direction in which we made so great an advance in 1831. I will not weary the House with a reiteration of the admitted effects of the Reform Act of 1831. We know how extensive has been the legislation of Parliament since that period. There is scarcely a Department of legislation affecting the interests of England, of Scotland, or of Ireland, or of the Colonies, or of India, which has not undergone a most important and, I think I may say, a most wholesome change. Therefore, those who predicted in 1831 the most lugubrious and fatal consequences from the Reform Bill—consequences much more dangerous and calamitous than any which are anticipated from the present measure — were clearly wrong, and have been refuted by the operation of that measure. With regard to the internal state of the country, and to the relations in which the different classes of the community stand to one another, can any one who remembers the period in question entertain a doubt of the more sound and solid condition of the community at present, of there being a more firm and close union of classes, a greater loyalty to the Crown, a more wide and general diffusion of wealth than at the period to which I refer? Hon. Members whose memory goes back to that period will recollect the alarm which was seriously entertained at that period; but the predictions as to the injurious results of the Bill of 1831 went far beyond anything we hear as to the probable consequences of the present measure — far beyond the somewhat animated speech of the hon. Member for Leominster (Mr. Hardy), who, I must say, considerably exceeded the alarm expressed on his side of the House by hon. Gentlemen more entitled to command the attention of the House than even himself, at an earlier period of the debate. With regard to the union of classes, what has been the unquestionable result of the Reform Act of 1831? Do not let us underrate its importance, or lightly cast aside any measure the tendency of which is to bring within the constitution a large number of persons, and thus give them an interest in the existing state of things from which they are at present excluded. I dare say many Members may have been occupied in reading the last volume of an eminent historian of France, containing an account of the first downfall of Napoleon. If any person reads with care that interesting and admirably composed volume he must come to this conclusion, that if it had not been for the detestation with which the great body of the people of France regarded the wars in which the Emperor Napoleon had so long involved them—if it had not been for the almost universal unpopularity with which the Emperor was regarded by his own people at that period of the contest—an unpopularity to which the rank and file of the army alone formed an exception, for even marshals and generals were sighing for the return of peace —if it had not been that the population of France looked upon the Allies as their liberators from a tyranny which had become wellnigh intolerable, it would have been impossible even for the vast armies which entered Paris to capture that city. The natural inference from this important example is, that when we are looking out for security against invasion, and called on to assent to large Estimates for fortifying our shores, a far-sighted politician will not overlook the enormous advantage which, for the purpose of repelling invasion, is to be derived from the joint action of a united people. It is my firm conviction that nothing would tend more to promote a union of classes in this country as the Reform Act of 1832 has most powerfully tended to produce, — than a measure framed in a similar spirit, and carried to such limits which wisdom and prudence dictate. Sir, there is another circumstance which weighs heavily with me in recommending to the House to choose the present as a fit moment for passing this measure. That circumstance is, the absence of popular excitement. No doubt, the policy of the Gentlemen opposite is to alter nothing, to remain motionless as long as they can, never to move till they are driven, to wait till a popular agitation arise as strong as that of thirty years ago, and then, when they have no option, to legislate under coercion. That is the legitimate policy which the hon. Gentleman who last addressed the House would advocate; but it seems to me that those who wish that a safe and prudent measure should pass through the House ought to rejoice in the circumstance that they can now debate the matter freely; that there is no pressure from without; that they can act without Birmingham Unions, or any of those association that existed in 1832; without those thunders of *The Times* that became in that year proverbial, and that it will be possible for this House to go deliberately into Committee, to consider the Bill proposed by the Government, to adopt such portions as seem to them reasonable, and to modify such as they think require alteration. It is my belief that the measure is one calculated to guard against evils, now of slight magnitude, but increasing every year, and that for these purposes it is a safe and moderate measure. Its contents are simple—it is divided into three portions—each of which can be dealt with separately in Committee. It has been framed studiously so as not to complicate the subject—not to embarrass it with subordinate and irrelevant matter, but to raise in a distinct form for the decision of the House the three main subjects on which every Reform Bill must turn—namely, the enlargement of the franchise in counties, the enlargement of the franchise in boroughs, and the disfranchisement, or partial disfranchisement, of constituencies. I cannot understand the objection taken to this measure, at one time that it is revolutionary, and at another that it is an insignificant measure, a mere abortion. If an person carefully examines this Bill he will come to the conclusion that it deals with all the most important parts of the subject in a clear and decisive manner. There may be subordinate questions which may well be reserved for future consideration, but the Bill before the House exhausts all the more important parts of the subject. The hon. and learned Member for Marylebone (Mr. James) said the Bill was defective because it did not propose a revision of the system of registration. The system of registration is now established under an Act of Parliament distinct from the Reform Bill. It may be desirable that the system should be revised, but that can be done more conveniently by a separate measure, and, accordingly, the present measure leaves the system of registration exactly as it finds it, for it cannot be said that because we enlarge the suffrage any necessity exists for altering the system of registration. The hon. Member (Mr. Hardy) says the Bill is defective because it does not contain a lodgers' franchise. That is a question for the Committee rather than for the second reading, but the objection does not come with a good grace from those who complain that the Bill is unnecessarily enlarging the franchise; for the idea that this would be an aristocratic franchise and introduce a high class of persons is a mere chimera. The lodgers' franchise would not have that effect. The persons in lodging-houses who would obtain the franchise would belong mostly to the working classes—persons flitting about from one place to another, and less fitted in many respects for the exercise of the franchise than householders subject to residence and paying rates. A large portion of the speech of the hon. Gentleman opposite was an argument against any extension of the borough franchise; but, if I understood the right hon. Gentleman the Member for Buckinghamshire last Session, he stated that the Earl of Derby's Government were prepared to assent to an extension of the borough franchise—therefore, the hon. Gentleman is in complete antagonism with the leader of his party on the principles of maintaining the borough franchise unchanged. The right hon. Gentleman (Mr. Disraeli) in bringing forward his Bill stated that, according to his views, there would be an addition of 500,000 to the constituency. The late Government did not produce any statistical *data* to support this statement, and it is my belief that the estimate of the right hon. Gentleman was a mere conjecture. At all events the present Government do not allege that their Bill will add a number at all approaching 500,000 to the existing constituency. According to the best calculations which I am able to make of the probable addition to the borough electors, I do not place it at much more than 160,000. At all events, the calculation of my noble Friend when he introduced the Bill, that the number would be 190,000 erred on the side of excess; as from a paper now on the table, there is no reason to expect that for the present the addition will amount to 190,000. That is my opinion, founded on the most careful investigation. As to the counties, there is a Return moved for by the hon. Member for Surrey (Mr. L. King) which limits the number of persons rated at £10 and under £50, at 415,517; but it is necessary to make large deductions in order to arrive at a probable estimate of the increase of voters in counties. The first deduction I have to make is 15 per cent in respect of female occupiers, non-payment of poor rates and assessed taxes, insufficient residence and double residence, this gives a deduction of 62,327. The second deduction gives those who are entitled to vote as freeholders, copyholders, and leaseholders, who are already included in the 415,517 as persons rated between these two amounts at £10 and as under £50. On the best calculation we are able to make, that number is not less than 50 per cent. This will make a deduction of 195,411. If you add, therefore, 15 per cent for the one ground of deduction and 50 per cent for the other, the total will be 257,738, which, being deducted from the 415,517 rated at £10 and under £50, leaves for the country electors an addition of 157,779 electors. Adding that to the number of borough electors, the total estimated addition of electors under the present Bill will be 321,913. Putting both numbers at the highest estimate that would be at all fair, the total estimated addition both to counties and boroughs under the present Bill falls short of 400,000 electors. Well, Sir, these are the two main objects of the Bill. The number of borough voters added to the constituency in England under the last Reform Act was not great. In the county constituency no change, or scarcely any change, was proposed. [Lord JOHN RUSSELL: The copyholders.] The Chandos Clause gave a vote to occupiers of £50, but that was the only enlargement which the county constituency underwent. The two main objects of the present Bill are to enlarge the county and borough franchise, and thus supply what seems a defect, not in the sense of a fault, but an imperfect enactment in the Reform Bill of 1831. The next object of the Bill is the disfranchisement and transfer of seats. Under that head a complaint has been made that this Bill is deficient, and undoubtedly it does not go the length of the last measure of 1831, of which the disfranchisement of seats was the main—I do not say the exclusive object. I think the House will see that the circumstances of the country with respect to small boroughs are entirely altered since that time. There were then a considerable number of boroughs that were close in the strictest sense of the word. They had scarcely any voters, and these few were in absolute dependence upon the patrons of the boroughs. The number of voters in some of the present boroughs may be small, but there are none in that condition. I beg to call the attention of the House to the numbers of the voters in a few boroughs in 1830. Banbury had 18 voters, Bramber 17, Buckingham 13, Calne 19, Gatton 7, Launceston 17, Malmesbury 13, Marlborough 11, St. Michael's 7, Old Sarum 11, Winchelsea 11, Yarmouth 11. Old Sarum, indeed, if we take literally Mr. Burke's expression, that "it had more representatives than voters," had somewhat increased. But these places may be really said to have been boroughs without voters. That is not the case now. There may be small boroughs under the influence of the property of one or several persons, but there is not a single borough which at a time of strong popular feeling might not exercise a choice in the selection of its representatives. The four smallest boroughs — Arundel, Honiton, Ashburton, and Lyme Regis—have a joint population of 13,123, and the electors number 841. The House will see that there can be nothing more delusive than to put upon the same footing the nomination boroughs of 1830, and what are called nomination boroughs now. Her Majesty's Government have determined not to propose a disfranchisement on a large scale in the present Bill, but to limit it to no very considerable number of seats, and in selecting the places of disfranchisement they have followed the example of the Bill of the late Government —which has been so much praised to-night by an hon. Gentleman who we might have supposed would not have been a great admirer of it—by drawing a line of population, and taking away one Member with regard to all the boroughs beneath that line. There were strong grounds for adopting that course, one of which is that, although the list includes twenty-five boroughs, there is, for the most part, a remarkable uniformity in all those boroughs disfranchised of one Member beneath the line of 7,000 population. In order to explain that briefly I will call attention to four boroughs that had in 1851 a population of more than 6,000 and less than 7,000. They are— Devises, 6,554; Chippenham, 6,283; Huntingdon, 6,219; Ripon, 6,080. The number of electors (*minus* the freemen) on the register was in 1859-60 — Devizes, 337; Chippenham, 375; Huntingdon, 335; Ripon, 343. These are among the most populous boroughs in the list to be disfranchised. I will now take four boroughs having from 4,000 to 5,000 inhabitants—Leominster, Richmond, Harwich, and Totness. The number of electors, omitting freemen, on the register of last year was —Leominster, 385; Richmond, 338; Harwich, 316; Totness, 314. There is, therefore, a considerable uniformity of character in the number of electors in the boroughs below 7,000, notwithstanding the diversity of their population. It will also be seen that among the boroughs now returning one Member are some that have as many electors as others returning two Members. There are five boroughs now returning one Member—Liskeard, 437 voters; Launceston, 430; Horsham, 380; Thirsk, 449; Reigate, 588. Take next five boroughs returning two Members—Honiton, 283 voters; Thetford, 217; Wells, 257; Andover, 247; Knaresborough, 266. The result is, that with regard to boroughs having a population of less than 7,000 there is no remarkable diversity, and it is fair to place them on the same level in having one Member. The hon. and learned Member for Marylebone says there are certain absurd results to which this rule has led, as there are some towns with a larger population than 7,000 which have a smaller number of electors than those below 7,000. The inference was that we ought to have taken, not population, but the number of voters; but if we had taken that test of the number of electors, we should have been told that we had committed precisely the same absurdity with respect to population. We should have been told that the population of these towns was greater, although the number of electors was less, and the same objection with an inverse argument would have been made if we had taken the rule of the number of electors that is now taken to the rule of population. The principle of population is fair, and having been adopted by the late Government it cannot be said that we have been actuated by a feeling of partiality in adopting it also. I cannot help thinking, therefore, that when the subject is examined any other alternative principle which might be proposed would be found to be open to as great, if not greater, objection than that which is embodied in the Bill. But there is also another reason why it appears to me it would not be expedient to fix upon the number of electors as a standard. If we were to do so we should be asked why it was that we proposed to disfranchise certain places in accordance with the number of existing electors when by the Bill itself we proposed to enlarge that number. I am, under these circumstances, strongly of opinion that the House will find on investigating the matter that no principle preferable to that upon which we have proceeded can be adopted. The main ground on which we base the present disfranchising Schedule is that there are no considerable unenfranchised places to which an additional Member is not added. But then it may be said that stronger claims might be pointed out on the part of other localities than those which are put forward by the position of the particular places whose representation we propose to extend. It may be contended that an addititional Member ought to be given to the Tower Hamlets and to Salford, and I readily admit that if those two boroughs stood apart from other towns the demand made on their behalf would not be unreasonable. It must, however, be borne in mind that the Tower Hamlets forms a portion of London, and that its representation cannot be taken as an isolated fact, but must be regarded as involved in the question whether the metropolis is adequately represented. That is a point, no doubt, deserving of consideration, and one with respect to which we may reverse the decision at which the Government have arrived. That decision was, however, come to after due examination, and I believe the more the matter is considered the more undesirable will it seem to make any addition to the representation of the metropolis beyond that of giving a Member each to Kensington and Chelsea. Salford stands in a similar position with the Tower Hamlets, inasmuch as it also constitutes a portion of another large city (Manchester), to which we propose that an additional Member should be given. The hon. Member who spoke last condemns, I may here observe, the conferring the right to return an additional number of Members on large towns, contending that such a course would ultimately lead to the adoption of the opinions of the hon. Member for Birmingham, who thinks it expedient that such places should have six or eight Members. The hon. Member evidently thinks that would be the first step on the path to perdition, but the argument that, because we advance a certain distance, we are bound to follow up our onward movement to the remote conclusions which those who hold certain opinions may deem right, involves a style of reasoning which I thought had long since been exploded in this House. Besides, while objecting to the third Member being given to Manchester or Liverpool, the hon. Member said nothing against our adding a third Member to a long list of counties and even divisions of counties. But to return to the case of Salford, I may remark that if we were to give to that borough another Member, it might be very fairly urged that it formed part of Manchester, and that we should in reality be giving two additional representatives to that city, whereas we are giving only one to Liverpool. Such, then, were the grounds upon which we dealt with Salford, which, if it were a separate town, would stand on an entirely different footing; but if the House should dissent from the justice of that view, the point is one which can be otherwise disposed of in Committee. I have, in alluding to it, been simply actuated by the desire to show that the Government have manifested no caprice or levity in dealing with it as they have done. On the subject of the transfer of seats I can only say that we do not seek to ignore the existence of certain anomalies. We have not endeavoured to produce a system perfectly symmetrical. Our object has been to leave the Constitution substantially as we found it, removing its more patent defects, and acting in the spirit of those maxims which have been rightly extolled by the hon. Member for Leominster (Mr. Hardy),—maxims sufficiently trite in this House, for they were originally properly directed against those who framed paper constitutions during the French revolution, not destined to last two months—maxims of which the truth cannot be disputed, but which are totally inapplicable to a cautious and prudent measure like that of Her Majesty's Government, the details of which, should any one of them be thought to go beyond the limits of discretion, it is competent for this House to amend. The representative system, everybody must admit, is mainly founded on three important elements—population, property, and intelligence. Hon. Members, on whichever side of the House they may sit, do not, I apprehend, wish that that system should rest on any one of these elements, but desire it should be founded on a combination of the three. In addition to these, however, there is another to which I trust the House of Commons will always firmly adhere, inasmuch as it ought, I contend, to be recognized in every wise system of representation—I allude to locality, The people of every district, however unimportant in respect of population or wealth it may be, have certain interests and feelings in common which would not be represented in this assembly if it were to be mixed up with an aggregate constituency of great extent. The poorer and more remote districts of Scotland and Wales, and the North of England and Ireland, ought not, therefore, to be overlooked in any judicious arrangement of our representative system. In illustration of this principle—that of giving adequate representation to local interests, which might otherwise be overlooked in the pressure of a great population—and which I regard as one of cardinal importance, I will for a moment suppose the opposite rule to be carried out to its fullest extent. I will suppose the whole system of local representation abolished, and that all the 652 Members of this House were elected by a list, all the electors of the country voting for that list. The result would be that two election Committees sitting in London would each propose a list of names for adoption by the electors, the whole body of whom would vote for all those names. In that case the electors would be unable to make any individual choice, and the political party predominating in the country would elect the House of Commons, without any mixture or modification, consisting exclusively of Members of one or the other party. They would be elected under the influence of some strong popular feeling prevailing at the moment, and would proceed to accomplish their objects without check or obstacle, without any of those securities for fair discussion and good legislation which the present system of local representation affords. It seems to me, if we could conceive the House of Commons elected on that principle, a mode of Government and system of legislation would be introduced so intolerable that in a very short time addresses would come up to Her Majesty imploring her to declare herself a dictator and put an end to a popular rule impossible to endure. I put this to illustrate by an extreme case what would be the probable effects of the total destruction of the local system of representation. I do not wish to go to the other extreme, with the system of locality; but I must impress on the House my opinion that no sound system of representation can exist that does not to a great extent, even with regard to towns of moderate magnitude, recognize the principle of a local franchise. I have detained the House at great length; but I am particularly desirous to lay before it the authentic grounds on which this measure may be defended. The moment is favourable to calm deliberation within these walls, and throughout the country there is a reasonable estimate of the measure itself; the time is peculiarly fitted for the consideration of a wholesome measure of reform and a wise decision on the part of this House upon it. I trust, whatever may be the fate of the Bill, whether it ultimately receives the sanction of Parliament or fails to secure it, that, at all events, this House will meet it fairly; that we may have a fair stand up fight upon it; that no attempt will be made to defeat a measure of this magnitude by delay, by introducing dilatory Motions, or attempts to discuss other measures at unnecessary length, in order to prevent its consideration. Though rumours have reached me of intentions to adopt these tactics against the Bill, and pursue a policy of delay which I will not dignify with the name of Fabian, I cannot believe that any large number of Members of this House will combine in support of a course so ignoble, and so little suited to its character and dignity. Let it be observed that the whole month of June can be devoted to the consideration of the Bill in Committee; if a month will not suffice for that consideration, it is scarcely possible to conceive any measure of reform simple enough to receive the assent of the House at all. If the final decision of the House is given at the beginning of July it will afford full time for the discussion of the measure in the House of Lords. It is impossible, therefore, for any one who considers the state of the Session to say there is not ample time for the consideration of the Bill. In fact, it is impossible to conceive circumstances more favourable for the introduction of so ample a measure, and, as such, I trust it will receive the sanction and hearty support of this House.

Lord ROBERT MONTAGU admitted that the measure was a simple one; but it would be found very difficult to carry any simple theory of popular representation into effect without creating numerous contradictions and anomalies, and meeting with various complications. But as we are called upon to pass judgment on this measure it would be the simplest course to consider the effects of the Reform Bill of 1832—which he believed were very different from those the right hon. Gentleman had enumerated—and thus to arrive at some theory to guide our judgment of the present measure. He did not oppose it merely from party feeling nor because it emanated from the opposite side of the House. The Conservative principle was not one of blind and indiscriminating resistance to all change and Reform. On the contrary, it welcomed changes that added to the vigour and strength of the Constitution. Conservatives are only pledged to maintain the institutions transmitted to them by their ancestors, and to oppose those revolutionary changes that tended to subvert the order and destroy the balance of the Constitution. He did not deny that great good may have been done by the Reform Bill of 1832; but it did not follow that a measure that was good then would be good now, nor that a constant repetition of good measures might not work harm. That which has been successful in remedying an evil, may, by being frequently administered, engender the opposite evil. A settler in a new country might improve the land by draining the sour soil and cutting away the thick and tangled brush-wood; but he might continue to drain till the soil became parched and arid, and to cut down the trees till there would be no shade nor shelter against the scorching summer's sun. The noble Lord (Lord J. Russell) had lowered the franchise once; if he made it any lower there would be no defence left against the fickleness of popular opinion, or the heat of popular fury. When the first Reform Bill was passed, there was much agitation and disturbance; in several towns there were riots and tumults. Throughout the country there was disquietude and alarm because Charles X. had just been hurled from the throne; it was said that the "only chance for the safety of England was a concession to public opinion"; and the Reform Bill was wrung from the fears of a reluctant legislature, and justified on the ground that it was to "satisfy the people." It could not therefore be defended on principle, as it was based on temporary expediency. The present, however, was said to be a favourable moment for a change, because the public mind was calm and there was no agitation. It would be more true to say there was an utter apathy and indifference to the measure. No one wished for Reform; few hoped for any good to result from it, but many feared what its consequences might be. The noble Lord (Lord

John Russell), in a letter to the electors of Stroud, described the organic change that took place twenty-eight years ago as a "final and permanent settlement of a great constitutional question." But was any one satisfied with that arrangement? Had it been final or permanent? It had been continually doctored. One quack scheme after another had been proposed to amend it, and they were now asked to model the whole system anew. Up to the passing of the last Reform Bill the old Constitution was most warmly defended, because this time-honoured institution was venerated and admired. But this reformed Constitution has not found a defender; at least no one has entered on the books, an Amendment to the second reading of this Bill. The friends of Reform did not seem to care for the Constitution the Reform Bill created; for every novelty which is introduced, and every change which is effected in an ancient institution must destroy the veneration with which it is regarded. Yet attachment to the Constitution is a bond of union for us; it was that which (under God's providence) has preserved us for centuries, while foreign Governments have gradually died and decayed, or been suddenly destroyed by violence. The effect of the Reform Bill was observable, immediately after its passing, during the Grey and Melbourne Administrations in a certain pliancy, and giving way to the suggestions of the opposition, and the demands of the populace. Yet the moral influence of a Government depends on a conviction of its sincerity; mutual compromises in a Cabinet destroy its ascendancy. Since the passing of the Reform Bill, and the consequently increased pressure from without, Government has necessarily become a system of compromises, and the art of governing consists in the skilful adaptation of measures to secure the popular favour. The Government have to consider, not so much the merit of a measure, as the practicability of carrying it through the House; they are obliged to think how this party will receive it, how those below the gangway will view it, and what Dissenters will say to it. The principal consideration is not the right and wrong of a Bill, but the calculations for conciliating favour and support. Thus it is that public men come to take for their guide, not principles, but the mere expediency of the moment; and hence the shifts to which they resorted and the inconsistencies they committed. Another evil was, that hon. Members were too apt to sink into mere local delegates, and to forget that they represented the interests of the nation at large. This want of fixed principles it is which breaks the House into sections, which destroys party and prevents large majorities; for there can be no great party without a great principle to bind it. But now parties are divided not so much by differences of conviction as by selfish interests and personal rivalry. To the old unreformed House men were sent to watch over great principles; but now constituencies neglect great principles and send their representatives to carry certain specific measures, in favour of which they have happened to contract a prejudice. Formerly two volumes of *Hansard* were sufficient to contain the debates of a Session; but now the flashy speeches which Members made to please their constituents filled as many as four or five volumes a Session; and to please their constituents Members often fear to declare their real opinions. In 1848 the noble Lord said the "House of Commons always responded quickly and readily to public opinion;" and, in truth, it did so only too quickly and too readily; for Members did not act sufficiently upon their own unbiassed convictions, but were under the pressure of their constituencies. If the House was the highest deliberative assembly, it ought to lead and not be led by public opinion; it should govern, and not be governed, if it really consists of the wisest of the nation. But that this is not the case is seen by what the noble Lord (Lord John Russell) said in the Debate on Church Rates.

> "Looking at the state of public opinion out of doors he was obliged to vote contrary to the way in which for thirty years he had spoken and voted. He did this not because he had changed his opinions, not because he had come to view the question in another light, because of public opinion."

And, again, when introducing this Bill, he said, speaking of the representation of minorities—

> "As that proposition was not very popular, although I think it was a fair and just one, I shall not attempt to renew it upon the present occasion."

He (Lord J. Russell) acknowledged that it was fair, but he rejected it because it was not popular; he confessed that he did not what was just, because it did not meet with favour out of doors. He did not say this in blame of the noble Lord; on the contrary, his argument was stronger by not doing so; but he said that, if the noble Lord found himself controlled in that way, what must be the case of Members of less weight and influence?—what must others be forced to do, when even the noble Lord was driven to such miserable shifts to obtain favour, and had to sue on bended knee for leave to hold his power. Occasionally a measure disagreeable to almost every party was entertained in deference to noisy opinion out of doors, advanced amidst a hot debate to a second reading, and then mysteriously burked, it had achieved an inglorious triumph worse than defeat, and all the talking was mere waste of time. *Strenua nos exercet inertia*—they were exceedingly busy in accomplishing nothing. All these shifts and inconsistencies have sprung from Reform; for too much weight was attached to the opinion of the crowd, who had neither knowledge to understand nor calmness to consider any great question properly; and Members, instead of receiving support from their constituents, were hampered and tyrannized over in proportion to the importance of the borough they represented. When the Bill of 1832 was passed, the wildest expectations of the blessings it would confer were entertained by its supporters; great promises were lavished on it at its birth, the grandest predictions were hazarded. For instance, it was to extinguish bribery and corruption; but had it done so? They had only to look at the returns of the boroughs convicted of bribery since 1832 to see that it had not. On the contrary, bribery had gone on increasing year by year. They had only to look at the return of the expenses of candidates to see that it is he who has the most open hand and most bountiful heart who achieved success; the winning candidate was always he who had paid most highly. They had only to remember Norwich, and Wakefield, and Gloucester, where reigned the "pure atmosphere of liberal boroughs" to see the same. Now how did bribery begin? Hallam says that "in the general elections of 1747 and 1754, bribery was first begun in earnest by the rich capitalists, who sought to counteract the influences of the territorial aristocracy." These tactics were attended with success, and thus the trading classes carried the Reform Bill; the nomination boroughs of the territorial aristocracy were disfranchised, and the power passed from the upper to the middle classes; and now, in order to secure your return for a borough, you must flatter the prejudices of the electors, or else use a systematic cerruption. So that Reform had left the representation "to men with the most accommodating conscicences and the longest purses." Then the Reform Bill, it was said, would lead to retrenchment and economy. "Peace, Reform, and Retrenchment" was the watchword of those days. Now has Reform induced retrenchment? Sir R. Peel said in March, 1850, that the House is attacked with alternate hot and cold ague fits of expenditure, and vacillates between the two extremes of a most lavish expenditure and a parsimonious, shabby thrift. Now during the ten years before 1832 the burden of taxation was lightened by £18,000,000 (I mean the balance between the taxes imposed and those remitted). But during the ten years after the Reform Act, it was only £4,000,000. It was during this period that the Whigs were in power; and the Governments of Lord Grey and Lord Melbourne established a permanent deficit, and it was not till the Conservative Administration of Sir Robert Peel that the deficit was removed and the industry of the country relieved from much burdensome taxation. So that these promises of retrenchment were not fulfilled by Reform, but by the opponents of Reform. These great expectations and sanguine hopes were therefore disappointed. Did Reform then succeed? If not, why try again a dangerous experiment which had already so signally failed? Or did it fail then merely because that particular Bill was framed in ignorance, and does it therefore require remodelling now? But perhaps this Bill would still more grievously disappoint any who entertain hopes of benefit as its result. Perhaps this Bill also is framed in ignorance and enveloped in uncertainty. In a machine if an alteration is proposed in some part, we should ask what would be the effect of this alteration and how it would influence the other parts. If we received no account of this matter, we should deem him but a sorry engineer; particularly if a similar experiment of his had failed before. But if he could not even tell us what evil he proposed to remedy, and on what principle the alteration was based, we should reject his proposal with scorn. Now we do not know the precise effect of this measure. We are not acquainted with the particular evils which the noble Lord by his Bill sought to remedy, or the anomalies which he proposed to remove; yet the noble Lord in his work on the British Constitution laid it down that "the chief maxim of a statesman should be not to propose more alterations than were necessary to cure the evil." On what principle was the proposed legislation to be based? What are the evils which he hopes to cure? What is the object to be sought? Were they to aim at producing an efficient Legislature, or were they merely to amuse themselves in creating constituencies; disfranchising some towns, and giving Members to others, clipping some boroughs and stretching others, after a Procrustean rule; and, in order to satisfy the fancy for symmetry and sameness, indulging in what he might fairly call "fancy franchises." The only legitimate object of Reform was to improve legislation by elevating the character of the House. Did hon. Members think their character was not so good as it might be? and is such a Bill as this calculated to elevate it? By lowering the franchise they were not elevating the character of the House, but merely conferring power on entirely new classes. Before giving power to the working classes, who were so numerous that any franchise which was low enough to take them in would give them the preponderance, and make them swamp all the other classes, they should have some security as to the mode in which those classes would employ it. The word "Reform" signified a departure from some original form, from some essential idea. Now what is the original form of the Constitution? What is the idea and object of representation? The hon. Baronet had mentioned three different theories on this subject, but he should be inclined to increase the number to five. The first was that the representation of the country ought to be according to the taxation paid. But this was not the system at present in vogue, for, according to return No. 491, published two years ago, he found that the assessed taxes in counties amounted to £1,062,564, and in boroughs to £803,986; at the same time the boroughs possessed twice as many representatives as the counties. The noble Lord admitted that taxation was not the principle of his Bill, for he said in framing the Bill he merely took into account the numbers that would be respectively added to the constituencies by lowering the franchise to different rates. The right hon. Baronet also declared that population seemed to Her Majesty's Government "the only preferable principle which can be adopted." Besides, the tendency of taxation at present was towards an income tax exclusively; and these new electors were precisely the persons who did not pay this tax at all. So that this Bill, so far from proceeding on the principle of taxation, virtually gives the representation to one class, and lays taxation on another. If taxation were adopted as the basis of representation, a man ought to be entitled, as in railways, banks, and other joint-stock undertakings, to a number of votes equal to the amount of property which he had at stake. Next was the theory that representation ought to depend on the possession of property, that the land ought to be represented; because that no stability or permanence can be expected, unless the electors have something at stake. That was the old Tory theory. [*Cries of* "No, no!" *from the Opposition.*] Well, whether it might be the theory of the party in the present day he would not pretend to say, but it was the principle under which our liberties had taken root and grown up. This was proved by an old Act, the 8th of Henry VI., c. 7, declaring "what sort of men shall be choosers, and who shall be chosen knights of the Parliament;" the preamble of which stated:—

> "Whereas the elections have been made by very great, outrageous, and excessive number of people, of which most part was of people of small substance and of no value, whereof every of them pretended a voice equivalent with the most worthy knights and esquires, whereby riots and divisions among the gentlemen and other people shall very likely rise and be, unless convenient and due remedy be provided in this behalf, &c."

It was a little after this (in 1264) that burgesses of towns first had seats in Parliament; at this time the House consisted of knights of the shire only. This principle was carried to even a greater length, for in the same reign a petition was presented from the County of Huntingdon against the return of a Member of the name of Gimber on the ground that he was not a gentleman. The counties still choose their representatives from among the landed proprietors, while the towns select those who look after their local interests, or rather those who flatter their prejudices and corrupt their mobs. In the representation of counties the property element preponderates, in that of towns the element of numbers, and in that of the universities that of intellect and education. The third theory was first propounded by an eminent philosopher of the last generation, by one whose views many modern writers had adopted; he declared that a balance should be maintained between the party of permanence and the party of progression—that was to say, between the interests of landed property and those of the trading community. The noble Lord the Member for the City of London seems to have accepted this distinction in 1848, when he spoke of the "counties returning agricultural Members, and the large cities commercial Members, or representatives of the manufacturing interest." So, in 1831, he argued that "the last effect which the Reform Bill could have was to disturb the influence of the country gentlemen." Experience had illustrated the value of that prophecy. If another Reform Bill were now required, it must be, he presumed, to restore the balance which had been lost. If so, on which side was the preponderance? Proportion of representation at the present time in England and Wales is as follows:—The Members for boroughs amount to 337, while those for the counties are only 159. This difference of representation is not in accordance with the difference of value, for the rental of counties is £54,762,081; that of boroughs is only £31,315,595; the rateable value of counties is £46,103,215; that of boroughs is only £25,737,056. Nor is it in accordance with the population, for the population of counties is 9,865,061; while that of the boroughs is only 7,432,587. A return issued in 1858 gave the total of county constituencies at 504,065, but of these there were 95,471 who had merely borough qualifications, so that in manufacturing districts these electors, having chosen their own representatives in the boroughs, went out into the counties, where they overbalanced the voting and determined the elections likewise, so that the representation of the counties was even more circumscribed than he had already stated, and the preponderance is greatly in favour of the town populations. Lord Macaulay, who first acquired fame by his Reform speeches in that House, in an essay on Machiavelli, writes of the Italian States, that—

> "Their early greatness and their early decline are principally to be attributed to the same cause—the preponderance which the towns acquired in the political system."

And this preponderance the last Reform Bill gave to our political system. The fourth theory was the liberal one; namely, that the representation should be distributed according to population. The popular notion of Reform was merely a reduction of franchise and a re-distribution of seats not according to any principle, but merely according to a sum in arithmetic. It held that all men had a right to share in the suffrage; it was in accordance with this fourth theory that Mr. Hume in 1848 moved a Resolution declaring "that the apportionment of representation should be rendered more equal to population." This proposition—this liberal principle of representation—was resisted by the noble Lord (Lord John Russell), on the ground that "it is essential that those who have the franchise should be possessed of intelligence and independence;" and he said also that "much of the corruption arose from a want of the intelligence which is essentially necessary in a constituent body." He here adverts to a totally different ground and principle of representation, to which I will presently allude. The hon. Member for Birmingham assumed that representation should be according to population, adding that "the tide had already swept away the footmarks of the Liberals, while those of the Conservatives had long been submerged," (I quote from recollection); and he prophesied that the new Parliament, "after the passing of this Bill, would contain a still more powerful party, to demand a more extended Bill." I can fancy him using those words of Canning's:—

> "Parties with us do not excite enough rage,
> Our boasted law I hate and curse,
> Bad from the first, by age grown worse,
> Oh, how I pant for universal suffrage."

Let me remind him that France established despotism by universal suffrage, while the liberties of England have grown up under a more aristocratic constitution. Moreover, this numerical system that a numerical majority is the only sound principle of Government, and that wealth, learning, and intellect must submit to mere numbers could not be carried out without falling into absurdities and contradictions. At the last election for South Derbyshire, 3,184 voters voted one way, and 3,185 the other; so that all the 3,184 had to submit to the casting vote of one man. It all hung upon his will. Mr. Hume laid it down that "every man ought to have a share in making the laws by which he was governed, and his having it or not having it constituted the sole difference between a free man and a slave." But these 3,184 could not be said to have any share in making the laws by which they were governed; so that, according to Mr. Hume's doctrine, the half of that constituency necessarily were all slaves. Again, the most advanced Liberals did not propose to give votes to women, paupers, or children, or lunatics, because they said they were not fit. This was of itself a departure from the ground of natural right, and the laying down of a qualification apart from it—that of fitness. Hence this doctrine is necessarily self-contradictory. Besides, the Liberals shrink from carrying out boldly the doctrine they proclaim. For if they took away Members from boroughs which were too small, they ought to give them to the counties, which, as he had shown already, were more populous than the boroughs; in fact, they ought to proclaim equal electoral districts (which, however, they knew very well the country would never put up with). For what equity is there in transferring representatives from one borough to another, except on the ground that a Member is worth exactly so many votes? Besides, if this democratic theory were carried out, it would indeed be most baneful; for it was the small boroughs which returned the best Members. [*A laugh.*] Well, there might be exceptions, but the large boroughs generally elected declaimers—men who had made themselves conspicuous by flattering the passions of the mob. Large boroughs are impatient of originality of thought and superiority of intellect; they prefer a safe mediocrity and commonplace; they cannot bear a Member to act independently on his own convictions. The moment he steps out of this region they reject him. On this principle Ledru Rollin, in the Paris election of 1848, advised the electors by all means to avoid returning men of ability and education. Lord John Russell, in bringing in this Reform Bill, when speaking in favour of small boroughs, said—

> "You have, from time to time, seen men of the greatest ability, and fitted to render the greatest service to the country, but who, representing a great popular body, incur the momentary displeasure of their constituents, and are thereby deprived of their seats in Parliament. That, Sir, was what happened to Mr. Burke, because he contended for the great principles of liberty, both here and in Ireland, as well as in America."

He instanced Lord Macaulay also. Sir John Cam Hobhouse is another instance. He was a warm Reformer; but he, unfortunately, distinguished himself above the commonplace, and was made Minister at War; and, therefore, he was immediately ejected from Westminster. The large boroughs of Birmingham and Rochdale have not elected ministers for war. The right hon. Member for Ashton, too, had lost his seat for a large constituency not long ago; the Member for Birmingham shared his fate, and our great Ambassador the Member for Rochdale had also been rejected by a great constituency at the same time. Even the noble Viscount at the head of the Government had met with similar treatment at one period of his career, as well as the right hon. Baronet the Member for Morpeth, and the Secretary of State (Sir G. C. Lewis). He had taken the trouble of drawing up a list of the most distinguished Members of the House, and, with very few exceptions, he found they all represented small boroughs. The hon. Member for Birmingham was, it might be said, an exception; but, though he would not presume himself to pass a judgment on that hon. Member, he would remind him that one greater than himself—the noble Lord the Member for the City—on one occasion used these words in reference to him:—

> "What I have to find fault with in the hon. Member (Mr. Bright) and those who agree with him is, that they are so exceedingly narrow-minded. When we come to discuss large questions, such as concern the fortune of our Empire, then I see that they have an intellect and understanding bound up in such a narrow round that it is quite impossible to get them to understand the great principles on which our ancestors founded the Constitution of this country."

MR. MACKINNON rose to order. He believed it was not competent to refer to former debates.

LORD ROBERT MONTAGU apprehended that he was perfectly in order It is out of order to refer to a debate of the same Session upon a different subject; but he was then referring to a debate of a former Session, and, he believed, on the same subject. But he felt he ought to apologize to the hon. Member for alluding to him. It was too much the fashion to have a shy at him; he had become the regular "Aunt Sally" of the House. He supposed it sufficiently proved, therefore, that this democratic theory of Representation, if carried out boldly, must not only lead to contradictions and absurdities, but must end in bane and detriment. Before passing to the fifth theory, it would be well to consider the Bill before the House, which was framed on the democratic theory. Now, by thus extending the franchise, what class of voters do you create? Are they educated or uneducated? Are their votes liable to be influenced? If so, to what influences will you thus add weight? To the moneyed classes, without land or home, without any permanence or tie to bind them to the country in which they were born, without that loyalty and patriotism which will remain unswayed by hope of gain or advantage? This large extension of the franchise does not extend admitted principles nor pretend to remove any anomalies; but tends to subvert the present distribution of power, and to place it in the hands of the mob—to raise a mere scum to the surface—to enable the poor to tax the rich—the artizans who worked with their hands to place on those who sat still the burden of raising the Revenue—a power which they might not be tempted, perhaps, to use in quiet times, but which in times of excitement would hold out to them an irresistible temptation. According to a Return lately laid on the table, the number of electors rated in the counties above £50 was 198,163, and the number between £10 and £50 was 415,517. The number of electors on the register was 529,213, and subtracting from that the number of £50 voters would leave 331,050, the number of £10 voters and 40*s.* freeholders now on the register. Adding to that the number of new electors, it would be seen that there would be 746,567 voters below £50 to babalance 198,163 £50 voters. In many boroughs, such as Manchester, Salford, Stoke, Bury, Bolton, Blackburn, Derby, South Shields, Gateshead, Warrington, Sheffield, Portsmouth, Stockport, Dudley, Ipswich, Yarmouth, &c., the new electors would outnumber the present electors; in others, Wolverhampton, Walsall, Macclesfield, Preston—the new class would be twice as numerous as the old; in Birmingham, to a constituency of 9,222 would be added 19,600 new electors, and in Kidderminster and Merthyr Tydvil the new class would be three times as numerous as the present constituency. As to the character of this new class of voters, in Liverpool a large number of £15 householders were excused the payment of their rates on account of their poverty, and yet 15,068 electors below £10 were now to be added to the constituency. Are the classes to whom you thus give preponderance more judicious than those who now possess it? For the representation will thus be put in the hands of a new class; the power will be as completely transferred as in a revolution. The present constituencies will be subordinated to those who now, for the first time, receive the franchise; to a majority who are guided by a penny newspaper; who will adjudicate questions without knowing, and prejudge without inquiry; among whom evil is contagious and self-restraint but little prevails, to whom passion is more seductive than truth and justice. By all means give representatives to the working classes as classes, or create "pot-walloping" boroughs again for them (as there were before 1832); or, if you must have universal suffrage, try the experiment in Birmingham but do not give to any class the preponderance, let not any body have overwhelming influence. He had no distrust of the working classes; on the contrary, he thought they had a perfect right to be represented, but they ought not to gain paramount importance. No one class should be allowed to rule all other classes. The working classes are generally moderate and reasonable and in possession of wonderful knowledge, considering the opportunities they have. But certain Gentlemen had on the other side professed no very exalted opinions of the intelligence of the working classes, particularly on economical questions. They accuse them of believing that the rate of wages depends upon the will of the employer, and that the price of provisions depends on the will of the seller, and that the wealth of the capitalists is somehow subtracted from the workman's pocket. If you accuse them rightly, you should not give them the franchise; if you accuse them falsely, you condemn your own conduct in the late strikes. Agricultural labourers were attached to the country gentlemen, but the working classes did not entertain the same feelings towards their employers. In cotton-mills, mines, collieries, and factories, you may see the relations of the workmen towards the capitalists, they were ready to sacrifice their comfort and their savings, and to see their families ruined and their children die, in a fierce struggle with the capitalists who employed them. They had many defeats to avenge, and much despotism of capital to repay. The Reform Act of 1832 took the power from the aristocracy and gave it to the trading community; this Bill takes it from them and gives it to the working classes. The employers would perhaps be the first victims marked for destruction, if once they evoked a spirit and a power which they could neither command nor control. Look at other nations where they 'enjoy' such a franchise, and learn from their experience. In Sydney, the other day, the Ministry had fallen by a large adverse majority upon an educational question. The leader of Opposition who came into office had no compact party, and found it hard to maintain his ground, and was forced to accept defeats on minor points, and the Speaker had resigned because his health was affected by the long and disorderly sittings of the Assembly. In Melbourne according to the account in *The Times*—

> "In Melbourne and Sydney ministry has succeeded ministry with inconceivable rapidity, till at last the normal state of things seems to be that the Opposition is stronger than the Government, and that the first act a Minister ought to perform on attaining office, is to prepare to leave it. A democratic franchise, and a division of electoral districts made with the most obvious regard to the principle of numbers, have created assemblies of which we will say nothing worse than that the wealthiest and the best educated colonists are gradually withdrawing from any participation in their proceedings.

Where there was plenty of land to be had, and freedom for the discontented, no Established Church to raise their spleen, no nobility to excite their envy, and no restriction on the suffrage to call up rancour, democracy was much less dangerous than it would be in this country. The South American Republics were renowned for wars, conspiracies, turmoils, and bad government. Yet a great empire was among them, the Empire of Brazils, as a standing testimony against Republics. In the United States there is plenty of waste land, and high wages, and no great separation between class and class; but yet, with such a suffrage, is life and property secure? Why have they vigilance committees? In New York obnoxious persons were shot, and the perpetrators of such deeds escaped because the votes of these bands of 'rowdies' were so valuable as to secure the owners from receiving offence. Honest men abstained from voting because they would not expose themselves to insult when they knew that their votes were of no value. In France democracy had obliterated all distinction of classes, and the result was a pervading despotism. Napoleon I., when at St. Helena, threw on Neckar the blame of the subsequent calamities, because he said that doubling the representation of the *tiers état* was the proximate cause of the two chambers being merged into one assembly. The noble Lord by his Bill would more than double the *tiers état* in this country. Besides democracy can never be permanent; those who taste it cannot endure it, but seek refuge in despotism. The Republic of France was administered by an eminent man, Cavaignac, but democracy took refuge in Louis Napoleon. He was elected President by 6,500,000 votes, and Emperor by 8,000,000 votes. Yet they knew his opinions; for his *Idées Napoléoniennes* was certainly opposed to republicanism and democracy. Of course, it was impossible to impute bribery or intimidation, for the votes were given by the vaunted Ballot. This Bill would transfer power to a different class, and thus give every Member a fresh democratic impulse by increasing the number of those who exerted pressure upon him. Constituents would dictate to their delegates; these would flatter the prejudices of their constituents, and Government would curry favour with the multitude. This House would be swayed by numbers without regard to the magnitude of interests. They would find what a capricious master the public is, and how apt to run into extremes. Such a distribution of power would cause violent opinions to prevail. In quiet times the wealthy would rule, but in seasons of agitation, the power would fall to demagogues, and they would see in our days the truth of what Thucydides said of the Republic of Athens "they took for just that which pleased, and for honourable that which profited." Even since the last Reform Bill they had seen the effects of popular clamour. Members in private spoke one way, but openly they voted another. He believed they were guided less by principles than by envy of power and by interest of party. They voted for a Budget which they all condemned, and spoke for a Reform which in private they all concurred in damning. Such was the opinion of the noble Lord at the head of the Government, who, in a debate on the Ballot, said he would like to see the experiment of the Ballot tried in that House on that question. The noble Lord meant that there were those who voted in favour of the Ballot who would vote differently if there were the secrecy of the ballot to shield them from the observation of their constituents. He would like to submit the Reform Bill to a vote by Ballot, and he would undertake to say that there would be only two votes for it. He contended that the extension of the franchise was not only bad, but undesired. The number of electors in large boroughs who polled was only 60 per cent, and in small boroughs only 90 per cent, the non-voters being the most thoughtful men, whose votes were most worth having. During the general election of 1852,

			On register.
In Berks only	1971	polled out of	5,129
N. Northampton	614	,,	3,900
Middlesex	8,721	,,	14,610
E. Surrey	8,784	,,	18,131

Similarly in W. Kent, S. Northamptonshire, &c. In boroughs the facts are the same; only half the constituencies came to the poll in Dorchester, Cheltenham, Southampton, Leeds, Westminster, City of London, Finsbury, Tower Hamlets, &c., &c. General Election of 1857:—

Beds. only	2,881	polled out of 4,276	on register.
Berks "	2,948	" 4,945	"

Only half the constituencies polled in E. Kent, Macclesfield, Derby, Norwich, Nottingham, Banbury, Finsbury, City, Tower Hamlets, Lambeth, Southwark. In Ireland the same neglect of the franchise is apparent. The disregard of the franchise is more apparent from the following particulars. In Birmingham there are 11,860 £10 householders who have not cared to place themselves on the register; and yet there are only 9,222 on the register, and 19,600 householders below £10 are to be added to the constituency. In Liverpool there are 18,779 on the register, and 20,951 £10 householders and others qualified who have not placed themselves on the register. In Marylebone 20,000 qualified persons have not registered themselves; and yet the number on the register is 21,000, and of these only one-fourth cared to vote in the severe contest of last year. An actual majority of those qualified did not care to be in a position to vote. There was the same disregard of the present franchise in a host of other boroughs, and also in Ireland. The payment of taxes did not insure good government, nor yet mere numbers, nor property, nor yet the balance of power. The fault was that an educated man had not more votes than an ignorant man. The few learned men in a constituency were swamped. The vote of the Secretary of State had no more weight than that of a clown or shallow-pated demagogue. Yet the matured and deliberate judgment of such a man was better than the hasty opinions of 10,000 boors. It was according to nature that the strong should always rule. In the early stages of society, in rude and barbarous times, it was the strong in muscle, in civilized times it was the strong in wisdom, who should rule; not because might was right, but because right was might. What, then, was the fifth theory of representation, the principle which should guide them in judging of such a measure? It would be manifest if they remembered that society necessarily implied a law and rule which was called justice. It was, of course, by reason that they apprehended justice, or, rather, reason was the consciousness of a rule independent of the human will. They could not make laws; all they could do was to make statutes, which meant to declare or assert laws. Law-making was merely the search after justice; laws were merely the declarations of reason apart from passion or interest, and depended neither on the will of the Legislature nor on the opinions of those who elected the Legislature. There was, therefore, no sovereignty in the people, nor sovereignty in any class. The right to rule did not reside in one class nor in another class, but depended on whether a person was guided by reason and was uninfluenced by prejudice and passion. Tyranny, on the other hand, meant merely the rule of a person, or of a class, or of a people, when not guided by reason, but when turned about by caprice. They could govern men only through their reason, and gain their confidence only by moral ascendancy. And as the will of the people could not change the nature of truth and right, the electors might not say, as had been assumed they might, "Such is our will, so this shall be the law." They had only to judge as to which candidate was the most influenced by reason and least by prejudice, for that man had most right to sovereignty whose words and actions were in the highest degree the inspirations of reason. Moreover, to say that "no one is bound to obey laws to which he has not given his consent, and which he has not had a share in making," amounted to what the Americans called "the divine right of insurrection," and assumed that law is not independent of his will. If this were true, then it would follow that the only object of Government was to put into effect the will of the people—that Government was a mere executive. Constituencies, then, should not be formed of those who merely claimed a right to a share in the representation, but those should be selected who would best discharge their legislative duties; for the franchise was not a property, it was not a right, but a trust for the public benefit. Every man had a right to the best Government, but to nothing else. And it was educated and intellectual men who would elect representatives that would elevate the tone of the House, that would be unshackled by fear of constituencies, and be unbending towards popular favour. In order not to swamp the few learned in every constituency; that one class might not override another, let every class have its own representatives, let trades-unions, the clergy of dioceses, each of the learned bodies, doctors, retired officers, and tradesmen have their own representatives; but let no one particular class have entire sway as was now proposed in this Bill. Why should they be called upon to repeat an experiment which had failed already? They should first, at least, obtain the information necessary to secure a more successful issue. The former Reform Act had destroyed party, and produced unstable Governments, and had allowed expediency to usurp the throne of right. It had been the cause that Governments represented only majorities, because they could not represent principles. It had made constituencies act as drags on the straightforwardness of their Representatives. These were some of the effects of Reform. Moreover, it did not fulfil the expectations which were entertained of it; for bribery had increased, and the expenditure of the State had grown to great excess. Could any one, then, assert that the Reform Bill of '32 had met with success? And was such another Bill wanted at the present time? Would it now elevate the tone of the House, when its only effect before had been to lower that tone? The representation of the country should not depend on taxation, nor on the possession of property; and the theory that it should depend on population, if honestly carried out, must result in absurdities and contradictions; nay, even in insubordination and ruin. Other countries had proved this by their sad experience; and in this country they had a warning in the different character of the representatives of small and large boroughs. He said, then, that a law, independent of our will, encircled us, and that the only business of the Legislature was to see and declare what that law was; that the only business of constituencies was to elect those who were the most guided by it; and that the best franchise was that which would most secure this object. Yet now, even in the present state of things, selfish interests were the mainsprings of politics; and these were so evenly balanced, that those who were caught by beer could generally turn the scale in an election. Moreover, the continuous growth of bribery proved that electors did not vote on public grounds, but valued the franchise only as a means of forwarding their own petty interests. And when the franchise was lower than it was now, who then would be the favoured of the constituencies? It would be those endowed with glibness and shallowness; those who could lie most smoothly and flatter most pleasantly; those who could stoop the lowest to court the prejudices of their constituents at the expense of public interests. These new electors would never choose the clever financier, nor the sound political economist, to represent them. They could not even judge of a man's financial abilities or political acumen. No! They would rather fix their choice on the indefatigable bore of the borough, on the man with the narrowest views of things, and the most unbounded admiration of himself; for, as was already the case in America, the most worthy men would abstain from a franchise which had been so far debased, and would leave the power to be abused by that class which now, for the first time, obtained it. When there was no evil which called for cure, and no abuse which cried for redress, were we wantonly to alter under the guise of amending, and wilfully to obliterate admitted principles under the name of reforming institutions? When the present franchise was so large that not half the constituencies cared to exercise it, were we to increase it yet further by adding those who would override the present electors. If we did so, then "Moderate Liberals" would no longer be heard of, and "Whig" would be a name of the past; for the floor of that House would become the arena for the struggles of faction like those which disgraced the Senate of Washington.

MR. H. BERKELEY said, the speech of the noble Lord had certainly been full of declamation against the Bill. Nothing could be worse than his opinion of it, and his opinion was confirmed by that of every Gentleman on the opposite side of the House. The hon. and learned Member for West Gloucestershire (Mr. Rolt) had denounced it as all that was horrible and detestable. The hon. Member for Leominster (Mr. Hardy) had followed in the same strain, and charged hon. Gentlemen on his (Mr. Berkeley's) side with cowardice as being afraid to utter their real opinions of the Bill. That charge of cowardice should not remain upon him. But it struck him as surprising that such eloquent and bitter speeches should be made with no result whatever. It seemed unnatural that there should be indulgence in such declamation without the second reading being opposed. Yet so it was. He found himself in this position that he could not agree that the measure was a Reform Bill. It had no pretence to be called a Reform Bill in the common acceptation of the word. It might be termed a measure of Reform. It was a forward measure, and as such he was compelled in consistency to give it his support; but he entered his protest against its being regarded as a measure of finality or a measure that would put a stop to all questions of reform for the next twenty-five years, as had been said. He objected to the Bill simply on account of its deficiencies. It might be called a measure of progress, but as a measure of Reform it was the most infinitesimal dose ever offered to the House. He took it as he would the globule of a homœopathic practitioner, and he swallowed it in the full belief that it was calculated to do him neither good nor harm. There were three points which a Bill having any pretence to be a measure of reform ought to have dealt with, and as the present Bill did not deal with them, he considered that it failed in its character as a Reform measure. The first objection which he took was, that an extension of the franchise was made to a class of men less calculated, if possible, than the present constituencies to bear up against the effects of intimidation and corruption, while the obvious remedy against intimidation and corruption — the Ballot—was denied to them. The objection he took to the present Reform Bill was exactly the objection taken by Lord Macaulay and Mr. Grote to the Reform Bill of 1832, who considered it a failure because protection was denied to the electors. The House had heard a great deal about the absence of electors from the poll, but how often had he shown by evidence that the electors of this country were subject in voting to pains and penalties, which they did not think proper to incur? The non-attendance of electors at the poll was not caused by apathy, but the dread of consequences; thousands rather than vote against their consciences, refused to vote at all? The next point to which he should advert was the absence of any provision in the Bill dealing with nomination boroughs. He did not think that the noble Lord the Member for London showed due consideration to his character as a reformer when he turned his back on that question. Such excuses as that put forward by the hon. Member for Birmingham—that he could not carry a large measure, and that he was prudent in attempting to carry only that which he could—were unworthy of the noble Lord's great character. He should have told the House, "I will destroy these nomination boroughs as far as in me lies, and go to the country to see whether they will stand by me." It was from the absence of such a spirit as this that the country had become apathetic; for, certainly, if he had thrown himself upon the country he would have found an ample response to his appeal. It had been said that Macaulay and Burke were returned for nomination boroughs, and an inference was attempted to be drawn that those distinguished men approved of rotten boroughs. About Burke he would say nothing, as not coming within the category of a reformer, but he would ask, had the House forgotten Lord Macaulay's speech to the electors of Edinborough? In that speech he expressed his opinion that the nomination boroughs, continued by the Reform Bill of 1832, were the worst species of them; that the better sort had been destroyed when such places as Old Sarum and Gatton were disfranchised. Lord Macaulay held that it was better for the morals of the people, if we were to have nomination boroughs, that they should consist of a mound and four old walls, or anything to describe elective power, than that 150, 200, or 300 electors should be reduced to the condition of voting machines. Here were the words used by Lord Macaulay:—

> "If men are returned to Parliament not by popular election but by nomination, then I say without hesitation that the ancient system was much the best. Both systems alike send men to Parliament who are not freely chosen by independent constituent bodies, but under the old system there was little or no need of intimidation, while under the new system we have misery and disgrace produced by intimidation. I prefer the nomination that used to take place at Old Sarum to the nomination that now takes place at Newark. In both cases you have the Members returned by the will of the landlords, but in Newark there were 200 ejectments into the bargain, to say nothing of the mortification and remorse of those who were not ejected, but who voted against their consciences for fear of being ejected."

It was very clear, therefore, what Lord Macaulay's opinion was touching nomination boroughs—and he (Mr. Berkeley) regretted that the noble Lord, the Member for the City, had not the courage to deal with that question. The next point of omission to which he begged to call attention had reference to the tribunals appointed by the House to try election petitions. There was no system that caused greater abuses, required more alteration, and had less of the confidence of the country. They could not read the evidence taken before the Committees without raising their eyes in astonishment at finding that any set of Gentlemen could come to such conclusions as they arrived at. Nothing could be more plain than that, on viewing the manner in which various Committees dealt with the evidence, no two Committees were of the same mind. The late Royal Commission that went forth made some extraordinary disclosures touching the judgment of those Committees; but as that was one of the obvious cases which every Gentleman in the House must feel to be most faulty, he should not say one word more on the question. He had stated the three points which he considered should be included in any measure of Reform, and he must say that the most independent portion of the party who supported the noble Lord found themselves in anything but a pleasant position. Honestly and fairly they opposed the Reform Bill brought in by the hon. Gentlemen opposite. They threw out that Bill, and turned out the Ministry that introduced it. They went to the country, and what did they say to their constituents? They would find that this was the language generally used on the hustings—"The Conservative or Tory party are a set of muffs—they knew hardly anything about Reform or a Reform Bill, and all they know we taught them—they are taking lessons from us—they are mere tyros and do not understand the art or mystery of Reform—let us take the thing in hand—let our noble leader take the thing in hand, and you will see the sort of Reform Bill he will introduce." They proclaimed their confidence in the noble Lord, and said they relied upon him. In consequence of the former measure of Reform introduced by the noble Lord, they thought he was the man to give to the people of England such a Reform Bill as they required. Wait, said they, until the noble Lord the Member for the City of London resumes office, and a proper Reform Bill you shall see. And now he (Mr. Berkeley) would ask were not the Gentlemen opposite able to say, "and what went you forth for to see?" "You have been tried and what have you done?" This was the general feeling from one end of the country to the other, and the people would take the present Bill as an instalment of Reform only because they could take nothing better. The noble Lord, who commenced his reform career at Brobdignag, had ended it at Lilliput. His sun of reform rose with great promise, and at noonday it was brilliant, but now it was setting amid watery clouds and in a manner the most disastrous for his reputation. Admitting the past services of the noble Lord, which must for ever entitle him to the gratitude of all sincere Reformers, he (Mr. Berkeley) regretted very much that he had not taken the high stand on this question which he had assumed at the beginning of his political career.

Lord ROBERT CECIL said, that no speeches were delivered in favour of this Bill save those which proceeded from the Treasury bench, and the opponents of the measure therefore only found themselves called upon to answer Treasury arguments. But there was one statement made by the hon. Gentleman who had just spoken which it might be necessary to notice. The hon. Gentleman wanted to convince the House that electors at present stayed away from the poll because they were afraid of voting. Now, the greatest sinners in this way were the electors of Marylebone, and nobody could suppose that they were the subjects of intimidation. [Mr. Berkeley: Oh!] Well, he (Lord R. Cecil) was himself an elector of that borough, and he felt certain that if intimidation or coercion was exercised, it was only exercised entirely on the part of the owners of public-houses. He wished, however, to make the speech of the right hon. Gentleman the Secretary for the Home Department the subject of special notice upon that occasion. The right hon. Baronet had to make a speech on behalf of the Government, and he had performed the duty with great ingenuity, because, as the representative of a divided body, he had devoted the first part of his address to a statement of the views of the Radical portion of the Cabinet, and the second part to a statement of the views of the Conservative portion of his Colleagues. The right hon. Gentleman had enlarged on the necessity of preserving the principle of locality in apportioning the representation; and it should be remembered on this point that the question of the boundaries of electoral districts was a vital one as affecting representation. There were many counties, such as Lancashire, Yorkshire, and Kent, where, though the mass of the population was agricultural, it was swamped by the town voters. It was to be hoped, therefore, that the right hon. Gentleman was prepared to propose in Committee clauses restoring the distinction between the urban and rural constituencies which the gradual growth of population and the neglect of successive Governments had effaced. The right hon. Gentleman described the old Reform Bill as the model of the present measure, and pointed out that as it had produced no dangerous results, the Bill now before the House might be expected to be equally harmless. But, then, as far as could be ascertained from the statistics, this measure would have a wider operation than a careless observer would believe. The old Reform Bill enfranchised 88,000 borough electors; but this measure, according to the lowest calculation, would enfranchise 200,000, and went, therefore, twice as far in a Radical direction as the Act of 1832. But there was another distinction between the two measures. The Act of 1832 was a settlement of a complex character—a thing of counterpoises and of balance—what it took away in one direction it gave in another. If it disfranchised certain classes of voters it established a new class by the operation of the Chandos clause; but the present Bill was merely an advance in one direction, there was no attempt to palliate the results which it would entail. The old Reform Bill added to the constituencies, but it did not follow that it would be proper now to repeat the same process. The old Bill adjusted a balance which was faulty; the present Bill upset a balance which was just and equal. It would so increase the power of the poor that it would be impossible for the richer and more respectable classes to make their influence felt. The hon. Member for Birmingham had treated that argument with contempt, and asked if any such swamping process had resulted from the old Reform Bill, and if Mr. Croker's prophecies that the £20 would be swamped by the £10 voters had been realized. But that was rather a dangerous question to ask. Let the hon. Member look back at the poll-book of the last election for Birmingham and see how many £50 householders there were among his majority. He (Lord R. Cecil) should be sorry to say anything disrespectful to the hon. Gentleman, although he said things that were very little respectful to the order or to the party to which (Lord R. Cecil) belonged. But he thought that the hon. Gentleman presumed too much on the indulgence of the House when he asked them to believe that the Reform Bill had given no preponderance in any borough to the poorer class of constituents. Let them take the borough of Marylebone as an example of the existing system. It was full of magnificent squares and splendid streets, inhabited by a large number of wealthy and of educated people. Such persons, it might be thought, would certainly command great influence in the choice of Members, and their doing so might be taken as a crucial test of the working of the electoral system. Yet the whole of that class were as absolutely unrepresented in this House as though they had no voice at all in the election of a Member. Hon. Members talked of apportioning representation to wealth, and said, "Here is the borough of Marylebone—it is a very wealthy borough, and contributes enormously to the taxation, and, therefore, it ought to have so many Members;" and then what did they do? They gave the franchise to those who had no wealth at all. In respect to the future, the right hon. Baronet the Home Secretary spoke in a manner which he should not have expected. He talked about progress, and used language which excluded any idea of finality. Now, he did not suppose that any one attached any idea of finality to this Bill—indeed, the hon. Member for Birmingham and others had assured them that anything like a settlement of the question by this Bill was quite out of the question; but he was surprised that the prospect of the future had not caused the right hon. Baronet to hesitate before giving the weight of his authority to this Bill. He spoke with great contempt of the argument that, because you went to a certain extent in a given direction, therefore you were bound to go to the end, and to accept the logical consequences which persons of peculiar opinions might draw from the principles upon which you acted; but he forgot that, though in ordinary cases that argument must have no weight, this was an extraordinary one to which it did apply. This was a measure which affected the legislating body, and, therefore, contained within itself the germ of further progress. They talked of making a stand. The right hon. Baronet the Member for Carlisle last year recommended a certain suffrage, because they could make a stand upon it; but they would not be there to make the stand. When this measure had passed there would be a far different House of Commons—one far less inclined to resistance and much more disposed to make common cause with the poor class of society, and to push on more rapidly the stone which they had set rolling. The right hon. Gentleman was therefore in error when he denied it was a case for the application of the principle *obsta principiis*. Then they were asked what they thought that the persons now proposed to be admitted to the franchise would do. The hon. Member for Birmingham said that they ought to take them by the hand and hail them as brothers, the right hon. Gentleman the Member for Wilts talked about having confidence in the people, and the Secretary of State to the Home Department pointed to the utility of the alarms created by the first Reform Bill. He admitted that he was not afraid that any Parliament, however democratic, would dethrone the Queen or abolish the House of Peers, so long as that body was content to pursue the same harmless and innocuous course which it had of late years adopted, exercising its legislative functions upon minor questions, and upon matters of greater moment calmly registering the decrees of that House. He did not believe that any democratic assembly would fly at the mere semblance of power; but they would fly at the control of taxation. The lower classes felt, and would be brought to feel, the pressure of taxation. Everybody was anxious to shift his burden from his own shoulders to those of his neighbours. The hon. Member for Birmingham had himself said that no plummet could fathom the selfishness of a class entrusted with irresponsible power; but they were going to entrust to a class, and that the poorest and rudest in the country, the irresponsible management of the engine of taxation. Could they expect that selfishness would not exert its influence upon the members of that class. They had already precedents how indirect taxes could be converted into direct ones, and those precedents would be used. There was no concealment about it. The hon. Member for Birmingham was anxious that this Reform Bill should leave its mark upon our legislation, and should alter our financial system. Only the other day, at Liverpool, he expressed a hope that indirect taxes would disappear, and that a property tax would take their place. This would offer a very substantial temptation to the working classes to unite. They had their trades' unions, and the House knew both how they could use them and how the hon. Member for Birmingham had urged them to employ them. Could it be supposed that they would not, for the purpose of throwing upon the shoulders of the rich a burden which they had often announced that they ought not to bear, combine and use every engine in their power? It was this question of taxation which made the power of swamping so truly dangerous. Upon every other question he admitted that the lower classes would probably be divided like the upper ones, but this was a matter which appealed to their deepest interest, which came before them every day, and the House must anticipate that with regard to it they would use the enormous preponderance which was about to be placed in their hands. Perhaps the best test of what they would do was what they had done. A municipal borough was a sort of microcosm, showing on a small scale what the working classes were likely, if this Bill passed, to do on a large one. As they managed the finances of a municipality so were they likely to manage the finances of an Empire. The Committee o the House of Lords upon the Small Tenements Act, ascertained that at Newcastle there had been a very improvident sale of town property, and when the question was asked whether this was at all attributable to the influence of the small tenement holders, the reply was that that certainly was the case; there was great agitation; public meetings were held, at which representations were made that this sale would be of great advantage to the working classes, that the work would furnish employment to them for several years, would enable them to keep the wolf from the door, and other expressions of that sort. Would not similar expressions be used on every hustings in the country directly the working classes formed a majority of the electors; and if those classes once obtained the control of the finances, taking from and giving to whom they pleased, would they not exercise that power to keep the wolf from the door? But they were told that there would always remain the influence of wealth. The influence of wealth got many different names in that House. When the hon. Member for Bristol was speaking it was called corruption, coercion, intimidation, and all sorts of hard names; but when they were discussing a Reform Bill it suddenly assumed the shape of a constitutional guarantee. He believed that in one point of view the influence of wealth would be increased by this Bill. By the last Reform Bill they destroyed the potwallopers because of their corruption, but they now proposed to extend the franchise to the very *stratum* of society to which that class of voters belonged. The experience of Election Committees had shown that corruption haunted places where there were freemen almost as certainly as the cholera haunted a black ditch. What were these freemen? They were a small selection from that great *stratum* of society which this Bill proposed to import bodily into the constituency. What was now the case in a few towns would be the case in all boroughs if this Bill passed. Except that particular power of wealth he did not see what other influence of wealth could be relied upon to bind that political power which they were now about absolutely to give away. If they trusted to the reputation of the higher classes and the gratitude of the lower classes they must remember that there stood between them a class of men who made it their business to disparage and defame the aristocracy. As a specimen of the attacks that were now made, and which must be expected to be made more frequently hereafter, he would quote the language of one hon. Member, who said,

> "The more you examine this foreign policy (of England) you will come to the conclusion that I have arrived at, that this regard for the liberties of Europe, this cry for Protestant interests, this excessive love of the balance of power is neither more nor less than a gigantic system of out-door relief for the aristocracy."

That was the language of the hon, Member for Birmingham, and might they not expect other hon. Members for Birmingham to spring up in every town in the kingdom if this Bill passed? He would give another specimen of the hon. Member's language. He said to his constituents:—

> "You who have been in the gallery of the House of Commons know that I have sitting opposite to me a phalanx, when all are there, of 300 Members, and I am not going entirely to exclude all the Members on our side of the House; but I undertake to say and to prove, that if you take those 300 men, and add together everything they pay directly or indirectly to the taxation of the State, and put it on one side of a ledger, and then place on the other side everything which they or their immediate relatives receive from the State in salaries or pensions, you will find they receive three times, I believe five times, and I think I might say ten times, as much as they pay. Why am I to be asked to go to that stolid phalanx of tax-receivers and tax-expenders, and implore them to be more moderate?"

There was a charge of embezzlement against a great party! He could not characterize such language, because there were limits to the expressions that might be used in that House. But, whatever might be the motives, and they were not permitted then to question the motives, of the hon. Gentleman who used it, he would say that it was a false and a groundless calumny. The hon. Member for North Staffordshire had taxed the hon. Gentleman with misrepresentations, and challenged him to prove them; but although many Fridays had intervened, no attempt had been made to prove those statements. The hon. Gentleman made the statements; he was challenged to prove them; he had not proved them; and it was therefore, unnecessary to characterize the statements further. He did not, however, wish to blame the hon. Member for Birmingham; but rather desired to turn his statements into specimens of what they might expect when they called a whole race of agitators into existence. The hon. Member for Birmingham could scarcely be blamed; he had acted according to his light; it was in accordance with his profession; it was his trade. Agitators never had many facts, and therefore they must take fictions. But the wholesome truth to be drawn from such speeches was that if such groundless assertions as to the character of the aristocracy, of Members of the House of Commons, and of the upper classes were to be made by men who possessed influence among the working classes, then the House must not expect that those working classes would be guided or restrained in their conduct by any sense of the merits of the upper classes. He was not surprised that such an apathy as that which had been remarked throughout the country had been evinced. The experience of successive years must have taught the people that as long as they had a just and equal Government, so long they would not have much to hope for from any change. But he could not express a similar satisfaction at the political apathy evinced in that House. The present was no ordinary measure; it was a crisis as great as that which occurred in 1688 or that of 1832. In the first, the power was transferred from the Crown to the aristocracy; in the second, from the aristocracy to the middle classes; and now in the third crisis (if it was to be so decided) that power was to be transferred from the middle classes to the lower classes. It was possible that the views of those who advocated this measure might be correct, and that it was one of a prudent and cautious character, and that by the influence of wealth or of beer, or some other influence, it might prove utterly nugatory. But there was another possibility.

It was possible that the apprehensions he had expressed might prove true, that it would prove another transfer of power; that that power would be placed in the hands of those who were too needy and too ill-instructed to be able to use it wisely, to whom the political independence of the other classes would be sacrificed, and who would not regard those other classes in the use of the power placed in their hands. If such were the case it could never be reversed. Whatever else might happen, whatever conceivable hypothesis were suggested it was more probable than the possibility of retracing the step they were now about to take. It was an absolute, final, and irrevocable step—a transfer of power to new rulers, who would never yield up the power conferred on them except through the influence of the sword.

MR. MONCKTON MILNES said, he addressed himself to the consideration of this subject in a spirit of affection and reverence for our Constitution, for in no other spirit could it be approached in that House. Unless a question of this kind came before the House with a strict political object, either in respect of evils to be remedied, or benefits to be conferred, they would be overwhelmed with all kinds of theories and devices. He supported the Bill because he believed it to be not the revolutionary scheme it was described by some to be, but a simple step in the ancient path of our Constitution, and nothing more than a development of those Constitutional principles which, under Providence, had had such a marvellous effect in this country, and had produced a combination of liberty and order such as the world had never seen before. The noble Lord who had just spoken had talked of the baneful effects of transferring the Government of his country to another *stratum* of society. He (Mr. Milnes) entirely disbelieved in the social geology of the noble Lord. He thought it would have been better if the two noble Lords who had addressed the House that night had talked less about the upper classes, to which they belonged, and had treated the lower classes with less—he would not say contempt, but with less disrespect. It was disrespectful to any class of Englishmen to impute to them that if political power were placed in their hands they would use it for their own immediate and selfish interests, without regard to the interests of the community generally. The best proof that the dreadful consequences which some expected to follow if this Bill were passed would not ensue was to be found in the little interest which existed upon the subject. He believed that a good explanation of the apathy which existed on this subject was to be found in the general contentment of the people with the Government under which Providence had placed them. The people of this country were every day conscious that they were living under a respected Sovereign, tolerant religious institutions, and with a Parliament in the main obedient to the desires of the people. Notwithstanding all they might say with respect to the distribution of political power, if the mass of the people were discontented, if there was a spirit of disbelief in the institutions, or in their stability, they would not go on as peacefully as they now did with their present limited suffrage. If they had any cause for discontent they would have little difficulty with the power which they now possessed of exhibiting their dissatisfaction. If more power were given to them he did not think they would make a worse use of it than they did of the power they already enjoyed. He thought, after the political events of the last few years, the House ought not to be over-confident in political foresight. When they thought of the financial prophecies of the last few years, and how unfulfilled they had been in this year of our Lord, it was clear that the predictions of the acutest and wisest statesmen might be stultified by events in matters of induction that rendered necessary such an enormous number of facts, that they should approach the question in a spirit of humility as to the probable consequences. But he could not divert his attention from the good results which he thought would flow from the Bill. In the education of the people, in which he had always taken a great interest, he could not conceal from himself that the political element formed a very material part. He did not think that in any country there would be a highly educated class of artizans unless they were enabled to participate in the political duties and privileges incident to its Constitution. They would either separate their political from their intellectual life, or in proportion as their intellectual life was developed they would become discontented at being excluded from the political machine to which they belonged. There were a great number of people who believed they could get on without politics at all. He should be sorry to see that feeling predominate. The spectacle of any large class of society separating themselves from the political action of that society was always fraught with danger, especially when that was an educated, literary, and accomplished class, whose influence ought, if properly directed, to improve the political condition of their countrymen. When the House went into Committee on the Bill he should take the liberty of moving the introduction of a clause which would give the suffrage to members of Universities, of scientific bodies, of the Inns of Court, and indeed, to all persons whose influence could not be supposed to be otherwise than advantageous to the commonweal. There were some friends of his below the gangway that did not seem inclined to admit the claims of education in these matters; but could they prove that any disadvantage would arise from men of education having a vote, and be compelled to exercise it? In old times the English constitution was looked upon as a phenomenon that could not be explained, while at the same time it was admired; and some such anomaly predominated still. But perhaps the greatest political anomaly connected with this Bill was that a £6 franchise would really include a very different class of people in the different boroughs throughout the country; but he did not believe that the measure was likely to effect any great change in the character of the Members sent to that House. For example, were not the larger boroughs already represented by men holding what were called Radical political opinions? Were they not almost always men of popular instincts and interests, and who really owed their election to popular feeling? He owned he should be glad if the effect of the change should be that Members were returned to that House from the lower classes of the people. If some artisan, for instance, who had made himself respected among his own class for intelligence and wisdom, were to be sent there, he believed such a man would receive a hearty welcome. They all knew, in dealing with popular questions affecting the poorer classes, how much they were at a loss to know what those classes really required. The individuality so prominent among Englishmen in the upper classes was equally distinct among their poorer fellow-subjects. He should be glad if anything could be done to bridge over that chasm. With that view he should welcome the presence in that House of a certain number of men who really understood and would honestly and sincerely represent the opinions of the lower classes, and he believed the expression of the opinions of such men would be received there with the greatest deference. He gave his adhesion to the Bill as it stood. He did not wish in any degree to take it as an instalment. The great body of the people of this country had advanced and were still advancing in intelligence and power; and, with the education of the community placed on a safer basis, he was not the man to be alarmed at the introduction to the exercise of political power of any number of men whatever. He should give his support to the Bill, believing that it would tend to the development of the political education of the people, and that the extension of the suffrage did not necessarily carry danger with it. Let them disabuse men's minds of the impression that their interests and their politics were selfish; and the time would come when, the privileges which they now enjoyed being also extended to their less favoured countrymen, no Member of that House would grudge to any one Englishman his share of political power.

MR. PEACOCKE said, he should have been perfectly ready to give a silent vote if no hon. Gentleman had spoken on the opposite side except the hon. Member who had just sat down, for that hon. Gentleman had delivered at once an epic poem and a philosophical essay on the happiness and content which prevailed under our constitution as it now existed. But various attacks had been made on the class of boroughs one of which he had the honour of representing—the small boroughs, more especially by the hon. and learned Member for Marylebone (Mr. E. James), in whose mind there appeared to be a great confusion between close boroughs and small constituencies. The hon. and learned Gentleman was peculiarly unhappy in the illustrations he adduced in support of his argument. He asked whether Harwich had ever elected a great statesman? Let him remind the hon. and learned Member that Harwich had been represented by no less a person than Mr. Canning. Lord Macaulay had been quoted as a great authority against close boroughs, although it was well known that he owed his introduction to public life to the close borough of Calne. The hon. and learned Gentleman also asserted that no statesman of the present day was under obligations to that species of constituency. Why, one illustrious statesman now no more, and whose irreparable loss they all deplored—the late Sir Robert Peel—

during the whole of his political career from the passing of the Reform Bill, sat for the small borough of Tamworth. If we look to the Statesmen who more happily survive, and commence with the Members of the present Government, we find that the noble Viscount at its head sits for the small borough of Tiverton; the right hon. Baronet the Home Secretary sat for the Radnor boroughs; the Chancellor of the Duchy of Lancaster, again, sits for what the hon. and learned Gentleman would probably characterize as one of the closest of nomination boroughs—namely, Morpeth. The noble Foreign Secretary, the author of this very Reform Bill, owed his introduction to public life to the small borough of Tavistock; as did also the right hon. Member for the University of Oxford, one of the greatest ornaments of that House, to the constituency of Newark. The right hon. Member for Oxford City (Mr. Cardwell) was indebted for his entrance into public life to Clitheroe; and early in his career the Secretary of State for India sat for Wareham. An enumeration of the leading Members of the late Administration would exhibit the same result. The late Secretary of State for War (General Peel) sits for the small borough of Huntingdon, and the late First Lord of the Admiralty (Sir John Pakington) for Droitwitch. The right hon. Member for Cambridge University (Mr. Walpole) was introduced to public life through the borough of Midhurst, the late Colonial Secretary (Sir E. B. Lytton) through St. Ives, the late First Commissioner of Works (Lord John Manners) through Newark, the late Chancellor of the Exchequer through Maidstone, and the right hon. Member for Wiltshire (Mr. S. Estcourt) through Marlborough. Indeed, every Cabinet Minister, except three in the last two Governments, owed his introduction to public life to some borough more or less small. The three exceptions were the present Secretary of State for War (Mr. S. Herbert), the present President of the Poor Law Board (Mr. Villiers), and the right hon. Member for Oxfordshire (Mr. Henley). And of these only one (Mr. Villiers) was introduced into public life by a populous town. If he wished for a stronger testimony in favour of the smaller constituencies he should call the right hon. Member for Carlisle (Sir James Graham), who, when rejected in 1837 from Cumberland, for his unbending Conservatism, sought refuge in the nomination borough of Dorchester, then shifted his somewhat fugitive political existence to Pembroke, and finally found an asylum in Ripon, until he was returned by Carlisle. If that right hon. Gentleman had been consistent on any question it was on the Ballot. Yet the other evening, though not absent from the House, he was absent from the division on that subject. That division on the Ballot also told another similar tale. The noble Lord the Member for London, too, had always held that the suffrage was a trust and not a right; and he who had convinced so many of his followers by this unanswerable argument that the only constitutional course was to oppose a system of secret suffrage, appeared the other evening to have convinced himself that the more constitutional course was to avoid the division. The inference he drew from these facts was, that noble Lords and right hon. Gentlemen when ambitious of election by populous boroughs became rather delegates than representatives, and were obliged to make compromises between their convictions and their constituencies; and I for one consider it to be neither beneficial to the interests of the country nor to the character of in a position in which they are unable to our public men, that they should be placed give effect to those convictions which they conscientiously entertain. If the House destroyed small boroughs it must in common justice have recourse to electoral districts. At present one small town pretty much agreed in political sentiment with another; and roughly, but virtually, the small towns which did not send Members to Parliament were represented by those which did. There were nineteen agricultural towns in the county with which he was connected (Essex), and among which were Brentwood, Barking, Braintree, Chelmsford, Coggeshall, Dunmow, Epping, Halstead, Manningtree, Romford, and Saffron Walden, which had as much right to be represented as the most populous places. They contained, according to the census of 1841, an aggregate of 76,000 inhabitants, or what would now be equivalent to from 100,000 to 110,000. If, therefore, Maldon and Harwich were disfranchised, the inhabitants of all those nineteen small towns, far exceeding in number the population of Salford, whose wrongs had been so pathetically recited, would be practically disfranchised with them. Neither the character nor the business capacity of that House would be elevated by the sweeping away of the small boroughs. By dividing the representation exclusively between the counties and the large towns they would have the House divided into two hostile and extreme camps, with no moderate men softening down the bitterness between them. What was their experience of the populous constituencies? Unquestionably there was a vast amount of property in Marylebone, which was assessed at upwards of £2,600,000 a year; but were the wealth, intelligence, and respectability of Marylebone, or of the rest of the metropolis, represented in that House. Out of 21,031 electors in Marylebone, only 7,620 polled at the last election. The hon. and learned Gentleman who sat for that borough accounted for that fact by stating that those who abstained from voting were Conservatives. If, then, two-thirds of the hon. and learned Gentleman's constituency were Conservatives, surely he could hardly be said to represent the opinions of the constituency. The only metropolitan constituency where a contest occurred was Middlesex, with a constituency of 15,300; of which only 4,800 voted, or not one-third of the number of electors. No doubt much of the wealth, intelligence, and the respectability of the metropolitan boroughs, found seats within the walls of Parliament, but not for metropolitan constituencies. There was, for instance, an hon. Gentleman influentially connected with the City of London (Mr. Baring), whose name inspired confidence both in the House and the country, who found a borough to represent in Huntingdon. There was also the hon. Gentleman the Member for Buckingham (Mr. Hubbard); he found a seat in what he supposed would be called on the other side of the House one of the decayed market places of England. Nor were those Gentlemen ostracized for their political opinions. On the other side of the House he found the same result. There were the hon. Member for Kendal (Mr. Carr Glyn) and the hon. Member for Shaftesbury (Mr. Grenfell Glyn), whose names commanded great respect in the City, and placed on the back of a Bill would gladden the heart of its fortunate holder; but they were not prophets in their own country—they did not find metropolitan constituencies to return them. Then there was the hon. Member for Peterborough (Mr. Hankey) connected with more than one metropolitan constituency, who acted as political godfather to the noble Lord, the Member for the City of London, and proposed liberal candidates for Marylebone, who presided at metropolitan meetings and dined at metropolitan festivals, but did not find a seat for a metropolitan constituency; and thus they found generally that the unrepresented minority of the metropolitan boroughs, their intelligence, wealth, and respectability, found in small constituencies that expression of their opinions which was denied them by the majority of the constituencies among which they lived. If he wanted a further illustration of the benefit of small constituencies, he should point to the right hon. Gentleman who filled the chair with so much ability and courtesy, who was introduced by Newcastle-under-Lyne, and sat sixteen years for Malton. But what he had already said proved sufficiently that the small constituencies had not been unmindful of the trust which the Constitution had confided to them. It was owing to them that the House still possessed within its walls many whose names added lustre to their body, and whose intellect gave influence and value to their discussions. But before he went into the question of the franchise, he must beg leave to enter his dissent in the strongest terms against a doctrine promulgated by the right hon. Gentleman the Member for Buckinghamshire, when he said that minorities ought not to be represented in that House, and that the only way in which minorities should be represented was by their becoming a majority. He had always understood from the highest and most eminent authorities that the great object of the Constitution was to secure within the walls of that House the representation of every class and of every variety of opinion. The Reform Bill of the late Government was a great mistake, in so far as it was based on the most mischievous principle that ever was introduced into that House, uniform suffrage. Uniform suffrage was not the principle of the British Constitution; and should not be adopted by the great Conservative party, who ought to be the guardians of the traditional franchises of the country. The fault of the Reform Bill of 1832 was that it destroyed those traditional franchises, and reduced every constituency in the kingdom to the dead level of the £10 uniformity; and the great fault of the present Bill was that it substituted the uniformity of the £6 for the uniformity of the £10 franchise. The working class had no special representative in that House, and, therefore, he should be content to see a greatly extended suffrage in some of the large towns, particularly where there were large bodies of working men. Before the Reform Bill there were no fewer than thirteen or fourteen kinds of franchise; and what he desired to see was as great a variety of suffrage as possible. The hon. Member for Birmingham complained that 5,000,000 of adults were unrepresented, and that under the present Bill boroughs of 7,000 inhabitants were to return as many Members as Wolverhampton and Salford. Now, if there was any truth in the doctrines of the hon. Gentleman and numbers were to form the basis of representation, to be logical he ought to support a Bill founded only on manhood suffrage and electoral districts. Did he do so? No; the truth was that the equal distribution of political power would place it in those hands where the hon. Gentleman did not wish to see it. The hon. Gentleman had introduced a Bill, if not to the House, to the country, in which he left anomalies as great and discrepancies as striking as those which he denounced. He proposed that a borough of 16,000 inhabitants should return as many Members as a county with 160,000. He left 4,000,000 of adults without the suffrage. Was their condition improved because the hon. Gentleman added a million to the number of those who now had a right to vote? Monopoly was not the less oppressive because it was extended. The hon. Gentleman seemed entirely to ignore the rural population. He must say he would infinitely prefer a system of manhood suffrage and electoral districts to the Bill of the hon. Gentleman. Such a system was at once more just, equal, logical, and fixed. There were two systems of representation: the one recognized prescriptive rights and respected traditional influences, the other recognized no principle but the direct representation of mere numbers; the one sought to make that House the great council of the nation, in which all opinions might be represented and all grievances considered; the other sought to make it a mere assemblage of delegates, proclaiming the popular will and registering the popular edicts; the one was based on a variety of constituencies and a variety of franchises, the other on uniform suffrage and uniform electoral districts; the one was the English, the other the American system. Both systems, he believed, found admirers in that House, and to those who might prefer the more logical precision of the latter he could only say, in the language of Mr. Canning:—

> "My lot has been cast under the British monarchy; under that I have lived, under that I have seen my country prosper, and I am not prepared to sacrifice or even to endanger the fruit of centuries of experience, of centuries of struggles, and of more than one century of liberty, as perfect as ever blessed any country upon earth, for visionary schemes of ideal perfectibility, or for doubtful experiments of possible improvement."

MR. THOMPSON said, that the principal objection which had been urged against this measure was that it contained no new or original principle, and that its only distinctive feature was a lowering of the franchise without any test of the fitness of the newly enfranchised voters to exercise that franchise with advantage to the State; and further, that even the money standard fixed upon was taken at random, and without any good reason for the selection of £6 rather than £7 or £5. If that objection could be sustained it would be fatal to the character of the Bill. The introduction of the £6 and £10 franchises, however, did provide a principle of selection, and he would show to what extent it would sift the population, and what were the peculiar merits of the proposed plan. From the Returns laid before Parliament this Session, it appeared that by lowering the borough franchise from £10 to £6, the borough constituencies would be increased by 272,000; but of these, 135,000 or about one half would be added to the constituencies of the twenty most populous boroughs. The population of these twenty boroughs in 1851 exceeded 4,000,000, of whom 255,000 were electors; so that if this Bill passed, the whole constituencies of these twenty boroughs would consist of about 400,000 electors out of a population considerably exceeding four millions. In those cities and large towns, therefore, where the franchise would descend the lowest in the social scale, a very large majority of the working classes would still be excluded from the franchise. What was the principle on which the selection was made? It turned upon the amount of rental—in other words, those who occupied the better class of houses were to have the franchise. Did these few words carry no further meaning? Did they not convey the idea that those men had raised themselves to the upper station of their class? Did they not also convey the idea that those men had raised themselves to that point by their intelligence, industry, and economy? Could the working classes raise themselves at all without the possession of those qualities? It followed, then, as a matter of course, that those who were selected because of their living in better houses must have possessed the highest qualities as workmen before they could have received the wages which enabled them to inhabit better houses than the majority of their class. They must also have exercised economy in husbanding their resources, and self-denial in not expending their earnings solely on animal enjoyments. There might be some defects in such a system of selection, but, on the whole, what better mode could be devised? It would be impossible to introduce a competitive examination, or any mode of ascertaining individual merits or qualifications. There was reason to believe that the class the Bill would enfranchise mainly contributed to the deposits in savings banks, which were now increasing at the rate of £1,000,000 a year, the total amount of deposits being £39,000,000. It had been already shown that those who lived in £6 houses were the richer portion of their class; that this was presumptive evidence of industry, skill, and economy, and when to this was added the fact that these men possessed a considerable stake in the accumulated wealth of the country, and would naturally, therefore, desire the maintenance of order and the security of property, the proof was complete that the Bill did make a fitting selection of those who ought to possess the franchise, and would be likely to make a good use of it. He trusted that the Bill would pass the House, and become law during the present Session, and he had great pleasure in voting for the second reading.

Mr. NEWDEGATE said, he rose to address a few words to the House upon this subject. He had always hoped that when a Reform Bill should be proposed the Conservative party would apply themselves to discuss it in no party sense; and that the course would be adopted which was now about to be adopted, that of having no division on the second reading of the Bill; but at the same time he had trusted that an opportunity would be afforded of eliciting that talent of which they had had some striking exhibitions that night. The hon. Member for Pontefract (Mr. M. Milnes) complained of the apathy of the country, but he (Mr. Newdegate) could not understand a Liberal complaining of apathy. If that party did not exist for the interest of the country of course the measures intended to promote the interests of the party would be received with apathy. But his own conviction was that the introduction of a Reform Bill was attributable in the first instance to the abandonment by the noble Lord the Member for London of the measure by which he made his name. When the noble Lord decided, in 1852, that there should be a Reform Bill, he decided also the course of the Conservative party, for it was totally impossible that that party could undertake to defend a measure which they had strongly opposed when its very parent gave it up. But the position they now stood in was very different. He had always thought it better that a measure of this kind should be decided upon in a kind of convention not much open to popular influence. But instead of that this question had been for years the very football of faction. Under its influence an agitation had been enacted out of doors, and although that agitation had not succeeded in effecting the objects of its promoters, it has nevertheless constituted a sort of out-of-door Parliament which had in effect decided the action of the Government. It was all very well for those within doors to reply to the harsh observations with which the hon. Member for Birmingham assailed this House out of doors. He thought they were perfectly right in doing so. If a man, as a Member of that House, attacked their privileges, the House had a right to call on him for an account of his conduct in making statements affecting the character of some of its Members. He hoped that that principle would be preserved. He observed a delicacy on the part of hon. Members in alluding to what had fallen from the hon. Member for Birmingham reflecting upon the action of the House and upon their conduct as Members. He (Mr. Newdegate) thought that that delicacy was totally misplaced. The hon. Gentleman was no doubt entitled to all the privileges of a Member, but he had a name with two mysterious letters attached to it, by which circumstance additional influence was given to him wherever he went. And he (Mr. Newdegate) said that the Members of that House, if they regarded their position in the House, were bound to call him to an account for what he said in disparagement of them elsewhere. Having risen for a practical object, he wished to point attention to the fact that throughout all those discussions scarcely any allusion had been made to the great change that the present Bill would make in the county franchise; and nevertheless at this moment they were totally without the means of judging of its effect. Certain Returns had been promised by the noble Lord, who declared that all information that could be obtained would be furnished, and yet those Returns, which he (Mr. Newdegate) knew were prepared in the public offices, had not been laid upon the table. The right hon. Gentleman the Home Secretary, in a speech intended, he thought, to cloak this subject rather than to elucidate it, told them that the addition to the county franchise would be only 160,000. Now he (Mr. Newdegate) had paid some attention to this subject, and was in a position to show that such a calculation was erroneous. He had heard the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) state the addition to be 200,000. Well, he had information on the subject which was also accessible to the two right hon. Gentlemen, and with the permission of the House he would state as briefly as he could the result of the inquiries which he had made. He could not by any possible calculation reduce the increase of the county constituency below 300,000. Hon. Members might say it did not matter how many men were qualified to vote or added to the constituency provided they were fit to exercise the franchise. He, however, submitted that this question of numbers was a most vital element in the consideration of a measure of this kind, because every one who knew anything of a constituency must be aware of the fact that if they aggregated numbers out of proportion to the power of property they would ultimately merge the representation of property. That was an acknowledged fact. If in any locality they created a mob of voters they would not only annul the influence of property, but, as it was exemplified in the case of Marylebone, they would reduce the constituency to such a condition that a large proportion of them would decline to exercise the franchise. This Bill had that tendency. It was called a simple measure, but he looked upon it as a bad and mischievous measure. The noble Lord introduced a Bill into the House in 1854, but the present measure did not correspond with it. In 1854 the noble Lord adopted, it was true, the principle of the enlargement of the franchise; but he did more, he proposed a change in the form of elections, by which no less than fifty-six seats in that House would be affected. The noble Lord proposed what he called a counterbalancing change in regard to the suffrage. He (Mr. Newdegate) believed that the delusion under which the House was then labouring as to the increase of the borough constituencies was counterbalanced by the delusion that was practised on them in respect to the increase of the county constituencies. They had some Returns before the House. One of them in particular, the most useful, had been granted on the Motion of the hon. Member for Bath, and was printed in 1859. It gave the number of persons rated to the relief of the poor of the counties beyond the limits of the boroughs, and holding tenements of rateable value from £8 to £40. That number was 787,383. According to the Return of that Session, No. 124, the rateable value was below the real value by 17·8 per cent. For the sake of convenience and calculation he had taken the difference at 20 per cent, but would make the allowance of the 3 per cent afterwards. In Return 124 of that Session it was shown that the number to be deducted as females was 20 per cent, and for males, incapacitated or unwilling to register themselves, 27 per cent, making 47 per cent. Deducting then 47 per cent from 787,383 the number remaining was 418,215 as the addition to the county constituency. The variety of the county franchise was such that it was probable that a large number of those persons were otherwise qualified. According to Return 118, Session 1859, the total number of persons assessed to the poor rate at £40 and upwards—that was, at £50 real value, was 336,078. From Return 280, Session 1854, it appeared that the occupying tenants of holdings of that value, who were on the register for that year, were 106,579. If that proportion were applied to the whole number of persons holding tenements of from £10 to £50 value, which had been previously ascertained to be 787,383, the number shown would add 249,729. Add to this 750, or 3 per cent for the difference between the 20 per cent assumed, and the difference between the rateable and the real value, and the 17 per cent stated in the Return of this Session, and the result was 250,479. But it was a known fact that among the occupiers of tenements of £50 and upwards a very large proportion of freeholds were held, and that it was much more common for them to register than for a tenancy. Therefore, upon striking an average between the results obtained between those two modes of calculation, the result of the first calculation was 418,215, and that of the second calculation 250,479; which made together 668,694, the mean result of which was 334,347. He stated fearlessly to the House that the addition to the county constituency under this Bill would be between 250,000 and 330,000 instead of 160,000, as was asserted by the right hon. Gentleman the Home Secretary. The noble Lord (Lord John Russell) was aware that as early as 1852 his (Mr. Newdegate's) attention was turned to the subject. When the noble Lord introduced his Bill he (Mr. Newdegate) asked him what constituency he was about to create. The noble Lord then stated his inability to inform him of the number that would be enfranchised by his measure; but he was kind enough to call him out of the House, and to refer him to certain Returns which were the basis of those Returns from which he had just quoted. The origin of this Bill might be undoubtedly traced to the hon. Member for Birmingham—the hon. Gentleman who proposed to the country to deal most liberally with the principle of enfranchisement and disfranchisement, and talked of adding seventy Members to the House. But he did not intend to let the majority of the county population have any more representatives than they had at present. With the permission of the House, he would state the circumstances of the case at present. The representation of England and Wales, under the Reform Act of 1832, according to the Census of 1857, was as follows:—

COUNTIES.

Property, annual value ...	£60,564,288
Inhabited houses	2,053,998
Population	10,495,930

The Members numbered 159

BOROUGHS AND CITIES.

Property, annual value ...	£42,898,247
Inhabited houses	1,383,300
Population	7,431,679

The Members numbered 337

Thus each county Member represented on the average 66,144 of the population; and each borough or city Member 22,052.

[*For Table see next Column.*]

An equal distribution of seats would give—

—	To Counties and Towns not returning Members to Parliament	Boroughs and Cities returning Members.	Increase to Counties and Towns not returning Members to Parliament
	Seats.	Seats.	Seats.
According to property ..	290	206	131
According to number of inhabited houses ...	296	200	137
According to population	291	206	131

According to the scale of property the claim of the counties was 131, according to inhabited houses 137, and according to population 131 seats. He was not about to argue the question; he wished only to state facts. In 1854 the noble Lord proposed to allot forty-six seats to counties, when he proposed to reduce the franchise according to the present plan. By the present Bill he proposed to allot fifteen Members to counties. He hoped when the noble Lord rose he would assign some reason for this. When the House went into Committee he certainly should propose to the House that the schedule of the Bill of 1854 should be adopted, as the reduction of the franchise was to be to the same extent, and he should also propose some of the other clauses of the Bill of 1854, because he had heard no adequate reason for the noble Lord's abandoning his proposition of that year; but if no addition was made to the county representation, he should feel fully justified in voting against the third reading of the Bill; and if not rejected in that House it would be rejected by the House of Lords, for this reason, that the course of recent legislation pointed already to the confiscation of real property by taxation. The hon. Member for Birmingham declared that the House of Lords represented the land and the counties. Every one knew that no Member in that House respected the House of Lords more than he did, but if they wished to place themselves in danger they would do this —that after having increased the influence of numbers enormously, they would accept the responsibility of representing the counties of England, having no power according to the Constitution to deal with the taxation. If they wished to place themselves in danger they would do that, because if another Parliament persevered in the course of confiscation (he could call it nothing else) which he anticipated from the system of direct taxation, the best friends of the House of Lords would turn upon them for any attempt to assume the representation of the counties, having, at the same time, no power to deal with the question of taxation. He wished to show that the increase to the county constituency was not likely to be of the proportion indicated either by the right hon. Member for Buckinghamshire or the Home Secretary; that they were about to increase very considerably several of those constituencies. If it seemed good to Parliament to reduce the qualification of the counties to the level at which the boroughs had hitherto stood, the counties ought to have an approximation to the full representation which the boroughs had hitherto had, but which had been denied to counties. He had much else to say, but he doubted not that other opportunities would be afforded him — he doubted not that it would be proposed to arrest the county franchise at £20. He should heartily support that proposal; but if the decision of that House were to reduce the county franchise to what the borough franchise was at present he should deem it his duty to claim that justice for increased representation to which the noble Lord gave the sanction of himself and the Government of which he was a Member in 1854; and he could see no grounds of justice or policy for the refusal of that claim.

MR. BLACK moved the Adjournment of the debate.

VISCOUNT PALMERSTON expressed his readiness to assent to the Motion, and observed that, as several orders stood for discussion the next day, and as it was not desirable that the debate on the Reform Bill should be resumed at the fag-end of the evening, he should suggest its Adjournment until Thursday, when he hoped it would be brought to a close. He could not help thinking that to seek to delay the progress of the Bill was hardly a worthy mode of dealing with a great question, with respect to which it was announced that no division was to be taken. If the case were otherwise, and it was proposed that the second reading of the Bill should not be acceded to, he could, of course, understand why hon. Gentlemen should desire that the debate should be prolonged.

MR. DISRAELI said, he thought the noble Lord acted wisely in assenting to the adjournment of the debate until Thursday. As to whether it could conveniently be brought to a close on that day, the noble Lord was, of course, as good a judge as any hon. Member on the Opposition side of the House could be supposed to be, inasmuch as those who sat on the same side as the noble Lord had hitherto taken the chief share in the discussion. The noble Lord did not, he was sure, when he spoke of delay, mean to make any personal or party allusion; but he must remind the noble Lord that he seemed altogether to misapprehend the character of a discussion which he (Mr. Disraeli) had, he believed, commenced about six weeks ago. He had then stated, for his own part, and on behalf of those with whom he acted, that they would not object to the second reading of the Bill; but in making that statement he had by no means intended to express his approval of the measure, or to give his adhesion to its principles. All he wished to imply was simply that in assenting to the second reading they were willing to consider the subject of the reconstruction of the House of Commons, and the principle on which that reconstruction should proceed. He therefore desired that the noble Lord should clearly understand that, in speaking on behalf of himself and his Friends — the noble Lord could, of course, answer for his own—he did not seek for delay, but by a full discussion of all the principles involved in the Bill so to prepare themselves to deal with a question of immense importance that when they went into Committee upon it the mind of the House and the country might be fitted to grapple with it as it deserved, and that hon. Members might not be then compelled to launch into serious and lengthened discussions; but, having cleared the way by preliminary debate, might be enabled to proceed with greater facility than would otherwise be the case. He therefore begged the noble Lord not for one moment to imagine that delay was the object of the Conservative party, while, of course, it would be presumptuous on his part to touch upon the question of what were the wishes in the matter of the supporters of the Government. He and his friends desired, in short, not delay, but that deep and deliberate investigation of a great subject which was in accordance with the freedom of discussion by which the Parliament of England was characterized.

MR. BENTINCK said, he had often protested against arrangements between the two front benches as to when debates were to come forward, and he had trusted that he should be able, with the support of a great number of independent Members, to stop such an unconstitutional practice. He for one had risen several times that night in the hope of catching the Speaker's eye, but had failed in so doing. Under these circumstances he was only exercising his indisputable right as a Member of that House when he said he should use his utmost endeavours to prevent the debate from being brought to a termination until he had a full and ample opportunity of expressing to the best of his ability his opinion on the Bill; for however unimportant that opinion might be, he should be wanting in his duty to the numerous constituency which he represented if he did not express it. He hoped, therefore, that the demonstration which had taken place on a former occasion was not a mere flash in the pan, and that the front benches would not be allowed to dictate to the House in matters of this kind. The noble Lord at the head of the Government seemed to assume, in consequence of a statement made by the right hon. Gentleman the Member for Buckinghamshire on a former evening, that there would be no division; but the noble Lord must remember that any hon. Member would have the power to divide the House on the second reading. Disclaiming entirely the right of the right hon. Gentleman the Member for Buckinghamshire to interfere with the progress of the debate, he (Mr. Bentinck) concurred to the full with the right hon. Gentleman in his observation that what the Conservative Members wanted was discussion, not delay; and it seemed to him unaccountable that the noble Lord (Viscount Palmerston) should object to a careful discussion of the Bill, seeing that if it had those merits which the Government said it possessed, discussion could only have the effect of making those merits apparent to the House.

Lord JOHN RUSSELL said, that the hon. Member who had just addressed them appeared to have mistaken his noble Friend at the head of the Government. His noble Friend had never intended the front benches to agree as to the debate coming to a close. He had only put it to the consideration of the House whether it might not think it convenient the debate should terminate on Thursday. There was a very great convenience in hon. Members knowing when a debate was likely to come to an end. Of another observation of the hon. Gentleman he must take some notice. He stated that his noble Friend had assumed from what had passed in this discussion that there was to be no division against the second reading. The debate had lasted three or four nights; and it would certainly be usual, and due in courtesy, not only to the Government, but to the House, that if any hon. Gentleman intended to divide against the second reading some notice should be given of that intention. It should be publicly known, or many hon. Members might be absent in the country, or, if in London, might stay away from the House under the conviction that no division would take place; and then a division might be taken by surprise, when least expected. This was not usual even as to Measures of minor importance, and certainly not on a Measure so important as the present Bill. The hon. Gentleman had a perfect right to express his sentiments at any length he thought proper; but, according to the practice of the House and by courtesy, if a division was to be taken, some notice of it should be given.

Lord CLAUD HAMILTON said, he was glad to hear the declaration of the noble Lord, because when he had once remonstrated with the noble Lord for bringing on a Bill of 132 Clauses without notice, the noble Lord told him somewhat peremptorily that it was the duty of every hon. Member to be always in his place.

Mr. FELLOWES said, he, for one, protested against any understanding being entered into that the debate should close on Thursday.

Mr. KNIGHTLEY said, that the Government ought not to charge hon. Members with delay after they had themselves been guilty of such *laches* in respect of this Bill. There had only been an evening and a half's discussion of the Bill before Easter, whereas the measure might have been brought in as long ago as January. When the Government were asked the other evening whether the debate would be resumed, the noble Lord, with his usual sweet smile, assured them that it would if more important business had been disposed of—the more important business being the repeal of Sir John Barnard's Act, of which probably not one person in ten, unconnected with the Stock Exchange, had ever heard.

Mr. VINCENT SCULLY said, he wished to call attention to the fact that no Irish Members had yet spoken. It might be said that they had no concern in the English Bill, but there was an old proverb to the effect that when your neighbour's house was on fire it was decidedly your affair. It might be thought that they who were advocates of an extension were obliged to accept anything that was offered them for that purpose; but the Bill might possibly be opposed on the ground that a more satisfactory one might be substituted for it. As the Bill based the franchise upon the principle of population, and as it went very close to manhood suffrage, he should vote for it, thinking that the franchise could not be too much extended. But still, believing that the Bill would not satisfy the just expectations of the country, he hoped a Resolution would be passed containing a distinct protest on the part of the House against its being treated as a finality measure.

Debate *further adjourned* till *Thursday*

LANDLORD AND TENANT (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

MR. CARDWELL said, that he would move to postpone the second reading of this Bill.

MR. HENNESSY complained that it had not yet been printed.

MR. CARDWELL explained that the delay in circulating the Bill arose from proofs having to be sent for revision to his right hon. Friend in Ireland.

MR. WHITESIDE observed that it was trifling with a subject of great importance to have introduced this measure—as was shrewdly suspected—before it was prepared. The Government had no right to bring in a Bill which was not ready for the printers.

Second Reading *deferred* till *Friday.*

House adjourned at a quarter before One o'clock.

APPENDIX.

A BILL

FURTHER

To Amend the Laws relating to the Representation of the People in England and Wales.

WHEREAS it is expedient to make further Provision for the due Representation of the People in Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Male Person of full Age, and not subject to any legal Incapacity, who shall occupy within any County, or Riding, Parts, or Division of a County, in England or Wales, except within the Limits of a City or Borough which shall return a Member or Members to serve in Parliament, or of a place sharing in the Election for such City or Borough, as Owner or Tenant, any House, Warehouse, Counting-house, Shop, or other Building, being either separately or jointly with any Land within such County, Riding, Parts, or Division (except within such limits as aforesaid) occupied therewith by him as Owner, or occupied by him therewith as Tenant under the same Landlord, of the clear yearly Value of not less than *Ten Pounds*, shall, if duly registered, be entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament for such County, Riding, Parts, or Division: Provided always, that no such Person shall be so registered in any Year unless he have resided for *Six* Calendar Months next previous to the *last Day of July* in such Year within such County, Riding, Parts, or Division.

II. The Provisions herein-after mentioned with reference to the Right to vote in the Election of a Member or Members to serve in Parliament for a City or Borough, in respect of the Occupation of Premises in such City or Borough, and to be registered in respect of such Right, that is to say, the Provisions now in force as to the Time of such Occupation, as to being rated, claiming to be rated, and Payment of Rates, and as to successive and joint Occupation, shall be applicable to the Right to vote in the Election of a Knight or Knights of the Shire conferred by this Act, and to be registered in respect of such Right, as if such Provisions were re-enacted, mutatis mutandis, with reference thereto.

III. The Occupation of Premises within a City or Borough which shall return a Member or Members to serve in Parliament, or within a Place sharing in the Election for such City or Borough, of the clear yearly value of not less than *Six Pounds*, shall confer a Right to vote in the Election of such Member or Members, in like Manner as such Right is now conferred in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds; and all Provisions now in force concerning such Right in respect of such Occupation shall, save as herein otherwise provided, be applicable to the Right hereby conferred, as if Six Pounds were mentioned in Section Twenty-seven of the Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter Forty-five, and were mentioned or referred to in all other the Provisions concerning such right, instead of Ten Pounds.

IV. No Person shall be entitled under this Act to vote in the Election of a Knight or Knights of the Shire for any County, or Riding, Parts, or Division of a County, or, under the said Act of the Second and Third Years of King William the Fourth and this Act, to vote in the Election of a Member or Members for any City or Borough, in respect of his Occupation, jointly with any Land, of any Building other than a Dwelling House in which he himself resides, unless such Building separately be of the clear yearly Value of not less than *Five Pounds* in a County or than *Three Pounds* in a City or Borough, although the same, jointly with the land occupied therewith, be of the clear yearly Value of not less than *Ten Pounds* or *Six Pounds*, as the Case may require.

V. Sections Twenty-four and Twenty-five of the said Act of King William the Fourth, disentitling Persons in the Cases therein mentioned to vote in the Election of a Knight or Knights of the Shire in respect of their Estates and Interests as Freeholders, Copyholders, or Customary Tenants, or Tenants in Ancient Demesne, or as such Lessees or Assignees, or as such Tenants and Occupiers as in the said Act mentioned, shall not be applicable in the Case of any Building and Land occupied therewith, where, by reason of the foregoing Enactment, the Occupier shall not be entitled to vote for any City or Borough in respect thereof.

VI. So much of Sections Twenty-seven, Twenty-eight, and Twenty-nine of the said Act of the Second and Third Years of King William the Fourth, and so much of an Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Ninety, and of an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fourteen, as requires as a Condition of the Registration in any Year of any such Occupier of Premises as therein mentioned, or of his Title to vote in the Election for any City or Borough, that he shall have paid on or before the Twentieth Day of July in such Year all the Assessed Taxes which have become payable from him as therein mentioned, shall be repealed.

VII. Each of the Boroughs mentioned in the Schedule (A.) to this Act shall, from and after the *End of this present Parliament*, return One Member and no more to serve in Parliament.

VIII. The Parishes of Chelsea and Kensington in the County of Middlesex shall, for the Purposes of this Act, together form a Borough, to be called the Borough of Chelsea, and such Borough shall, from and after the *End of this present Parliament*, return *Two* Members to serve in Parliament.

IX. Each of the Places mentioned in the Schedule (B.) to this Act shall for the Purposes of this Act be a Borough, and shall as such Borough include the Places and be comprised within the Boundaries of such Boroughs as such Boundaries shall be settled and described in an Act to be passed for that Purpose in this present Session of Parliament, which Act when passed shall be deemed and taken to be Part of this Act as if the same were incorporated herewith ; and each of the said Boroughs named in the said Schedule (B.) shall, from and after the *End of this present Parliament* return *One Member* to serve in Parliament ; and if no Act to settle and describe the Boundaries of the said Boroughs be passed before the *First Day of June, One thousand eight hundred and sixty*, then, until Parliament otherwise provide, each such Borough shall comprise such Places and include such Boundaries as are specified and described in connection with the Name of such respective Borough in the said Schedule.

X. In all future Parliaments the West Riding of the County of York shall return *Four* Knights of the Shire instead of Two to serve in Parliament.

XI. In all future Parliaments the County, Riding, Parts, and each of the Divisions of Counties mentioned in the Schedule (C.) to this Act shall respectively return *Three* Knights of the Shire instead of Two to serve in Parliament.

XII. In all future Parliaments each of the Boroughs mentioned in the Schedule (D.) to this Act shall return *Three* Members instead of Two to serve in Parliament.

XIII. In all future Parliaments the University of London shall return *One Member* to serve in Parliament.

XIV. Every Person, not subject to any legal Incapacity, on whom the Degree of Master of Arts, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine or Doctor of Medicine shall have been conferred by the University of London, or who shall be a Bachelor of Arts in such University of not less than *Three* Years' standing, shall be entitled to vote in the Election of any Member to serve in Parliament for the said University.

XV. The Sheriff for the Time being of the County in which each of the Boroughs constituted by this Act is situate shall, within *Two* Months after the passing of this Act, and in every subsequent Year in the month of *March*, by Writing under his Hand, to be delivered to the Clerk of the Peace of the County within *One Week*, and to be by such Clerk of the Peace filed and preserved with the Records of his Office' appoint for such respective Borough a fit Person being resident therein to be, and such Person so appointed shall accordingly be, the Returning Officer for such respective Borough until the Appointment to be made in the succeeding *March ;* and the Provisions contained in Section Eleven of the said Act of the Second and Third Years of King William the Fourth, providing for the Event of the Death or Incapacity of any Person appointed as Returning Officer for any Borough, as therein mentioned, and exempting any Person so appointed from serving again in the same Office, and disqualifying certain Persons from being so appointed, and Persons so appointed from being appointed Churchwardens or Overseers, and providing for the Case of a Charter of Incorporation being granted to any Borough, shall extend and be applicable to and for the Appointment of Returning Officers for the Boroughs constituted by this Act, and to the Returning Officers to be appointed for the same under this Enactment, and to the Case of a Charter of Incorporation being granted to any Borough constituted by this Act; and for the Purposes of this Provision the Borough of Stalybridge shall be deemed to be situate in the County of Chester.

XVI. The Vice-Chancellor of the University of London shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice-Chancellor.

XVII. The Vice-Chancellor of the University of London shall proceed to Election, in pursuance of any Writ to be directed to him as herein-before mentioned, within *Three* Days after the Receipt of such Writ, giving *Three* clear Days' Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election, and shall after such Election certify the same, together with such Writ, according to the Directions thereof.

XVIII. At every contested Election of a Member to serve in Parliament for the University of London the Polling shall commence at *Eight* o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than *Three* Days, Sunday, Christmas Day, and Good Friday being excluded ; but no Poll shall be kept open later than *Four* o'Clock in the Afternoon.

XIX. At every such Election of a Member for the University of London the Vice-Chancellor shall appoint the Polling Place, and also shall have Power to appoint *Two* or more Pro-Vice-Chancellors, any One of whom may receive the Votes and decide upon all Questions during the Absence of such Vice-Chancellor; and such Vice-Chançellor shall have Power to appoint Poll Clerks and other Officers, by One or more of whom the Votes shall be entered in the Poll Book or such Number of Poll Books as shall be judged necessary by such Vice-Chancellor ; and such Vice-Chancellor shall, not later than *Two* o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll, and make Proclamation of the Member chosen.

XX. Every Person on whom, under the Provisions herein-before contained, a Right of voting at any Election of a Knight or Knights of the Shire to serve in Parliament for any County, Riding, Parts, or Division of a County, or of a Member or Members to serve in Parliament for any City or Borough, is conferred, shall, subject to the Conditions affecting such Right, be entitled to vote at any Election of a Knight or Knights of the Shire to serve in Parliament for such County, Riding, Parts, or Division, or of a Member or Members to serve in Parliament for such City or Borough, which takes place after the last Day of *November One thousand eight hundred and sixty*, and, subject to the Conditions affecting his Right to be registered in any Year, shall be entitled to be registered in any Register of Voters to be formed for such County, Riding, Parts, or Division, or for such City or Borough, in or after the Year *One thousand eight hundred and sixty.*

XXI. Registers of Voters shall be formed in and after the Year *One thousand eight hundred and sixty*, notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs constituted by this Act, in like Manner as if they respectively were Boroughs now returning Members to serve in Parliament.

XXII. No Person shall be registered in the respective Registers of Voters to be formed during this present Parliament for the Counties and Divisions of Counties in which the Boroughs constituted by this Act may be respectively situate, who would not be entitled to be so registered in case the same were now Boroughs returning Members to serve in Parliament.

XXIII. Nothing in this Act shall affect the rights of Persons whose names are on any Register of Voters in force at the Time of the passing of this Act to vote at any Election which takes place before the *First Day* of December *One thousand eight hundred and sixty.*

XXIV. In case a Dissolution of this present Parliament take place before the Day at and from which the Registers of Voters to be first made for the Boroughs constituted by this Act begin to be in force, the Writs for the Election of Members to serve in Parliament for such respective Boroughs shall not be issued until such Registers begin to be in force.

XXV. The Provisions of the said Act of the Second and Third Years of King William the Fourth, relating to the Construction thereof, shall be applicable to the Enactments herein-before contained; and all other the Provisions of the said Act, and of any Act amending the same, now in force, and not hereby repealed, so far as the same are not inconsistent with the Enactments herein-before contained, shall be construed with such Enactments as One Act.

XXVI. In the Precept of the Town Clerk and Notice by the Overseers, of which Forms (numbered 1. and 2.) are given in Schedule (B.) to the Act of the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Eighteen, "the clear yearly Value of *Six Pounds*" shall be substituted for "the clear yearly Value of Ten Pounds," and in the said Notice the Words "and Assessed Taxes" shall be omitted; and at the End of the Headings of the Lists numbered 3. and 4. in the same Schedule add "and of an Act passed in the Twenty-third Year of Her Majesty, intituled [*insert the Title of this Act*]."

XXVII. The Provisions of the said Act of the Sixth and Seventh Years of Her Majesty, as amended by this Act, shall be applicable for the Registration of Persons entitled to vote, and to the Rights of voting under this Act, and to the Proceedings in Elections to be had in pursuance of this Act, in like Manner as such Provisions are now applicable for the Registration of Persons entitled to vote, to Rights of voting, and to Proceedings in the Election of Members to serve in Parliament.

XXVIII. All Laws, Statutes, Usages, Provisions, and Penalties now in force respecting the Election of Members to serve in Parliament for England and Wales, except so far as the same are hereby repealed or are inconsistent with the Provisions of this Act, shall be and remain in full Force, and shall apply as well to the Election of Members to serve in Parliament in pursuance of this Act as to other Elections of Members to serve in Parliament.

XXIX. All Writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

XXX. If any Person duly elected a Member of the House of Commons in any future Parliament hold, at the Time of his being elected, any Office the Acceptance of which after his Election would have made void his Seat, his Acceptance while he continues such Member of any other Office, upon or immediately before his Resignation of the Office holden at the Time of his Election, or upon or immediately before the Revocation or Avoidance of his Appointment to the Office so holden, shall not, nor shall any like Change only of Office from Time to Time, make void his Seat in Parliament, unless the Office so accepted be an Office the holder of which is incapable of being elected a Member of the House of Commons.

SCHEDULES.

SCHEDULE A.

Boroughs now returning Two Members, which are to return in future Parliaments One Member each.

Guildford
Hertford
Devizes
Marlow
Dorchester
Bodmin
Chippenham
Huntingdon
Cirencester
Ripon
Maldon
Tewkesbury
Knaresborough
Andover
Ludlow
Lymington
Leominster
Marlborough
Richmond
Wells
Evesham
Harwich
Totnes
Thetford
Honiton

SCHEDULE B.

Places to be Boroughs to return One Member each.

County.	Places to be Boroughs.	Temporary Contents and Boundaries.
Cheshire - - - -	Birkenhead - - -	The extra-parochial Chapelry of Birkenhead, the several Townships of Claughton, Tranmere, and Oxton, and so much of the Township of Higher Bebbington as lies to the Eastward of the Road leading from Higher Tranmere to Lower Bebbington.
Lancashire - - -	Burnley - - -	The District within the Improvement Boundary as fixed by the Act passed in the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter 119. (Local and Personal), Section 98.
Cheshire and Lancashire -	Stalybridge - - -	The District within the Police Boundary of the Town of Stalybridge, as fixed by an Act passed in the Ninth Year of King George the Fourth, Chapter 26. (Local and Personal.)

SCHEDULE C.

County, Riding, Parts, and Divisions of Counties, now returning Two Knights of the Shire, which are to return in future Parliaments Three Knights of the Shire each.

Lancashire, Southern Division.
Lancashire, Northern Division.
Middlesex.
Kent, Western Division.
Devonshire, Southern Division.
Staffordshire, Southern Division.
Yorkshire, North Riding.
Lincolnshire, Parts of Lindsey.
Essex, Southern Division.
Somersetshire, Eastern Division.
Norfolk, Western Division.
Cornwall, Western Division.
Essex, Northern Division.

SCHEDULE D.

Boroughs now returning Two Members, which are to return in future Parliaments Three Members each.

Manchester.
Liverpool.
Birmingham.
Leeds.

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TO

HANSARD'S PARLIAMENTARY DEBATES

VOLUME CLVII.

SECOND VOLUME OF SESSION 1860.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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ERRATA.

In the Speech of Col. Sykes, *Page* 515, *line* 15, *for*, "We had now 600,"
read, "We had now 6,000."

Page, 1020, *line* 24, *for* "2° Consolidated Fund (£850,000,000.")
read, "2° Consolidated Fund (£850,000.")

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